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SCHEDULES

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 2

OTHER ENACTMENTS

Finance Act 2004 (c. 12)

- 456 The Finance Act 2004 is amended as follows.
- 457 In section 50 (generally accepted accounting practice) for “the Tax Acts” wherever occurring substitute “ the Corporation Tax Acts ”.
- 458 In section 51 (use of different accounting practices within a group of companies) for subsection (5) substitute—
- “(5) In this section “tax advantage” has the meaning given by section 840ZA of the Taxes Act 1988.”
- 459 In section 59 (construction industry scheme: contractors) after subsection (7) insert—
- “(8) This section is subject to section 73A (designated international organisations: exemption from section 59).”
- 460 In section 65 (change in control of company registered for gross payment) for subsection (3) substitute—
- “(3) In this section references to a change in the control of a company are references to such a change determined in accordance with section 995 of the Income Tax Act 2007.”
- 461 After section 73 (regulations under this Chapter: supplementary) insert—
- “73A Designated international organisations: exemption from section 59**
- (1) The Treasury may by order designate for the purposes of this section any international organisation of which the United Kingdom is a member.
- (2) Section 59 does not apply to an organisation which is so designated.”
- 462 (1) Amend section 83 (giving through the self-assessment return) as follows.
- (2) Omit subsections (1) to (3).
- (3) For subsections (4) and (5) substitute—

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- “(4) A charitable company is treated as having made a claim for any exemption to which it may be entitled under section 505(1)(c)(ii) of the Taxes Act 1988 (charities: exemption from tax under Case III of Schedule D) if—
- (a) it receives a gift as a result of a direction under section 429(2) of the Income Tax Act 2007 (giving through self-assessment return), and
 - (b) as a result of section 429(4) of that Act, the gift is treated as a qualifying donation for the purposes of Chapter 2 of Part 8 of that Act (gift aid).
- (5) In this section “charitable company” means any body of persons established for charitable purposes only.”
- 463 Omit sections 101 (payment of royalties without deduction at source) and 102 (claim for tax deducted at source from exempt interest or royalty payments).
- 464 Omit sections 119 to 123 (individuals benefited by film relief).
- 465 Omit sections 126 to 130 (individuals in partnership: exit charge).
- 466 In section 155(6)(a) and (b) (persons by whom scheme may be established: supplementary) for “section 840A(1)(b) of ICTA” substitute “ section 991(2)(b) of ITA 2007 ”.
- 467 In section 161 (meaning of “payment” etc) for subsection (8) substitute—
- “(8) For the purposes of this section whether a person is connected with another person is determined in accordance with section 993 of ITA 2007.”
- 468 (1) Amend section 162 (meaning of “loan”) as follows.
- (2) In subsection (2)(a) for “section 841 of ICTA” substitute “ section 1005 of ITA 2007 ”.
- (3) For subsection (6) substitute—
- “(6) For the purposes of this section whether a person is connected with another person is determined in accordance with section 993 of ITA 2007.”
- 469 In section 172A (surrender) for subsection (11) substitute—
- “(11) For the purposes of this section whether a person is connected with another person is determined in accordance with section 993 of ITA 2007.”
- 470 In section 172B (increase in rights of connected person on death) for subsection (9) substitute—
- “(9) For the purposes of this section whether a person is connected with another person is determined in accordance with section 993 of ITA 2007.”
- 471 In section 172C (allocation of unallocated employer contributions) for subsection (7) substitute—
- “(7) For the purposes of this section whether a person is connected with another person is determined in accordance with section 993 of ITA 2007.”
- 472 In section 172D (limit on increase in benefits) for subsection (6) substitute—
- “(6) For the purposes of this section whether a person is connected with another person is determined in accordance with section 993 of ITA 2007.”

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- 473 (1) Amend section 189 (relevant UK individual) as follows.
- (2) In subsection (2)—
- (a) omit the “and” immediately after paragraph (b),
- (b) after paragraph (b) insert—
- “(ba) income which is chargeable under Part 3 of ITTOIA 2005 and is immediately derived from the carrying on of a UK furnished holiday lettings business (whether individually or as a partner acting personally in a partnership), and”, and
- (c) for paragraph (c) substitute—
- “(c) income to which subsection (2A) applies.”
- (3) After subsection (2) insert—
- “(2A) This subsection applies to income if—
- (a) it is patent income, and
- (b) the individual, alone or jointly, devised the invention for which the patent in question was granted.”
- (4) After subsection (4) insert—
- “(5) “UK furnished holiday lettings business” means a UK property business so far as consisting of the commercial letting of furnished holiday accommodation (within the meaning of Chapter 6 of Part 3 of ITTOIA 2005).
- (6) If there is a letting of accommodation only part of which is holiday accommodation, just and reasonable apportionments are to be made for the purpose of determining what is comprised in a UK furnished holiday lettings business.
- (7) “Patent income” means—
- (a) royalties or other sums paid in respect of the use of a patent charged to tax under section 579 of ITTOIA 2005,
- (b) amounts on which tax is payable under section 587 or 593 of ITTOIA 2005, or
- (c) amounts on which tax is payable under—
- (i) section 472(5) of the Capital Allowances Act, or
- (ii) paragraph 100 of Schedule 3 to that Act.”
- 474 In section 192 (relief at source) omit subsection (5).
- 475 In section 193(6) (relief under net pay arrangements)—
- (a) for “from the total income” substitute “in calculating the net income”, and
- (b) at the end insert “(see Step 2 of the calculation in section 23 of ITA 2007)”.
- 476 In section 194(1) (relief on making of claim)—
- (a) for “from the total income” substitute “in calculating the net income”, and
- (b) at the end insert “(see Step 2 of the calculation in section 23 of ITA 2007)”.
- 477 In section 266A (member's liability) for subsection (7) substitute—
- “(7) For the purposes of this section whether a person is connected with another person is determined in accordance with section 993 of ITA 2007.”

