



Finance Act 2000

2000 CHAPTER 17

PART III

INCOME TAX, CORPORATION TAX AND CAPITAL GAINS TAX

CHAPTER II

OTHER PROVISIONS

Other relieving provisions

89 Waste disposal: entitlement of successor to allowances.

In Chapter V of Part IV of the Taxes Act 1988 (provisions relating to the Schedule D charge: deductions), after section 91B (waste disposal: site preparation), insert—

“91BA Waste disposal: entitlement of successor to allowances.

- (1) This section applies where—
- (a) site preparation expenditure has been incurred in relation to a waste disposal site,
 - (b) that expenditure was incurred by a person in the course of carrying on a trade, and
 - (c) on or after 21st March 2000—
 - (i) that person (“the predecessor”) ceases to carry on that trade, or ceases to carry it on so far as it relates to that site, and
 - (ii) another person (“the successor”) begins to carry on that trade, or to carry on in the course of a trade the activities formerly carried on by the predecessor in relation to that site.
- (2) If the conditions specified in the following provisions of this section are met, then, for the purposes of section 91B above—

Status: Point in time view as at 08/02/2011.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2000, Section 89. (See end of Document for details)

- (a) the trade carried on by the successor shall be treated as the same trade as that carried on by the predecessor, and
 - (b) allowances shall be made to the successor (and not to the predecessor) as if everything done to or by the predecessor had been done to or by the successor.
- (3) The first condition is that the whole of the site in question is transferred to the successor.
- Provided the successor holds an estate or interest in the whole of the site, it need not be the same as that held by the predecessor.
- (4) The second condition is that the successor, at the time he first deposits waste material at the site, holds a relevant licence in respect of the site which is then in force.
- (5) Expressions used in this section have the same meaning as in section 91B.”.

Status:

Point in time view as at 08/02/2011.

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