

Status: Point in time view as at 01/07/2021.

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SCHEDULES

SCHEDULE 7

INSURANCE BUSINESS: GROSS ROLL-UP BUSINESS ETC

PART 1

AMENDMENTS

Taxes Management Act 1970 (c. 9)

- 1 In section 98 of TMA 1970 (special returns etc), in the Table, omit the entries relating to section 333B of ICTA.

Income and Corporation Taxes Act 1988 (c. 1)

- 2 ICTA is amended as follows.

F13

Textual Amendments

F1 Sch. 7 para. 3 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

- 4 Omit section 333B (involvement of insurance companies with plans and accounts).
5 In section 403E (relief for overseas losses of UK resident companies), omit subsection (3).

F26

Textual Amendments

F2 Sch. 7 para. 6 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

- 7 In section 431A(3)(a) (power to amend), omit “and Schedule 19AA”.

F38

Textual Amendments

F3 Sch. 7 paras. 8-14 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

F39

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Textual Amendments

F3 Sch. 7 paras. 8-14 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

^{F3}10

Textual Amendments

F3 Sch. 7 paras. 8-14 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

^{F3}11

Textual Amendments

F3 Sch. 7 paras. 8-14 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

^{F3}12

Textual Amendments

F3 Sch. 7 paras. 8-14 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

^{F3}13

Textual Amendments

F3 Sch. 7 paras. 8-14 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

^{F3}14

Textual Amendments

F3 Sch. 7 paras. 8-14 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

15 In section 432AB (losses from Schedule A business or overseas property business), omit subsection (6).

^{F4}16

Textual Amendments

F4 Sch. 7 para. 16 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

^{F5}17

Textual Amendments

F5 Sch. 7 para. 17 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

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18 Omit section 432D (section 432B apportionment: value of non-participating funds).

F⁶19

Textual Amendments

F6 Sch. 7 para. 19 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

20 In section 432F(2) (section 432B apportionment: supplementary provisions)—

(a) omit “For each category of business in relation to which section 432E falls to be applied”, and

(b) omit “, after making any reduction required by section 432E(5),”.

F⁷21

Textual Amendments

F7 Sch. 7 paras. 21-23 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

F⁷22

Textual Amendments

F7 Sch. 7 paras. 21-23 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

F⁷23

Textual Amendments

F7 Sch. 7 paras. 21-23 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

24 Omit section 436 (pension business: separate charge on profits).

F⁸25

Textual Amendments

F8 Sch. 7 para. 25 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

F⁹26

Textual Amendments

F9 Sch. 7 para. 26 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

27 Omit section 438B (income or gains arising from property investment LLP).

28 Omit section 438C (determination of policy holders' share for purposes of s.438B).

29 Omit section 439 (restricted government securities).

30 Omit section 439B (life reinsurance business: separate charge on profits).

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F1031

Textual Amendments
F10 Sch. 7 paras. 31-33 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

F1032

Textual Amendments
F10 Sch. 7 paras. 31-33 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

F1033

Textual Amendments
F10 Sch. 7 paras. 31-33 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

34 Omit section 441 (overseas life assurance business).

F1135

Textual Amendments
F11 Sch. 7 paras. 35-38 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

F1136

Textual Amendments
F11 Sch. 7 paras. 35-38 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

F1137

Textual Amendments
F11 Sch. 7 paras. 35-38 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

F1138

Textual Amendments
F11 Sch. 7 paras. 35-38 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 16 para. 247(p)(i)

39 Omit sections 458 and 458A (capital redemption business).

F1240

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Textual Amendments

F12 Sch. 7 para. 40 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 18 para. 23(e)(ii)

41 In section 461 (registered friendly societies: other business), omit subsection (3A).

42 In section 461B (incorporated friendly societies), omit subsection (2A).

^{F13}43

Textual Amendments

F13 Sch. 7 para. 43 omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 18 para. 23(e)(ii)

^{F14}44

Textual Amendments

F14 Sch. 7 para. 44 omitted (with effect in accordance with Sch. 17 para. 17(12) of the amending Act) by virtue of Finance Act 2008 (c. 9), Sch. 17 para. 17(11)(g)

^{F15}45

Textual Amendments

F15 Sch. 7 para. 45 omitted (with effect in accordance with Sch. 14 para. 18 of the amending Act) by virtue of Finance Act 2008 (c. 9), Sch. 14 para. 17(p)

^{F16}46

Textual Amendments

F16 Sch. 7 para. 46 omitted (with effect in accordance with Sch. 14 para. 18 of the amending Act) by virtue of Finance Act 2008 (c. 9), Sch. 14 para. 17(p)

47 (1) Section 755A (treatment of chargeable profits and creditable tax apportioned to company carrying on life assurance business) is amended as follows.

