



Finance (No. 2) Act 2005

2005 CHAPTER 22

PART 5

MISCELLANEOUS MATTERS

67 Reorganisation of water and sewerage services in Northern Ireland

- (1) In this section “relevant transfer” means a transfer of property, rights or liabilities where—
 - (a) the transfer is of property, rights or liabilities which—
 - (i) are specified or described in or determined in accordance with a scheme, and
 - (ii) consist of or include relevant property, rights or liabilities,
 - (b) the transfer is from a Northern Ireland department or persons which include a Northern Ireland department to a company or companies specified in the scheme (“transferee company”), and
 - (c) the transfer is effected by or under an enactment which—
 - (i) is made after the coming into force of this section, and
 - (ii) relates to the provision of water or sewerage services in Northern Ireland.
- (2) In this section “relevant property, rights or liabilities” means property, rights or liabilities connected with the provision of any water or sewerage services.
- (3) The Treasury may by regulations make provision for or in connection with varying the way in which a relevant tax or duty would, apart from the regulations, have effect in relation to, or in connection with, any of the following—
 - (a) anything done for the purpose of, or under or in consequence of, a relevant transfer of relevant property, rights or liabilities from a Northern Ireland department to a transferee company;
 - (b) any relevant property, rights or liabilities which are the subject of a relevant transfer from a Northern Ireland department to a transferee company;
 - (c) any relevant property, rights or liabilities of a transferee company.

Changes to legislation: There are currently no known outstanding effects for the Finance (No. 2) Act 2005, Section 67. (See end of Document for details)

- (4) The provision that may be made by the regulations includes provision for or in connection with any of the following—
- (a) a tax provision not to apply or to apply with modifications in prescribed cases or circumstances;
 - (b) anything done to have or not to have a specified consequence for the purposes of a tax provision in prescribed cases or circumstances;
 - (c) any relevant property, rights or liabilities which are the subject of a relevant transfer from a Northern Ireland department to a transferee company to be treated in a specified way for the purposes of a tax provision in prescribed cases or circumstances;
 - (d) the withdrawal of relief (whether or not granted by virtue of the regulations), and the charging of tax, in prescribed cases or circumstances;
 - (e) requiring or enabling the Secretary of State, with the consent of the Treasury, to determine or to specify the method to be used for determining anything (including amounts or values, or times or periods of time) which needs to be determined for the purposes of any tax provision (whether or not modified by the regulations) as it applies in relation to, or in connection with,—
 - (i) anything done for the purpose of, or under or in consequence of, a relevant transfer of relevant property, rights or liabilities from a Northern Ireland department to a transferee company, or
 - (ii) any relevant property, rights or liabilities which are the subject of a relevant transfer from a Northern Ireland department to a transferee company.
- (5) A provision of regulations made by virtue only of subsection (3)(c) (“a subsection (3) (c) provision”) (whether or not also by virtue of subsection (4)) shall not have effect for an accounting period of a transferee company unless the company is wholly owned by the Crown during the whole of that accounting period.
- (6) Regulations under this section may provide that, for the purposes of a subsection (3) (c) provision, an accounting period of a transferee company shall be taken to have ended on the company ceasing to be wholly owned by the Crown.
- (7) For the purposes of this section, a company shall be regarded as wholly owned by the Crown at any time when each of the issued shares in the company is held by, or by a nominee of,—
- (a) the Treasury,
 - (b) the Secretary of State,
 - (c) a Northern Ireland department, or
 - (d) another company which is wholly owned by the Crown.
- (8) In this section—
- “enactment” includes a provision comprised in—
- (a) Northern Ireland legislation, or
 - (b) an instrument made under an enactment;
- “prescribed” means prescribed by or determined in accordance with regulations under this section;
- “relevant tax or duty” means income tax, corporation tax, capital gains tax, stamp duty or stamp duty reserve tax;
- “tax provision” means a provision of an enactment about a relevant tax or duty.

Changes to legislation: There are currently no known outstanding effects for the Finance (No. 2) Act 2005, Section 67. (See end of Document for details)

- (9) Any power to make regulations under this section is exercisable by statutory instrument.
- (10) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of the House of Commons.
- (11) Any power to make regulations under this section includes power—
 - (a) to make different provision for different cases or circumstances;
 - (b) to make incidental, supplemental, consequential or transitional provision or savings.

Changes to legislation:

There are currently no known outstanding effects for the Finance (No. 2) Act 2005, Section 67.