

**Changes to legislation:** Finance Act 1998, Paragraph 70 is up to date with all changes known to be in force on or before 09 June 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

## SCHEDULES

### SCHEDULE 18

#### COMPANY TAX RETURNS, ASSESSMENTS AND RELATED MATTERS

##### Modifications etc. (not altering text)

- C1 Sch. 18 restricted (31.7.1998) by 1988 c. 1, s. 754B(10) (as inserted (31.7.1998 with effect as mentioned in Sch. 17 para. 37 of 1998 c. 36) by 1998 c. 36, s. 113, **Sch. 17 para. 11**)
- C1 Sch. 18 modified (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 68(c)**; S.I. 2005/1126, art. 2(2)(h)
- C1 Sch. 18 applied (20.7.2005) by Finance (No. 2) Act 2005 (c. 22), s. 61
- C1 Sch. 18 applied (with modifications) (6.4.2006) by The Registered Pension Schemes (Accounting and Assessment) Regulations 2005 (S.I. 2005/3454), regs. 1, **13**
- C1 Sch. 18 excluded (17.7.2013) by Finance Act 2013 (c. 29), s. 210(6)(b)
- C1 Sch. 18: power to amend conferred (12.2.2019) by Finance Act 2019 (c. 1), s. 87(5)(a)(6)
- C1 Sch. 18 applied (with modifications) (22.7.2020) by Finance Act 2020 (c. 14), **Sch. 16 para. 11(4)** (with **Sch. 16 para. 11(5)**)
- C1 Sch. 18 applied (with modifications) (11.7.2023) by Finance (No. 2) Act 2023 (c. 30), s. 303(7)(8) (with s. 303(6))

### PART VIII

#### CLAIMS FOR GROUP RELIEF <sup>[F1]</sup> AND GROUP RELIEF FOR CARRIED-FORWARD LOSSES]

##### Textual Amendments

- F1 Words in Sch. 18 Pt. 8 heading inserted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **Sch. 4 para. 109**

##### Modifications etc. (not altering text)

- C1 Sch. 18 Pt. 8 (except paras. 70(4), 71(4)) applied (with modifications) (23.11.1999) by The Corporation Tax (Simplified Arrangements for Group Relief) Regulations 1999 (S.I. 1999/2975), **reg. 10(3)** (as amended (30.1.2018) by S.I. 2018/9, regs. 1, **8**)
- C1 Sch. 18 Pt. 8 (except para. 77) applied (28.7.2000) by Finance Act 2000 (c. 17), s. 82, **Sch. 22 Pt. IX para. 81(3)**
- C1 Sch. 18 Pt. 8 applied (with modifications) (11.7.2023) by Finance (No. 2) Act 2023 (c. 30), s. 305

#### *Consent to surrender*

- 70 <sup>[F1]</sup>(1) In accordance with Requirement 1 in section 130(2), 135(2), 188CB(3) or (as the case may be) 188CC(3) of the Corporation Tax Act 2010, a claim requires the consent of the surrendering company.]

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- (2) A consortium claim also requires the consent of each member of the consortium.
- (3) The necessary consent or consents must be given—
- (a) by notice in writing,
  - (b) to the officer of the Board to whom the surrendering company makes its company tax returns,
  - (c) at or before the time the claim is made.
- Otherwise the claim is ineffective.
- (4) A claim <sup>F2</sup>... is ineffective unless it is accompanied by a copy of the notice of consent to surrender given by the surrendering company.
- (5) A consortium claim is ineffective unless it is also accompanied by a copy of the notice of consent to surrender given by each member of the consortium.
- [<sup>F3</sup>(6) In this paragraph “consortium claim” means]<sup>F4</sup>—
- (a)] a claim for group relief under Part 5 of the Corporation Tax Act 2010 based on consortium condition 1, 2 or 3 (see Requirement 3 in section 130(2) of that Act)]<sup>F5</sup>,
  - (b) a claim for group relief for carried-forward losses under section 188CB of that Act based on consortium condition 1 or 2 (see Requirement 3 in that section), and
  - (c) a claim for group relief for carried-forward losses under section 188CC of that Act based on consortium condition 3 or 4 (see Requirement 3 in that section)].]

#### Textual Amendments

- F1** Sch. 18 para. 70(1) substituted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), **Sch. 4 para. 114(2)**
- F2** Words in Sch. 18 para. 70(4) omitted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by virtue of [Finance \(No. 2\) Act 2017 \(c. 32\)](#), **Sch. 4 para. 114(3)**
- F3** Sch. 18 para. 70(6) inserted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), **Sch. 1 para. 297(11)(b)** (with Sch. 2)
- F4** Words in Sch. 18 para. 70(6) inserted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), **Sch. 4 para. 114(4)(a)**
- F5** Sch. 18 para. 70(6)(b)(c) inserted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), **Sch. 4 para. 114(4)(b)**

#### Modifications etc. (not altering text)

- C1** Sch. 18 para. 70(1)(3)(4) applied (with modifications) (31.3.2001 with effect as mentioned in reg. 1(2) of the amending S.I.) by [S.I. 2001/1163](#), **regs. 1, 8**
- C2** [Sch. 18 para. 70\(3\)\(4\)](#) applied (in relation to accounting periods beginning on or after 1.4.2022) by [Finance Act 2022 \(c. 3\)](#), s. 51(1), **Sch. 7 para. 8(4)**
- C3** [Sch. 18 para. 70\(3\)\(4\)](#) applied (in relation to accounting periods beginning on or after 1.4.2022) by [Finance Act 2022 \(c. 3\)](#), s. 51(1), **Sch. 7 para. 16(4)**
- C4** [Sch. 18 para. 70\(3\)\(4\)](#) applied (14.7.2022) by [Energy \(Oil and Gas\) Profits Levy Act 2022 \(c. 40\)](#), **Sch. 1 para. 9(4)** (with ss. 15(1), 16(1), 17)

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

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

- Sch. 18 para. 52(2B)(b)-(d) omitted by [2024 c. 3 Sch. 2 para. 10\(3\)](#)
- Sch. 18 Pt. 9C repealed by [2009 c. 4 Sch. 1 para. 454\(1\)](#)[Sch. 3 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 18 Pt. 9C repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 454(1), Sch. 3 Pt. 1 (with Sch. 2 Pts. 1, 2))
- Sch. 18 Pt. 9C title substituted by [2006 c. 25 Sch. 3 para. 9](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 18 Pt. 9C repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 454(1), Sch. 3 Pt. 1 (with Sch. 2 Pts. 1, 2))