



Capital Allowances Act 2001

2001 CHAPTER 2

PART 1

INTRODUCTION

CHAPTER 1

CAPITAL ALLOWANCES: GENERAL

3 Claims for capital allowances

(1) No allowance is to be made under this Act^[F1], and no first-year tax credit is to be paid under Schedule A1,] unless a claim for it is made.

(2) The claim must be included in a tax return.

[^{F2}(2A) Any claim for an allowance under Part 3A (business premises renovation allowances) must be separately identified as such in the return.]

[^{F3}(2B) Any claim for a first-year tax credit under Schedule A1 must be separately identified as such in the return.]

(3) In this Act “tax return” means—

- (a) for income tax purposes, a return required to be made under TMA 1970, and
- (b) for corporation tax purposes, a company tax return required to be made under Schedule 18 to FA 1998 (company tax returns, assessments and related matters).

(4) Subsection (2) does not apply for income tax purposes to a claim for an allowance under—

- (a) section 258 (claim for allowance in respect of special leasing of plant or machinery),
- ^{F4}(b)
- (c) section 479 (claim for patent allowance in respect of non-trading expenditure),

Status: Point in time view as at 12/08/2008. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Capital Allowances Act 2001, Section 3. (See end of Document for details)

which is instead subject to section 42 of TMA 1970 (procedure for making claims and claims not included in returns).

(5) Subsection (2) does not apply for corporation tax purposes to a claim for an allowance under—

(a) section 260(3)(b) (claim to carry back allowance in respect of special leasing of plant or machinery), or

^{F5}(b)

which is instead subject to paragraphs 54 to 60 of Schedule 18 to FA 1998 (general provisions as to claims).

(6) This section is subject to section 42(6) and (7) of TMA 1970 (special provisions relating to partnerships).

Textual Amendments

- F1** Words in s. 3(1) inserted (with effect in accordance with Sch. 25 para. 9 of the amending Act) by [Finance Act 2008 \(c. 9\)](#), **Sch. 25 para. 3(2)**
- F2** S. 3(2A) inserted (with effect in accordance with s. 92 of the amending Act) by [Finance Act 2005 \(c. 7\)](#), **Sch. 6 para. 4**; S.I. 2007/949, art. 2
- F3** S. 3(2B) inserted (with effect in accordance with Sch. 25 para. 9 of the amending Act) by [Finance Act 2008 \(c. 9\)](#), **Sch. 25 para. 3(3)**
- F4** S. 3(4)(b) omitted (with effect in accordance with Sch. 27 para. 30(1) of the amending Act) by virtue of [Finance Act 2008 \(c. 9\)](#), **Sch. 27 para. 4**
- F5** S. 3(5)(b) omitted (with effect in accordance with Sch. 27 para. 30(1) of the amending Act) by virtue of [Finance Act 2008 \(c. 9\)](#), **Sch. 27 para. 4**

Modifications etc. (not altering text)

- C1** S. 3(1) excluded (19.7.2006) by [Finance Act 2006 \(c. 25\)](#), **s. 120(7)**
- C2** S. 3(1) excluded by SI 2006/964 reg. 69Z1(8) (as inserted (6.4.2008) by [The Authorised Investment Funds \(Tax\) \(Amendment\) Regulations 2008 \(S.I. 2008/705\)](#), regs. 1, 5)

Status:

Point in time view as at 12/08/2008. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Capital Allowances Act 2001, Section 3.