



# Taxation of Chargeable Gains Act 1992

## 1992 CHAPTER 12

### PART VIII

#### SUPPLEMENTAL

#### 288 Interpretation.

(1) In this Act, unless the context otherwise requires—

“the 1979 Act” means the <sup>M1</sup>Capital Gains Tax Act 1979;

<sup>F1</sup> . . . . .

“allowable loss” shall be construed in accordance with sections 8(2)<sup>[F2]</sup>, 16 and 263ZA];

“the Board” means the Commissioners of Inland Revenue;

“building society” has the same meaning as in the <sup>M2</sup>Building Societies Act 1986;

<sup>[F3]</sup>“the Capital Allowances Act” means the Capital Allowances Act 2001;]

“chargeable period” means a year of assessment or an accounting period of a company for purposes of corporation tax;

“class”, in relation to shares or securities, means a class of shares or securities of any one company;

“close company” has the meaning given by sections 414 and 415 of the Taxes Act;

“collective investment scheme” has the <sup>[F4]</sup>meaning given by section 235 of the Financial Services and Markets Act 2000<sup>[F5]</sup>(subject to section 99A)];

“company” includes any body corporate or unincorporated association but does not include a partnership, and shall be construed in accordance with section 99;

“control” shall be construed in accordance with section 416 of the Taxes Act;

“double taxation relief arrangements” means, in relation to a company, arrangements having effect by virtue of section 788 of the Taxes Act and, in

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relation to any other person, means arrangements having effect by virtue of that section as extended to capital gains tax by section 277;

“dual resident investing company” has the meaning given by section 404 of the Taxes Act;

“inspector” means any inspector of taxes;

“investment trust” has the meaning given by section 842 of the Taxes Act;

[<sup>F6</sup>“ITEPA 2003” means the Income Tax (Earnings and Pensions) Act 2003;]

[<sup>F7</sup>“ITTOIA 2005” means the Income Tax (Trading and Other Income) Act 2005;]

“land” includes messuages, tenements, and hereditaments, houses and buildings of any tenure;

“local authority” has the meaning given by section 842A of the Taxes Act;

“the Management Act” means the <sup>M3</sup>Taxes Management Act 1970;

“notice” means notice in writing;

[<sup>F8</sup>“period of account” has the meaning given by section 832(1) of the Taxes Act;]

[<sup>F9</sup>“permanent establishment”, in relation to a company, has the meaning given by section 148 of the Finance Act 2003;]

“personal representatives” has the meaning given by section 701(4) of the Taxes Act;

[<sup>F10</sup>“property investment LLP” has the meaning given by section 842B of the Taxes Act;]

“recognised stock exchange” has the meaning given by section 841 of the Taxes Act;

[<sup>F11</sup>“Registrar of Government Stock” means the person or persons appointed in accordance with regulations under section 47(1)(b) of the Finance Act 1942 (see regulation 3 of the Government Stock Regulations 2004);]

“shares” includes stock;

[<sup>F12</sup>“stepchild”, in relation to a civil partner, shall be construed in accordance with section 246 of the Civil Partnership Act 2004;]

“the Taxes Act” means the <sup>M4</sup>Income and Corporation Taxes Act 1988;

“trade” has the same meaning as in the Income Tax Acts;

“trading stock” has the meaning given by section 100(2) of the Taxes Act;

[<sup>F13</sup>“venture capital trust” has the meaning given by section 842AA of the Taxes Act;]

“wasting asset” has the meaning given by section 44 and paragraph 1 of Schedule 8;

“year of assessment” means, in relation to capital gains tax, a year beginning on 6th April and ending on 5th April in the following calendar year, and “1992-93” and so on indicate years of assessment as in the Income Tax Acts;

and any reference to a particular section, Part or Schedule is a reference to that section or Part of, or that Schedule to, this Act.

[<sup>F14</sup>(1A) If any employment-related securities option would not otherwise be regarded as an option for the purposes of this Act, it shall be so regarded; and the acquisition of

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securities by an associated person pursuant to an employment-related securities option is to be treated for the purposes of this Act as the exercise of the option.

[<sup>F15</sup>In this subsection “employment-related securities option” means a securities option within the meaning of Chapter 5 of Part 7 of ITEPA 2003 (see section 420(8) of that Act) to which that Chapter applies or would, apart from section 474 of that Act, apply (see section 471 of that Act); and other expressions used in this subsection and that Chapter have the same meaning in this subsection as in that Chapter.]]

(2) In this Act “retail prices index” has the same meaning as in the Income Tax Acts and, accordingly, any reference in this Act to the retail prices index shall be construed in accordance with section 833(2) of the Taxes Act.

(3) References in this Act to [<sup>F16</sup>an individual living with his spouse or civil partner] shall be construed in accordance with section 282 of the Taxes Act.

<sup>F17</sup>(4) .....

(5) For the purposes of this Act, shares or debentures comprised in any letter of allotment or similar instrument shall be treated as issued unless the right to the shares or debentures thereby conferred remains provisional until accepted and there has been no acceptance.

(6) In this Act “recognised futures exchange” means the London International Financial Futures Exchange and any other futures exchange which is for the time being designated for the purposes of this Act by order made by the Board.

(7) An order made by the Board under subsection (6) above—

(a) may designate a futures exchange by name or by reference to any class or description of futures exchanges, including, in the case of futures exchanges in a country outside the United Kingdom, a class or description framed by reference to any authority or approval given in that country; and

(b) may contain such transitional and other supplemental provisions as appear to the Board to be necessary or expedient.

