

Status: Point in time view as at 20/07/2005.

Changes to legislation: Taxation of Chargeable Gains Act 1992, Cross Heading: Identification of “the relevant group” and application of Schedule to every connected group is up to date with all changes known to be in force on or before 06 July 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)

SCHEDULES

[^{F1} SCHEDULE 7A

RESTRICTION ON SET-OFF OF PRE-ENTRY LOSSES

Textual Amendments

- F1** Sch. 7A inserted (27.7.1993 with effect as mentioned in s. 88(3) of the amending Act) by 1993 c. 34, c. 88(2), Sch. 8

Identification of “the relevant group” and application of Schedule to every connected group

- 9 (1) This paragraph shall apply where there is more than one group of companies which would be the relevant group in relation to any company.
- (2) Where any loss has accrued on the disposal by any company of any asset, this Schedule shall not apply by reference to any group of companies in relation to any loss accruing on that disposal unless—
- (a) that group is a group in relation to which that loss is a pre-entry loss by virtue of paragraph 1(2)(a) above or, if there is more than one such group, the one of which that company most recently became a member;
 - (b) that group, in a case where there is no group falling within paragraph (a) above, is either—
 - (i) the group of which that company is a member at the time of the disposal, or
 - (ii) if it is not a member of a group of companies at that time, the group of which that company was last a member before that time;
 - (c) that group, in a case where there is a group falling within paragraph (a) [^{F2}or (b)] above, is a group of which that company was a member at any time in the accounting period of that company in which it became a member of the group falling within that paragraph;
 - (d) that group is a group the principal company of which is or has been, or has been under the control of—
 - (i) the company by which the disposal is made, or
 - (ii) another company which is or has been a member of a group by reference to which this Schedule applies in relation to the loss in question by virtue of paragraph (a), (b) or (c) above;
- or
- (e) that group is a group of which either—
 - (i) the principal company of a group by reference to which this Schedule so applies, or
 - (ii) a company which has had that principal company under its control, is or has been a member;

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and sub-paragraphs (3) to (5) below shall apply in the case of any loss accruing on the disposal of any asset where, by virtue of this sub-paragraph, there are two or more groups (“connected groups”) by reference to which this Schedule applies.

- (3) This Schedule shall apply separately in relation to each of the connected groups (so far as they are not groups in relation to which the loss is a pre-entry loss by virtue of paragraph 1(2)(a) above) for the purpose of—
- (a) determining whether the loss on the disposal of any asset is a loss on the disposal of a pre-entry asset; and
 - (b) calculating the pre-entry proportion of that loss.
- (4) Subject to sub-paragraph (5) below, paragraph 6 above shall have effect—
- (a) as if the pre-entry proportion of any loss accruing on the disposal of an asset which is a pre-entry asset in the case of more than one of the connected groups were the largest pre-entry proportion of that loss calculated in accordance with sub-paragraph (3) above; and
 - (b) so that, where the loss accruing on the disposal of any asset is a pre-entry loss by virtue of paragraph 1(2)(a) above in the case of any of the connected groups, that loss shall be the pre-entry loss for the purposes of paragraph 6 above, and not any amount which is the pre-entry proportion of that loss in relation to any of the other groups.
- (5) Where, on the separate application of this Schedule in the case of each of the groups by reference to which this Schedule applies, there is, in the case of the disposal of any asset, a pre-entry loss by reference to each of two or more of the connected groups, no amount in respect of the loss accruing on the disposal shall be deductible under paragraph 7 above from any chargeable gain if any of the connected groups is a group in the case of which, on separate applications of that paragraph in relation to each group, the amount deductible from that gain in respect of that loss is nil.
- (6) Notwithstanding that the principal company of one group (“the first group”) has become a member of another (“the second group”), those two groups shall not by virtue of section 170(10) [^{F3} or (10A)] be treated [^{F4} in relation to any company that is or has become a member of the second group (“the relevant company”) as the same group for the purposes of this paragraph if—
- (a) the time at which the relevant company became a member of the first group is a time in the same accounting period as that in which the principal company of the first group became a member of the second group; or
 - (b) the principal company of the first group was under the control, immediately before it became a member of the second group, of a company which at that time was already a member of the second group.
- (7) Where, in the case of the disposal of any asset—
- (a) two or more groups which but for sub-paragraph (6) above would be treated as the same group are treated as separate groups by virtue of that sub-paragraph; and
 - (b) one of those groups is a group of which either—
 - (i) the principal company of a group by reference to which this Schedule applies by virtue of sub-paragraph (2)(a), (b) or (c) above in relation to any loss accruing on the disposal, or
 - (ii) a company which has had that principal company under its control, is or has been a member,

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this paragraph shall have effect as if that principal company had been a member of each of the groups mentioned in paragraph (a) above.]

Textual Amendments

- F2** Words in Sch. 7A para. 9(2)(c) inserted (with application in accordance with s. 94(4) of the amending Act) by [Finance Act 1994 \(c. 9\), s. 94\(3\)](#)
- F3** Words in Sch. 7A para. 9(6) inserted (with effect in accordance with s. 65(6) of the amending Act) by [Finance \(No. 2\) Act 2005 \(c. 22\), s. 65\(5\)](#)
- F4** Words in Sch. 7A para. 9(6) substituted (with effect in accordance with s. 138(2) of the amending Act) by [Finance Act 1998 \(c. 36\), s. 138\(1\)](#)

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