



Taxation of Chargeable Gains Act 1992

1992 CHAPTER 12

PART III

INDIVIDUALS, PARTNERSHIPS, TRUSTS AND COLLECTIVE INVESTMENT SCHEMES ^[F1]ETC

^[F1]CHAPTER 5

CARRIED INTEREST

^[F1] **Interaction with other charges**

^{F2}103KFC

- (1) The accrual of a chargeable gain treated as accruing to an individual under section [103KFA\(3\)](#) does not prevent the individual or any other person being charged to tax (whether income tax, capital gains tax or any other tax, and including as a result of section 103KA) in relation to carried interest that arises to the individual under arrangements with the relevant scheme.
- (2) But [subsection \(3\)](#) applies where an individual—
 - (a) has made an election under section [103KFA](#),
 - (b) has accrued a chargeable gain treated as accruing under section [103KFA\(3\)](#),
 - (c) has paid (and has not been repaid) an amount of capital gains tax that is attributable to that chargeable gain, and
 - (d) is charged to tax (whether income tax, capital gains tax or another tax) in relation to carried interest that—
 - (i) arises to the individual under arrangements with the relevant scheme, and
 - (ii) arises in or after the tax year in which a gain first accrued under that section.
- (3) The individual may make a claim for one or more consequential adjustments to be made reducing the tax mentioned in [subsection \(2\)\(d\)](#).

Changes to legislation: *Taxation of Chargeable Gains Act 1992, Section 103KFC is up to date with all changes known to be in force on or before 20 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) View outstanding changes*

- (4) On a claim under subsection (3) an officer of Revenue and Customs must make such of the consequential adjustments claimed (if any) as are just and reasonable.
- (5) The value of any consequential adjustments made must not exceed the lesser of—
 - (a) the amount of capital gains tax paid as mentioned in subsection (2)(c), and
 - (b) the tax charged as mentioned in subsection (2)(d).
- (6) Consequential adjustments may be made—
 - (a) in respect of any period, and
 - (b) by way of an assessment, the modification of an assessment, the amendment of a claim, or otherwise.
- (7) No claim may be made under section 103KE (carried interest: avoidance of double taxation) in respect of tax charged as a result of the accrual of a chargeable gain treated as accruing to an individual under section 103KFA(3).]]

Textual Amendments

- F1** Pt. 3 Ch. 5 inserted (with effect in accordance with s. 43(2)-(4) of the amending Act) by [Finance \(No. 2\) Act 2015 \(c. 33\), s. 43\(1\)](#)
- F2** [Ss. 103KFA-103KFE](#) inserted (with effect for the tax year 2022-23 and subsequent tax years) by [Finance \(No. 2\) Act 2023 \(c. 30\), s. 42\(2\)\(4\)](#)

Changes to legislation:

Taxation of Chargeable Gains Act 1992, Section 103KFC is up to date with all changes known to be in force on or before 20 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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [1997 c. 16 Sch. 12 para. 12\(7\)](#)[1314](#)
- Act applied by [2002 c. 23 Sch. 16 para. 48\(1\)](#)[\(2\)](#)
- Act construed as one with reg. 37 by [S.I. 2006/575 reg. 37\(2\)](#)
- Act construed as one with reg. 38 by [S.I. 2006/575 reg. 38\(3\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(10)(11) inserted by [2016 c. 11 s. 15\(4\)](#)
- s. 4(10) words inserted by [2016 c. 24 s. 83\(11\)](#)
- s. 35(3)(d)(xviii) added by [2008 c. 17 Sch. 7 para. 9](#)
- s. 35(3)(d)(xviii) inserted by [2008 c. 18 Sch. 13 para. 46](#)
- s. 35(3)(d)(xviii) repealed by [S.I. 2008/3002 Sch. 1 para. 42](#)[Sch. 3](#) (This amendment comes into force on the day 2008 c. 4, s. 5 comes into force, see art. 1(2). That provision was brought into force on 1.12.2008 by S.I. 2008/3068, art. 2(1)(b))
- s. 104(4)(b)(i) words substituted by S.I. 1989/469, reg. 27(2) (as amended) by [S.I. 1997/1716 reg. 13\(1\)\(b\)](#)
- s. 107(11) words substituted by S.I. 1989/469, reg. 27(2A) (as amended) by [S.I. 1997/1716 reg. 13\(2\)\(b\)](#)
- s. 169S(4A) inserted by [2015 c. 11 s. 43\(2\)](#)
- s. 587B inserted by [2000 c. 17 s. 43\(1\)](#)
- Sch. 5C para. 3(1) modified by [S.I. 2004/2199 reg. 7\(1\)](#)
- Sch. 5C para. 3(6) modified by [S.I. 2004/2199 reg. 7\(2\)](#)
- Sch. 5C para. 5(1) modified by [S.I. 2004/2199 reg. 7\(3\)](#)
- Sch. 5C para. 3 words inserted by [S.I. 2005/3229 reg. 128](#)
- Sch. 5C para. 5 words inserted by [S.I. 2005/3229 reg. 128](#)
- Sch. 5C para. 6 words inserted by [S.I. 2005/3229 reg. 128](#)
- Sch. 5C para. 3(1)(f) words substituted by [2007 c. 3 Sch. 1 para. 347](#)