



Finance Act 2000

2000 CHAPTER 17

PART III

INCOME TAX, CORPORATION TAX AND CAPITAL GAINS TAX

CHAPTER II

OTHER PROVISIONS

Giving to charity

38 Payroll deduction scheme.

- (1) Where in accordance with a scheme approved [^{F1}for the purposes of section 714 of the Income Tax (Earnings and Pensions) Act 2003] (donations to charity: payroll deduction scheme) an agent is to pay to a charity any sum which—
- (a) is withheld by [^{F2}a person] from a payment which an [^{F3}individual] is entitled to receive; and
 - (b) is paid by the [^{F4}person] to the agent,
- the agent shall, within a period prescribed by regulations made by the Treasury, pay a supplement equal to 10% of that sum to the charity.
- (2) On a claim made by an agent in such form as the Board may prescribe, the Board shall pay to the agent out of money provided by Parliament—
- (a) such amounts as are required—
 - (i) to fund the payment of supplements falling to be paid by him; or
 - (ii) to reimburse him for supplements paid by him the payment of which has not been so funded; and
 - (b) in the case of an agent which is a charity, an amount which is equal to 10% of the aggregate of sums which—

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2000, Cross Heading: Giving to charity. (See end of Document for details)

(i) are withheld and paid as mentioned in paragraphs (a) and (b) of subsection (1) above; and

(ii) are sums to which the agent is itself entitled in its capacity as a charity.

(3) The Treasury may by regulations make provision—

- (a) requiring agents to notify the Board of any failures of theirs to comply with subsection (1) above, and of the reasons for those failures;
- (b) requiring agents to keep records of supplements paid by them under that subsection; and
- (c) for the assessment and recovery under the Taxes Acts of amounts paid to agents under subsection (2) above which ought not to have been so paid.

The regulations may contain such supplementary and incidental provision as appears to the Treasury necessary or expedient.

(4) In this section—

[^{F5}“agent” means an agent approved for the purposes of section 714 of the Income Tax (Earnings and Pensions) Act 2003;]

“charity” has the same meaning as in section 506 of [^{F6}the Taxes Act 1988] and includes each of the bodies mentioned in section 507 of that Act;

“the Taxes Acts” has the same meaning as in the ^{M1}Taxes Management Act 1970.

^{F7}(5)

(6) Subsections (1) to (4) above shall have effect in relation to supplements or other amounts payable in respect of sums withheld on or after 6th April 2000 and before [^{F8}6th April 2004]; and no claim under subsection (2) above shall be entertained if made on or after [^{F9}6th April 2005].

^{F7}(7)

Textual Amendments

- F1** Words in s. 38(1) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 243\(2\)\(a\)](#) (with Sch. 7)
- F2** Words in s. 38(1)(a) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 243\(2\)\(b\)](#) (with Sch. 7)
- F3** Word in s. 38(1)(a) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 243\(2\)\(c\)](#) (with Sch. 7)
- F4** Word in s. 38(1)(b) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 243\(2\)\(d\)](#) (with Sch. 7)
- F5** Words in s. 38(4) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 243\(3\)](#) (with Sch. 7)
- F6** Words in s. 38(4) substituted (6.4.2007) by [Income Tax Act 2007 \(c. 3\), s. 1034\(1\), Sch. 1 para. 390](#) (with Sch. 2)
- F7** S. 38(5)(7) repealed (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 8 Pt. 1](#) (with Sch. 7)
- F8** Words in s. 38(6) substituted (10.7.2003) by [Finance Act 2003 \(c. 14\), s. 146\(a\)](#)
- F9** Words in s. 38(6) substituted (10.7.2003) by [Finance Act 2003 \(c. 14\), s. 146\(b\)](#)

Marginal Citations

- M1** 1970 c. 9.

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2000, Cross Heading: Giving to charity. (See end of Document for details)

39 Gift aid payments by individuals.

^{F10}(1)

^{F10}(2)

^{F10}(3)

^{F10}(4)

^{F10}(5)

^{F10}(6)

(7) In subsection (12), paragraphs (b) and (e) and the word “and” immediately preceding paragraph (e) shall cease to have effect.

^{F11}(8)

^{F11}(9)

(10) This section has effect in relation to—

- (a) gifts made on or after 6th April 2000 which are not covenanted payments; and
- (b) covenanted payments falling to be made on or after that date;

and any regulations made under subsection (3) of section 25 of the ^{M2}Finance Act 1990 (as substituted by subsection (4) above) within three months of the passing of this Act may be so made as to apply to any payments in relation to which this section has effect.

Textual Amendments

^{F10} S. 39(1)-(6) repealed (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), [Sch. 3 Pt. 1](#) (with [Sch. 2](#))

^{F11} S. 39(8)(9) omitted (with effect in accordance with Sch. 1 para. 7 of the amending Act) by virtue of [Finance Act 2009 \(c. 10\)](#), [Sch. 1 para. 6\(k\)](#)

Marginal Citations

^{M2} 1990 c. 29.