[<sup>F18</sup>(7A) In the application of this Act to Scotland “surrender” includes renunciation.]

(8) The Table below indexes other general definitions in this Act.

<i>Expression defined</i>	<i>Reference</i>
“Absolutely entitled as against the trustee”	S.60(2)
[ <sup>F19</sup> “Authorised corporate director”	S.272(5AB) (as that provision is inserted by regulation 22(b) of the Open-ended Investment Companies (Tax) Regulations 1997)]
“Authorised unit trust”	S.99
“Branch or agency”	S.10(6)
“Chargeable gain”	S.15(2)
“Connected”, in references to persons being connected with one another	S.286

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“Court investment fund”	S.100
“Gilt-edged securities”	Sch.9
“Indexation allowance”	S.53
“Lease” and cognate expressions	Sch.8 para.10(1)
“Legatee”	S.64(2),(3)
“Market value”	S.272 to 274 and Sch.11
[ <sup>F20</sup> “Open-ended investment company”	S.99 (as that section is modified by regulation 20 of the Open-ended Investment Companies (Tax) Regulations 1997)]
“Part disposal”	S.21(2)
“Qualifying corporate bond”	S.117
“Relevant allowable expenditure”	S.53
“Resident” and “ordinarily resident”	S.9(1)
“Settled property”	S.68
“Unit trust scheme” [ <sup>F21</sup> and “unit holder”]	[ <sup>F22</sup> ss 99 and 99A]

### Textual Amendments

- F1** Words in s. 288(1) repealed (22.3.2001) by [Capital Allowances Act 2001 \(c. 2\)](#), [Sch. 2 para. 80](#), [Sch. 4](#)
- F2** Words in s. 288(1) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), s. 723, [Sch. 6 para. 219\(2\)](#) (with [Sch. 7](#))
- F3** Words in s. 288(1) inserted (22.3.2001) by [Capital Allowances Act 2001 \(c. 2\)](#), [Sch. 2 para. 80](#)
- F4** Words in s. 288(1) substituted (1.12.2001) by [The Financial Services and Markets Act 2000 \(Consequential Amendments\) \(Taxes\) Order 2001 \(S.I. 2001/3629\)](#), arts. 1(2)(a), [70](#)
- F5** Words in s. 288(1) inserted (with effect in accordance with s. 118(5) of the amending Act) by [Finance Act 2004 \(c. 12\)](#), [s. 118\(4\)\(a\)](#)
- F6** Words in s. 288(1) inserted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), s. 723, [Sch. 6 para. 219\(3\)](#) (with [Sch. 7](#))
- F7** Words in s. 288(1) inserted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#), s. 883(1), [Sch. 1 para. 447\(2\)](#) (with [Sch. 2](#))
- F8** Words in s. 288(1) inserted (with effect in accordance with s. 103(6) of the amending Act) by [Finance Act 2002 \(c. 23\)](#), [s. 103\(3\)](#)
- F9** Words in s. 288(1) inserted (10.7.2003) by [Finance Act 2003 \(c. 14\)](#), [s. 148\(7\)](#)
- F10** Words in s. 288(1) inserted (with effect in accordance with s. 76(1) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), s. 76(2), [Sch. 25 para. 1\(3\)](#) (with [Sch. 3](#))
- F11** Words in s. 288(1) inserted (15.11.2004) by [The Government Stock \(Consequential and Transitional Provision\) \(No.3\) Order 2004 \(S.I. 2004/2744\)](#), art. 1, [Sch. para. 3\(3\)](#) (with art. 3)
- F12** Words in s. 288(1) inserted (5.12.2005) by [The Tax and Civil Partnership Regulations 2005 \(S.I. 2005/3229\)](#), regs. 1(1), [122\(a\)](#)
- F13** Words in s. 288(1) inserted (with effect in accordance with s. 72(8) of the amending Act) by [Finance Act 1995 \(c. 4\)](#), [s. 72\(7\)](#)
- F14** S. 288(1A) inserted (with effect in accordance with [Sch. 22 para. 54\(2\)](#) of the amending Act) by [Finance Act 2003 \(c. 14\)](#), [Sch. 22 para. 54\(1\)](#)

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- F15** Words in s. 288(1A) substituted (with effect in accordance with Sch. 5 para. 6(2) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 5 para. 5(2)**
- F16** Words in s. 288(3) substituted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **122(b)**
- F17** S. 288(4) repealed (with effect in accordance with Sch. 41 Pt. VIII(3) of the amending Act) by Finance Act 1996 (c. 8), **Sch. 41 Pt. VIII(3)**
- F18** S. 288(7A) inserted (with effect in accordance with s. 883(1) of the amending Act) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 447(3)** (with Sch. 2)
- F19** Words in s. 288(8) inserted (28.4.1997) by The Open-ended Investment Companies (Tax) Regulations 1997 (S.I. 1997/1154), regs. 1(1), **23(a)**
- F20** Words in s. 288(8) inserted (28.4.1997) by The Open-ended Investment Companies (Tax) Regulations 1997 (S.I. 1997/1154), regs. 1(1), **23(b)**
- F21** Words in s. 288(8) inserted (with effect in accordance with s. 118(5) of the amending Act) by Finance Act 2004 (c. 12), **s. 118(4)(b)(i)**
- F22** Words in s. 288(8) substituted (with effect in accordance with s. 118(5) of the amending Act) by Finance Act 2004 (c. 12), **s. 118(4)(b)(ii)**

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**Marginal Citations**

- M1** 1979 c. 14.  
**M2** 1986 c. 53.  
**M3** 1970 c. 9.  
**M4** 1988 c. 1.

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