



Taxation of Chargeable Gains Act 1992

1992 CHAPTER 12

PART VI

COMPANIES, OIL, INSURANCE ETC.

CHAPTER I

COMPANIES

Demergers

192 Tax exempt distributions.

- (1) This section has effect for facilitating certain transactions whereby trading activities carried on by a single company or group are divided so as to be carried on by 2 or more companies not belonging to the same group or by 2 or more independent groups.
- (2) Where a company makes an exempt distribution which falls within section 213(3)(a) of the Taxes Act—
 - (a) the distribution shall not be a capital distribution for the purposes of section 122; and
 - (b) sections 126 to 130 shall, with the necessary modifications, apply as if that company and the subsidiary whose shares are transferred were the same company and the distribution were a reorganisation of its share capital.
- (3) Subject to subsection (4) below, neither section 178 nor 179 shall apply in a case where a company ceases to be a member of a group by reason only of an exempt distribution.
- (4) Subsection (3) does not apply if within 5 years after the making of the exempt distribution there is chargeable payment; and the time for making an assessment under section 178 or 179 by virtue of this subsection shall not expire before the end of 3 years after the making of the chargeable payment.
- (5) In this section—

Status: Point in time view as at 15/02/1999. This version of this provision has been superseded.

Changes to legislation: Taxation of Chargeable Gains Act 1992, Section 192 is up to date with all changes known to be in force on or before 08 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)

“chargeable payment” has the meaning given in section 214(2) of the Taxes Act;

“exempt distribution” means a distribution which is exempt by virtue of section 213(2) of that Act; and

“group” means a company which has one or more 75 per cent. subsidiaries together with that or those subsidiaries.

- (6) In determining for the purposes of this section whether one company is a 75 per cent. subsidiary of another, the other company shall be treated as not being the owner of—
- (a) any share capital which it owns directly in a body corporate if a profit on a sale of the shares would be treated as a trading receipt of its trade; or
 - (b) any share capital which it owns indirectly and which is owned directly by a body corporate for which a profit on the sale of the shares would be a trading receipt.

Status:

Point in time view as at 15/02/1999. This version of this provision has been superseded.

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