^{F12}40 Gift aid payments by companies.

.....

Textual Amendments

^{F12} S. 40 repealed (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), [Sch. 3 Pt. 1](#) (with [Sch. 2](#))

41 Covenanted payments to charities.

^{F13}(1)

(2) In section 347A of that Act (annual payments and interest: general rule), subsections (2)(b), (7) and (8) shall cease to have effect.

^{F14}(3)

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2000, Cross Heading: Giving to charity. (See end of Document for details)

F14(4)

- (5) In subsection (6) of section 505 of that Act (charities: general), the words “and, for this purpose, all covenanted payments to charity (within the meaning of section 347A(7)) shall be treated as a single item” shall cease to have effect.

F15(6)

- (7) Section 59 of the ^{M3}Finance Act 1989 (covenanted subscriptions) shall cease to have effect.
- (8) Where a deed of covenant executed by an individual before 6th April 2000 provides for the payment of specified amounts, any amount payable under the deed on or after that date shall be determined as if the individual were entitled to deduct tax from that amount at the basic rate.
- (9) This section shall have effect in relation to covenanted payments—
- (a) falling to be made by individuals on or after 6th April 2000; or
 - (b) made by companies on or after 1st April 2000.

Textual Amendments

- F13** S. 41(1) repealed (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), **Sch. 3 Pt. 1** (with [Sch. 2](#))
- F14** S. 41(3)(4) repealed (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), **Sch. 3 Pt. 1** (with [Sch. 2](#))
- F15** S. 41(6) repealed (6.4.2005) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#), s. 883(1), **Sch. 3** (with [Sch. 2](#))

Marginal Citations

- M3** 1989 c. 26.

42 Millennium gift aid.

- (1) In section 48 of the ^{M4}Finance Act 1998 (gifts of money for relief in poor countries), subsections (3), (6) and (7) shall cease to have effect.
- (2) In subsection (4) of that section—
- (a) in paragraph (a), after “made” there shall be inserted “before 6th April 2000”;
 - (b) after paragraph (b) there shall be inserted—
 - “(bb) the subsequent gift, or at least one of the subsequent gifts, is made on or after 6th April 2000;”;
- and
- (c) in paragraph (c), for “appropriate certificate” there shall be substituted “appropriate declaration”.
- (3) In subsection (8) of that section, for the definition of “relevant gift” there shall be substituted—
- ““relevant gift” means a gift to which this section applies—
- (a) which satisfies the requirements of subsection (2) of section 25 of the ^{M5}Finance Act 1990 (as amended by section 39 of the Finance Act 2000); or

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2000, Cross Heading: Giving to charity. (See end of Document for details)

(b) which would satisfy those requirements if paragraph (e) of that subsection were disregarded.”.

Marginal Citations

- M4 1998 c. 36.
- M5 1990 c. 29.

^{F16}43 Gifts of shares and securities to charities etc.

Textual Amendments

- F16** S. 43 repealed (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), [Sch. 3 Pt. 1](#) (with [Sch. 2](#))

44 Gifts to charity from certain trusts.

- ^{F17}(1)
- ^{F17}(2)
- ^{F17}(3)

[^{F18}(5A) This section applies if—

- (a) in a year of assessment qualifying income arises under a UK settlement,
- (b) the qualifying income consists of charitable income and non-charitable income, and
- (c) expenses of the trustees are to be used to reduce the charitable income for the purpose of calculating a beneficiary's liability to corporation tax.

(5B) The amount of those expenses which can used for that purpose is limited to the amount allocated to the charitable income.

(5C) The amount of the expenses allocated to the charitable income is determined by apportioning them rateably between the charitable income and the non-charitable income.

(5D) In this section—

“charitable income” means income within section 628(1) or 630(1) of ITTOIA 2005,

“non-charitable income” means income which is not charitable income, and

“qualifying income” and “UK settlement” have the same meaning as in section 628 of ITTOIA 2005.]

(6) This section has effect in relation to qualifying income arising to a UK trust on or after 6th April 2000.

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2000, Cross Heading: Giving to charity. (See end of Document for details)

Textual Amendments

- F17** S. 44(1)-(3) repealed (6.4.2005) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#), s. 883(1), [Sch. 1 para. 512\(2\)](#), [Sch. 3](#) (with [Sch. 2](#))
- F18** S. 44(5A)-(5D) substituted for s. 44(4)(5) (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), [Sch. 1 para. 391](#) (with [Sch. 2](#))

F19 45 Loans to charities.

.....

Textual Amendments

- F19** S. 45 repealed (6.4.2005) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#), s. 883(1), [Sch. 1 para. 513](#), [Sch. 3](#) (with [Sch. 2](#))

F20 46 Exemption for small trades etc.

.....

Textual Amendments

- F20** S. 46 repealed (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. 309](#), [Sch. 3 Pt. 1](#) (with [Sch. 2](#))

Status:

Point in time view as at 01/04/2010.

Changes to legislation:

There are currently no known outstanding effects for the Finance Act 2000, Cross Heading:
Giving to charity.