



Capital Allowances Act 2001

2001 CHAPTER 2

PART 2

PLANT AND MACHINERY ALLOWANCES

CHAPTER 14

FIXTURES

Persons who are treated as owners of fixtures

176 Person with interest in relevant land having fixture for purposes of qualifying activity

- (1) If—
- a person incurs capital expenditure on the provision of plant or machinery for the purposes of a qualifying activity carried on by him,
 - the plant or machinery becomes a fixture, and
 - that person has an interest in the relevant land at the time the plant or machinery becomes a fixture,
- that person is to be treated, on and after that time, as the owner of the fixture as a result of incurring the expenditure.
- (2) If there are two or more persons with different interests in the relevant land who would be treated as the owner of the same fixture as a result of subsection (1), one interest only is taken into account under that subsection.
- (3) The interest to be taken into account is given by the following rules—

Rule 1

If one of the interests is an easement or servitude or any agreement to acquire an easement or servitude, that interest is the interest to be taken into account.

Status: Point in time view as at 18/04/2005.

Changes to legislation: There are currently no known outstanding effects for the Capital Allowances Act 2001, Section 176. (See end of Document for details)

Rule 2

If Rule 1 does not apply, but one of the interests is a licence to occupy land, that interest is the interest to be taken into account.

Rule 3

In any other case—

- (a) except in Scotland, the interest to be taken into account is the interest which is not in reversion (at law or in equity and whether directly or indirectly) on any other interest in the relevant land which is held by any of the persons referred to in subsection (2), and
- (b) in Scotland, the interest to be taken into account is the interest of whichever of the persons referred to in subsection (2) has, or last had, the right of use of the relevant land.

(4) Subsection (1) is subject to [^{F1}sections 177(4) and 180A(4)] .

Textual Amendments

- F1** Words in s. 176(4) substituted (with effect as mentioned in s. 66 of the amending Act) by [Finance Act 2001 \(c. 9\), s. 66, Sch. 18 para. 3](#)

Status:

Point in time view as at 18/04/2005.

Changes to legislation:

There are currently no known outstanding effects for the Capital Allowances Act 2001, Section 176.