



Income and Corporation Taxes Act 1988

1988 CHAPTER 1

PART XII

SPECIAL CLASSES OF COMPANIES AND BUSINESSES

CHAPTER I

INSURANCE COMPANIES, UNDERWRITERS AND CAPITAL REDEMPTION BUSINESS

[^{F1}Miscellaneous provisions relating to life assurance business]

[^{F1}439B Life reinsurance business: separate charge on profits.

- (1) Where a company carries on life reinsurance business and the profits arising from that business are not charged to tax in accordance with the provisions applicable to Case I of Schedule D, then, subject as follows, those profits shall be treated as income within Schedule D and be chargeable to tax under Case VI of that Schedule, and for that purpose—
 - (a) that business shall be treated separately, and
 - (b) subject to paragraph (a) above, the profits from it shall be computed in accordance with the provisions of this Act applicable to Case I of Schedule D.
- (2) Subsection (1) above does not apply to so much of reinsurance business of any description excluded from that subsection by regulations made by the Board.

Regulations under this subsection may describe the excluded business by reference to any circumstances appearing to the Board to be relevant.

- (3) In making the computation referred to in subsection (1) above—
 - (a) sections [^{F2}82 and 82B to 83AB] of the Finance Act 1989 shall apply with the necessary modifications ^{F3} . . . , [^{F4} and]
 - (b) ^{F5}

Status: Point in time view as at 22/07/2004. This version of this provision has been superseded.

Changes to legislation: *Income and Corporation Taxes Act 1988, Section 439B is up to date with all changes known to be in force on or before 09 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (c) there may be set off against the profits any loss, to be computed on the same basis as the profits, which has arisen from life reinsurance business in any previous accounting period beginning on or after 1st January 1995.
- (4) Section 396 shall not be taken to apply to a loss incurred by a company on life reinsurance business.
- (5) Nothing in section 128 or 399(1) shall affect the operation of this section.
- (6) Gains accruing to a company which are referable [^{F6}(in accordance with section 432A)] to its life reinsurance business shall not be chargeable gains.
- (7) ^{F7}.....]

Textual Amendments

- F1** S. 439B inserted (with effect in accordance with Sch. 8 para. 57(1) of the amending Act) by Finance Act 1995 (c. 4), **Sch. 8 para. 27(1)** (with Sch. 8 para. 55(2))
- F2** Words in s. 439B(3)(a) substituted (with effect in accordance with Sch. 33 para. 1(5) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 33 para. 1(4)(a)**
- F3** Words in s. 439B(3)(a) repealed (with effect in accordance with Sch. 33 para. 1(5) of the repealing Act) by Finance Act 2003 (c. 14), Sch. 33 para. 1(4)(b), **Sch. 43 Pt. 3(12)**, Note 1
- F4** Word at the end of s. 439B(3)(a) added (with effect in accordance with Sch. 31 para. 10(2) of the amending Act) by Finance Act 1996 (c. 8), **Sch. 31 para. 7(2)**
- F5** S. 439B(3)(b) repealed (with effect in accordance with Sch. 31 para. 10(2) of the repealing Act) by Finance Act 1996 (c. 8), Sch. 31 para. 7(1)(b), **Sch. 41 Pt. 5(23)**, Note
- F6** Words in s. 439B(6) inserted (22.7.2004) by Finance Act 2004 (c. 12), **Sch. 7 para. 9(1)(b)**
- F7** S. 439B(7) repealed (with effect in accordance with Sch. 3 para. 7(2) of the repealing Act) by Finance (No. 2) Act 1997 (c. 58), Sch. 3 para. 7(1), **Sch. 8 Pt. 2(6)**, Note

Status:

Point in time view as at 22/07/2004. This version of this provision has been superseded.

Changes to legislation:

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