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- 478 In section 273 (members liable as scheme administrator) for subsection (11) substitute—
- “(11) For the purposes of this section whether a person is connected with another person is determined in accordance with section 993 of ITA 2007.”
- 479 In section 278 (market value) for subsection (4) substitute—
- “(4) For the purposes of this section whether a person is connected with another person is determined in accordance with section 993 of ITA 2007.”
- 480 (1) Amend section 279 (other definitions) as follows.
- (2) In subsection (1)—
- (a) omit the definition of “charity”,
- (b) after the definitions of “pension credit” and “pension debit” insert “ and ”, and
- (c) omit the words after the definition of “pension sharing order or provision”.
- (3) After that subsection insert—
- “(1A) In this Part, so far as it forms part of the Corporation Tax Acts, expressions which are defined for the purposes of the Income Tax Acts are to be given the same meaning as they have in the Income Tax Acts.”
- 481 (1) Amend section 280 (abbreviations and general index) as follows.
- (2) In subsection (1) omit the “and” immediately before the definition of “ITTOIA 2005” and after that definition insert “, and
- “ITA 2007” means the Income Tax Act 2007.”
- (3) In subsection (2)—
- (a) in the entry for “basic rate”, in the second column, for “section 832(1) of ICTA” substitute “ section 6(2) of ITA 2007 (as applied by section 989 of that Act) ”,
- (b) in the entry for “basic rate limit”, in the second column, for “section 832(1) of ICTA” substitute “ section 20(2) of ITA 2007 (as applied by section 989 of that Act) ”,
- (c) in the entry for “chargeable gain”, in the second column, for “section 832(1) of ICTA” substitute “ section 989 of ITA 2007 ”,
- (d) in the entry for “charity”, in the second column, for “section 279(1)” substitute “ section 989 of ITA 2007 ”,
- (e) in the entry for “company”, in the second column, for “section 832(1) of ICTA” substitute “ section 992 of ITA 2007 ”,
- (f) in the entry for “higher rate”, in the second column, for “section 832(1) of ICTA” substitute “ section 6(2) of ITA 2007 (as applied by section 989 of that Act) ”,
- (g) after the entry for “money purchase benefits” insert—
-
- “net income
- section 23 of ITA 2007 (as applied by section 989 of that Act),”
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- (h) in the entry for “period of account”, in the second column, for “section 832(1) of ICTA” substitute “ section 989 of ITA 2007 ”,

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- (i) in the entry for “personal representatives”, in the second column, for “section 279(1)” substitute “ section 989 of ITA 2007 ”,
 - (j) in the entry for “property investment LLP”, in the second column, for “section 842B of ICTA” substitute “ section 1004 of ITA 2007 ”,
 - (k) in the entry for “retail prices index”, in the second column, for “section 279(1)” substitute “ section 989 of ITA 2007 ”,
 - (l) in the entry for “tax year”, in the second column, for “section 279(1)” substitute “ section 4(2) of ITA 2007 (as applied by section 989 of that Act) ”,
 - (m) in the entry for “the tax year 2006-07 etc”, in the second column, for “section 279(1)” substitute “ section 4(4) of ITA 2007 (as applied by section 989 of that Act) ”, and
 - (n) in the entry for “total income” for “section 835 of ICTA” substitute “ section 23 of ITA 2007 (as applied by section 989 of that Act) ”.
- 482 (1) Amend Schedule 15 (charge to income tax on benefits received by former owner of property) as follows.
- (2) For paragraph 2 substitute—
- “2 (1) For the purposes of this Schedule whether a person is connected with another person is determined in accordance with section 993 of the Income Tax Act 2007.
- (2) But for those purposes sections 993 and 994 of that Act are to be read as if in those sections—
- (a) “relative” included uncle, aunt, nephew and niece, and
 - (b) “settlement”, “settlor” and “trustee” had the same meanings as in IHTA 1984.”
- (3) In paragraph 9(1) for paragraph (c) substitute—
- “(c) sections 720 to 730 of the Income Tax Act 2007,”.
- 483 In paragraph 4 of Schedule 27 (meaning of “offshore installation”) for “sections 573 and 574” substitute “ section 573 ”.
- 484 In paragraph 4 of Schedule 29A (investment-regulated pension schemes) for sub-paragraph (2) substitute—
- “(2) For the purposes of sub-paragraph (1) whether a person is connected with another person is determined in accordance with section 993 of ITA 2007.”
- 485 In paragraph 11D of Schedule 36 (transitional provisions) for sub-paragraph (5) substitute—
- “(5) For the purposes of this paragraph whether a person is connected with another person is determined in accordance with section 993 of ITA 2007.”

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