



Capital Allowances Act 2001

2001 CHAPTER 2

PART 3

INDUSTRIAL BUILDINGS ALLOWANCES

CHAPTER 11

GIVING EFFECT TO ALLOWANCES AND CHARGES

354 Buildings temporarily out of use

- (1) This section applies if a person is entitled to an allowance or liable to a charge for a chargeable period during which the building is treated as an industrial building under section 285 (building still industrial building despite temporary disuse).
- (2) If, when the building was last in use as an industrial building—
 - (a) it was in use for the purposes of a trade which has since been permanently discontinued, or
 - (b) the relevant interest in the building was subject to a lease or a licence which has since come to an end,section 353(4) applies to the person as if the relevant interest were subject to a lease or licence at the relevant time.
- (3) If—
 - (a) the person is liable to a balancing charge, and
 - (b) when the building was last in use as an industrial building, it was in use as an industrial building for the purposes of a trade which was carried on by the person but which has since been permanently discontinued,

the same deductions may be made from the amount of the balancing charge as may be made under [^{F1}section 254 of ITTOIA 2005 or] section 105 of ICTA (deductions allowed in case of post-cessation receipts) from an amount chargeable to tax under [^{F2}Chapter 18 of Part 2 of ITTOIA 2005 or, as the case may be, under] section 103 or 104(1) of ICTA.

Status: Point in time view as at 06/04/2005. This version of this provision has been superseded.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 354. (See end of Document for details)

- (4) Subsection (3) does not affect the making of any deduction allowed under any other provision of the Tax Acts.
- (5) For the purposes of this section the permanent discontinuance of a trade does not include an event treated as a permanent discontinuance under [^{F3}section 18 of ITTOIA 2005 or section 337(1) of ICTA (effect of company ceasing to trade etc).]
- (6) In this section “trade”, in relation to a commercial building, includes a profession or vocation.

Textual Amendments

- F1** Words in s. 354(3) inserted (6.4.2005) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#) , s. 883(1) , [Sch. 1 para. 556\(2\)\(a\)](#) (with Sch. 2)
- F2** Words in s. 354(3) inserted (6.4.2005) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#) , s. 883(1) , [Sch. 1 para. 556\(2\)\(b\)](#) (with Sch. 2)
- F3** Words in s. 354(5) substituted (6.4.2005) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#) , s. 883(1) , [Sch. 1 para. 556\(3\)](#) (with Sch. 2)

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