



Income and Corporation Taxes Act 1988

1988 CHAPTER 1

PART IV U.K.

PROVISIONS RELATING TO THE SCHEDULE D CHARGE

CHAPTER V U.K.

COMPUTATIONAL PROVISIONS

Treatment of regional development and other grants and debts released etc.

95 [F1Taxation of dealers in respect of distributions etc.] U.K.

[F2][F3(1) Where a dealer—

- (a) receives a relevant distribution, that is to say—
 - (i) any distribution which is made by a company resident in the United Kingdom (“a UK distribution”), or
 - (ii) any payment which is representative of a UK distribution, or
- (b) makes any payment which is representative of a UK distribution,

the distribution or, as the case may be, the payment shall be taken into account in computing the profits of the dealer which are chargeable to tax in accordance with the provisions of this Act applicable to Case I or II of Schedule D.]

(1A) Accordingly, where a dealer receives a [F4relevant distribution]—

- (a) tax shall not be charged under Schedule F in respect of that distribution;
- (b) [F5]
- (c) [F6section 208] shall not apply to that distribution; and
- (d) [F7]

[F8(e) section 11(2)(a) shall have effect in relation to that distribution with the omission of the words “(but so that this paragraph shall not include distributions received from companies resident in the United Kingdom)”.]

Status: Point in time view as at 01/12/2001. This version of this provision has been superseded.

Changes to legislation: Income and Corporation Taxes Act 1988, Section 95 is up to date with all changes known to be in force on or before 06 September 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)

(1B)^{F9}

(2) For the purposes of this section a person is a dealer in relation to any^{F10} . . . distribution if—

- (a) were there a sale by that person of the shares [^{F11}or stock] in respect of which the distribution is made, and
- (b) the circumstances of that sale were such that the price would not fall to be treated as a^{F10} . . . distribution,

the price would be taken into account in computing the profits of that person which are chargeable to tax in accordance with the provisions of this Act applicable to Case I or II of Schedule D.]

[^{F12}(2A) The reference in subsection (2) above to the profits of a person does not include the profits of that person in respect of insurance business or any category of insurance business.]

(4)^{F13}

(5)^{F13}

Textual Amendments

- F1** S. 95 sidenote substituted (with effect in accordance with s. 24(15) of the amending Act) by Finance (No. 2) Act 1997 (c. 58), s. 24(9)
- F2** S. 95(1)(1A)(1B)(2) substituted for s. 95(1)-(3) (with effect in accordance with Sch. 7 para. 8(3) of the amending Act) by Finance Act 1997 (c. 16), Sch. 7 para. 8(1)
- F3** S. 95(1) substituted (with effect in accordance with s. 24(15) of the amending Act) by Finance (No. 2) Act 1997 (c. 58), s. 24(2)
- F4** Words in s. 95(1A) substituted (with effect in accordance with s. 24(15) of the amending Act) by Finance (No. 2) Act 1997 (c. 58), s. 24(3)(a)
- F5** S. 95(1A)(b) repealed (with effect in accordance with s. 24(15) of the repealing Act) by Finance (No. 2) Act 1997 (c. 58), s. 24(3)(b), Sch. 8 Pt. 2(8), Note 1
- F6** Words in s. 95(1A)(c) substituted (with effect in accordance with s. 24(15) of the amending Act) by Finance (No. 2) Act 1997 (c. 58), s. 24(3)(c)
- F7** S. 95(1A)(d) repealed (with effect in accordance with s. 24(15) of the repealing Act) by Finance (No. 2) Act 1997 (c. 58), s. 24(3)(d), Sch. 8 pt. 2(8), Note 1
- F8** S. 95(1A)(e) inserted (with effect in accordance with s. 24(15) of the amending Act) by Finance (No. 2) Act 1997 (c. 58), s. 24(3)(e)
- F9** S. 95(1B) repealed (with effect in accordance with s. 24(15) of the repealing Act) by Finance (No. 2) Act 1997 (c. 58), s. 24(4), Sch. 8 Pt. 2(8), Note 1
- F10** Words in s. 95(2) repealed (with effect in accordance with s. 24(15) of the repealing Act) by Finance (No. 2) Act 1997 (c. 58), s. 24(5)(a), Sch. 8 Pt. 2(8), Note 1
- F11** Words in s. 95(2)(a) inserted (with effect in accordance with s. 24(15) of the amending Act) by Finance (No. 2) Act 1997 (c. 58), s. 24(5)(b)
- F12** S. 95(2A) inserted (with effect in accordance with s. 24(15) of the amending Act) by Finance (No. 2) Act 1997 (c. 58), s. 24(6)
- F13** S. 95(4)(5) repealed (with effect in accordance with s. 24(15) of the repealing Act) by Finance (No. 2) Act 1997 (c. 58), s. 24(7)(8). {Sch. 8 Pt. 2(8)}

Status:

Point in time view as at 01/12/2001. This version of this provision has been superseded.

Changes to legislation:

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