



Corporation Tax Act 2009

2009 CHAPTER 4

PART 3

TRADING INCOME

CHAPTER 2

INCOME TAXED AS TRADE PROFITS

Trading income and property income

45 Payments for wayleaves

(1) This section applies if—

- (a) a company (“the trader”) carries on a trade on some or all of the land to which a wayleave relates,
- (b) rent is receivable, or expenses are incurred, by the trader in respect of the wayleave, and
- (c) apart from any rent or expenses in respect of a wayleave, no other receipts or expenses in respect of any of the land are brought into account in calculating the profits of any property business of the trader.

(2) If—

- (a) the trader would otherwise be liable to tax under Chapter 8 of Part 4 in respect of the rent for the wayleave (rent receivable for UK electric-line wayleaves), or
- (b) expenses incurred by the trader in respect of the wayleave would otherwise be brought into account in calculating profits charged under that Chapter,

the trader may instead bring both the rent and the expenses into account in calculating the profits of the trade.

(3) If—

Status: Point in time view as at 28/02/2018.

Changes to legislation: Corporation Tax Act 2009, Section 45 is up to date with all changes known to be in force on or before 26 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)

- (a) rent for the wayleave would otherwise be brought into account in calculating the profits of a property business of the trader, or
- (b) expenses incurred by the trader in respect of the wayleave would otherwise be so brought into account,

the trader may instead bring both the rent and the expenses into account in calculating the profits of the trade.

- (4) In this section “rent” includes—
 - (a) a receipt mentioned in section 207(3), and
 - (b) any other receipt in the nature of rent.
- (5) In this section “wayleave” means an easement, servitude or right in or over land which is enjoyed in connection with—
 - (a) an electric, telegraph or telephone wire or cable,
 - (b) a pipe for the conveyance of any thing, or
 - (c) any apparatus used in connection with such a pipe.
- (6) The reference to the enjoyment of an easement, servitude or right in connection with an electric, telegraph or telephone wire or cable includes (in particular) its enjoyment in connection with—
 - (a) a pole or pylon supporting such a wire or cable, or
 - (b) apparatus used in connection with such a wire or cable.

Status:

Point in time view as at 28/02/2018.

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