



Finance Act 2004

2004 CHAPTER 12

PART 3

INCOME TAX, CORPORATION TAX AND CAPITAL GAINS TAX

CHAPTER 6

EXEMPTION FROM INCOME TAX FOR CERTAIN INTEREST AND ROYALTY PAYMENTS

Introductory

F197 **Introductory**

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Textual Amendments

- F1** S. 97 repealed (6.4.2005) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#), s. 883(1), Sch. 1 para. 631, [Sch. 3](#) (with Sch. 2)

Exemption from income tax

F298 **Exemption from income tax for certain interest and royalty payments**

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Textual Amendments

- F2** S. 98 repealed (6.4.2005) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#), s. 883(1), Sch. 1 para. 632, [Sch. 3](#) (with Sch. 2)

Status: Point in time view as at 19/07/2007.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2004, Chapter 6. (See end of Document for details)

F³99 Permanent establishments and “25% associates”

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Textual Amendments
F3 S. 99 repealed (6.4.2005) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\), s. 883\(1\), Sch. 1 para. 633, Sch. 3](#) (with Sch. 2)

Exemption notices

F⁴100 Interest payments: exemption notices

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Textual Amendments
F4 S. 100 repealed (6.4.2005) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\), s. 883\(1\), Sch. 1 para. 634, Sch. 3](#) (with Sch. 2)

Payment without deduction

F⁵101 Payment of royalties without deduction at source

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Textual Amendments
F5 S. 101 repealed (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\), s. 1034\(1\), Sch. 1 para. 463, Sch. 3 Pt. 1](#) (with Sch. 2)

F⁶102 Claim for tax deducted at source from exempt interest or royalty payments

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Textual Amendments
F6 S. 102 repealed (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\), s. 1034\(1\), Sch. 1 para. 463, Sch. 3 Pt. 1](#) (with Sch. 2)

Special relationships and anti-avoidance

F⁷103 Special relationships

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Status: Point in time view as at 19/07/2007.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2004, Chapter 6. (See end of Document for details)

Textual Amendments

F7 S. 103 repealed (6.4.2005) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#), s. 883(1), Sch. 1 para. 637, [Sch. 3](#) (with [Sch. 2](#))

F8 104 Anti-avoidance

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Textual Amendments

F8 S. 104 repealed (6.4.2005) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#), s. 883(1), Sch. 1 para. 638, [Sch. 3](#) (with [Sch. 2](#))

Supplementary

105 Consequential amendments

(1) Section 98 of the Taxes Management Act 1970 (c. 9) (special returns etc) is amended as follows.

(2) In subsection (4A)(b), after “(4D)” insert “, (4DA)”.

(3) After subsection (4D) insert—

“(4DA) A payment is within this subsection if—

- (a) it is a payment to which section 349(1) of the principal Act (requirement to deduct tax) applies,
- (b) a company, purporting to rely on section 101 of the Finance Act 2004 (payment of royalties without deduction at source), makes the payment without deduction of tax under section 349(1) of the principal Act, and
- (c) at the time the payment is made section 98 of the Finance Act 2004 does not apply to the payment and the company—
 - (i) does not believe that that section does so apply, or
 - (ii) if it does so believe, cannot reasonably do so.”.

(4) In section 18 of the Taxes Act 1988 (Schedule D) after subsection (5) insert—

“(6) This section is subject to Chapter 6 of Part 3 of the Finance Act 2004 (exemption from income tax for certain interest and royalty payments).”.

(5) In section 349 of the Taxes Act 1988 (certain payments to be made subject to deduction of income tax) after subsection (6) insert—

“(7) This section is subject to Chapter 6 of Part 3 of the Finance Act 2004 (exemption from income tax for certain interest and royalty payments).”.

F9 106 Transitional provision

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Status: Point in time view as at 19/07/2007.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2004, Chapter 6. (See end of Document for details)

Textual Amendments

- F9** S. 106 repealed (6.4.2005) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#), s. 883(1), [Sch. 1 para. 639](#), [Sch. 3](#) (with [Sch. 2](#))

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Finance Act 2004, Chapter 6.