(2) In subsection (4), for the words after “referable to” substitute “ gross roll-up business carried on by the UK company. ”

(3) In subsection (6)(c), for “a category of business specified in paragraphs (a) to (c) of subsection (4) above” substitute “ gross roll-up business ”.

(4) In subsection (13), for paragraphs (a) to (d) substitute—
 “(a) basic life assurance and general annuity business, or
 (ba) gross roll-up business.”.

^{F17}48

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Textual Amendments

F17 Sch. 7 paras. 48-53 repealed (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\)](#), s. 381(1), **Sch. 10 Pt. 1** (with Sch. 9 paras. 1-9, 22)

^{F17}49

Textual Amendments

F17 Sch. 7 paras. 48-53 repealed (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\)](#), s. 381(1), **Sch. 10 Pt. 1** (with Sch. 9 paras. 1-9, 22)

^{F17}50

Textual Amendments

F17 Sch. 7 paras. 48-53 repealed (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\)](#), s. 381(1), **Sch. 10 Pt. 1** (with Sch. 9 paras. 1-9, 22)

^{F17}51

Textual Amendments

F17 Sch. 7 paras. 48-53 repealed (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\)](#), s. 381(1), **Sch. 10 Pt. 1** (with Sch. 9 paras. 1-9, 22)

^{F17}52

Textual Amendments

F17 Sch. 7 paras. 48-53 repealed (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\)](#), s. 381(1), **Sch. 10 Pt. 1** (with Sch. 9 paras. 1-9, 22)

^{F17}53

Textual Amendments

F17 Sch. 7 paras. 48-53 repealed (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\)](#), s. 381(1), **Sch. 10 Pt. 1** (with Sch. 9 paras. 1-9, 22)

^{F18}54

Textual Amendments

F18 Sch. 7 para. 54 repealed (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), **Sch. 3 Pt. 1** (with Sch. 2)

55 Omit Schedule 19AA (overseas life assurance fund).

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F19F20 56

Textual Amendments

- F19** Sch. 7 para. 56 repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), [Sch. 3 Pt. 1](#) (with [Sch. 2 Pts. 1, 2](#))
- F20** Sch. 7 para. 56 omitted (with effect in accordance with Sch. 16 para. 6 of the amending Act) by virtue of [Finance Act 2009 \(c. 10\)](#), [Sch. 16 para. 5\(i\)](#) (with [Sch. 16 paras. 78](#))

Finance Act 1989 (c. 26)

F21 57

Textual Amendments

- F21** Sch. 7 paras. 57-59 omitted (17.7.2012) by virtue of [Finance Act 2012 \(c. 14\)](#), [Sch. 16 para. 247\(p\)\(i\)](#)

F21 58

Textual Amendments

- F21** Sch. 7 paras. 57-59 omitted (17.7.2012) by virtue of [Finance Act 2012 \(c. 14\)](#), [Sch. 16 para. 247\(p\)\(i\)](#)

F21 59

Textual Amendments

- F21** Sch. 7 paras. 57-59 omitted (17.7.2012) by virtue of [Finance Act 2012 \(c. 14\)](#), [Sch. 16 para. 247\(p\)\(i\)](#)

Taxation of Chargeable Gains Act 1992 (c. 12)

- 60 TCGA 1992 is amended as follows.
- 61 In section 204(10) (policies of insurance and non-deferred annuities)—
- (a) for “as defined in section 458(3)” substitute “ within the meaning of Chapter 1 of Part 12 ”, and
 - (b) omit “other”.
- 62 In section 210B—
- (a) omit paragraph (b) of subsection (6) and the word “or” before it, and
 - (b) in subsection (8) (disposal and acquisition of section 440A securities), in the definition of “chargeable section 440A holding”, for “(2)(a)(iii)” substitute “ (2)(a)(i) ”.
- 63 In section 212(2) (annual deemed disposal of holdings of certain assets), for the words from “pension business” to the end substitute “ gross roll-up business ”.
- 64 In section 213(1A) (spreading of gains and losses under section 212), omit the words following “general annuity business”.

