



# Corporation Tax Act 2009

## 2009 CHAPTER 4

### PART 13

<sup>F1</sup>... EXPENDITURE ON RESEARCH AND DEVELOPMENT

### [<sup>F1</sup>CHAPTER 8

RESTRICTIONS ON RELIEF UNDER THIS PART

#### *Going concerns*

#### [<sup>F1</sup>1112C] Meaning of “going concern”

- (1) For the purposes of section 1112F, a company is a going concern if—
  - (a) its latest published accounts were prepared on a going concern basis, and
  - (b) nothing in those accounts indicates that they were prepared on that basis only because of an entitlement or expected entitlement to a credit or relief under this Part.
- (2) But a company is not a going concern if it is in administration or liquidation.
- (3) For the purposes of this section, a company is in administration if—
  - (a) it is in administration under Part 2 of the Insolvency Act 1986 or Part 3 of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)), or
  - (b) a corresponding situation under the law of a country or territory outside the United Kingdom exists in relation to the company.
- (4) For the purposes of this section, a company is in liquidation if—
  - (a) it is in liquidation within the meaning of section 247 of that Act or Article 6 of that Order, or
  - (b) a corresponding situation under the law of a country or territory outside the United Kingdom exists in relation to the company.

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**Changes to legislation:** Corporation Tax Act 2009, Section 1112G is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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(5) If—

- (a) a company transfers its trade and research and development to another company that is a member of the same group, and
- (b) only by reason of that transfer, the company's accounts for the period of account in which the transfer took place are not prepared on a going concern basis,

the accounts are to be treated for the purposes of this section as if they were prepared on a going concern basis.

(6) Section 436(2) of the Companies Act 2006 (meaning of “publication” of documents) has effect for the purposes of this section.]

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**Textual Amendments**

**F1** Pt. 13 Ch. 8 substituted (with effect in relation to accounting periods beginning on or after 1.4.2024) by Finance Act 2024 (c. 3), Sch. 1 paras. 8, 16 (with Sch. 1 para. 18); S.I. 2024/286, reg. 2

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 322(2A)(zb) inserted by [2016 c. 24 s. 73\(5\)](#)
- s. 1058B(5)(ea) inserted by [2023 c. 20 Sch. para. 57](#)
- s. 1094(2A)-(2C) inserted by [2012 c. 14 Sch. 3 para. 13\(3\)](#)
- s. 1106(4A)-(4C) inserted by [2012 c. 14 Sch. 3 para. 14\(3\)](#)