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Finance Act 1996 (c. 8)

F22 65

Textual Amendments

F22 Sch. 7 paras. 65-67 repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

F22 66

Textual Amendments

F22 Sch. 7 paras. 65-67 repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

F22 67

Textual Amendments

F22 Sch. 7 paras. 65-67 repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

Capital Allowances Act 2001 (c. 2)

68 CAA 2001 is amended as follows.

69 (1) Section 255 (apportionment of allowances and charges) is amended as follows.

(2) For subsections (1) and (1A) substitute—

“(1) Except where subsection (3) applies, any allowance to which the company is entitled, and any charge to which it is liable, for a chargeable period in respect of a management asset must be apportioned between basic life assurance and general annuity business, gross roll-up business and PHI business in accordance with subsections (1A) and (1B).

(1A) The allowance or charge is to be apportioned to a category of business using the formula—

$$A \times \frac{B}{C}$$

where—

A is the amount of the allowance or charge,

B is the mean of the opening and closing liabilities of that category of business, and

C is the mean of the opening and closing liabilities of all the categories of business mentioned in subsection (1) which are carried on by the company.

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- (1B) If C is nil or below nil, the allowance or charge to be apportioned to a category of business is such as is just and reasonable.”
- (3) Omit subsection (2).
- (4) In subsection (3)—
- (a) in paragraph (a), for “section 441 of ICTA in respect of its overseas life assurance business” substitute “ section 436A of ICTA (gross roll-up business) ”, and
 - (b) in paragraph (b), for “provided outside the United Kingdom for use for the management of that business” substitute “ held for the purposes of a permanent establishment outside the United Kingdom at or through which the company carries on gross roll-up business ”.
- 70 (1) Section 256 (different giving effect rules for different categories of business) is amended as follows.
- (2) In subsection (3), for paragraphs (a) to (c) substitute “ section 436A of ICTA (gross roll-up business) ”.
- (3) In subsection (4)—
- (a) for “profit” substitute “ profits ”,
 - (b) in paragraph (a), for “any particular category of business” substitute “ gross roll-up business ” and for “that category of business” substitute “ its gross roll-up business ”, and
 - (c) in paragraph (b), for “any particular category of business” substitute “ gross roll-up business ” and for “that category of business” substitute “ its gross roll-up business ”.
- 71 (1) Section 545 (investment assets) is amended as follows.
- (2) In subsection (3), in the second sentence, for “sections 432ZA to 432E, or section 438B,” substitute “ section 432A ”.
- (3) In subsection (5)—
- (a) for the words from “under—” to “no allowance” substitute “ under section 436A of ICTA (gross roll-up business), no allowance ”, and
 - (b) for “the category of life assurance business in question” substitute “ gross roll-up business ”.

Finance Act 2001 (c. 9)

F2372

Textual Amendments

F23 Sch. 7 para. 72 repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

Finance Act 2002 (c. 23)

73 FA 2002 is amended as follows.

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F2474

Textual Amendments
F24 Sch. 7 para. 74 repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

F2575

Textual Amendments
F25 Sch. 7 para. 75 repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

Income Tax (Trading and Other Income) Act 2005 (c. 5)

76 ITTOIA 2005 is amended as follows.

77 In section 473(2) (policies and contracts to which Chapter 9 applies), in the definition of “capital redemption policy”, for “as defined in section 458(3)” substitute “ within the meaning of Chapter 1 of Part 12 ”.

F2678

Textual Amendments
F26 Sch. 7 para. 78 omitted (with effect in accordance with Sch. 17 para. 27(3) of the amending Act) by virtue of Finance Act 2008 (c. 9), **Sch. 17 para. 27(2)**

79 In Schedule 2 (transitionals and savings etc), in paragraph 118(2), for “from “other than” onwards in the definition of “annuity business”” substitute “ following paragraph (b) in the definition of “life assurance business” ”.

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