



Corporation Tax Act 2009

2009 CHAPTER 4

PART 8

INTANGIBLE FIXED ASSETS

CHAPTER 11

TRANSFER OF BUSINESS OR TRADE

Tax-neutral transfers

820 Transfer of assets on European cross-border transfer of business

- (1) If the transfer of business includes intangible fixed assets that—
 - (a) are chargeable intangible assets in relation to the transferor immediately before the transfer, and
 - (b) are chargeable intangible assets in relation to the transferee immediately after the transfer,the transfer of those assets is tax-neutral for the purposes of this Part.
- (2) This section applies only if the transfer of the business or part meets the genuine commercial transaction requirement (see section 831).
- (3) This section does not apply if the transferor is a transparent entity.
- (4) In this section—
 - “the transfer of business” means the transfer of business mentioned in section 819(2)(a) or (3)(a), and
 - “transparent entity” means a company which is resident in a member State other than the United Kingdom and does not have an ordinary share capital.
- (5) For the purposes of subsection (4) an entity is resident in a member State if—

Status: This is the original version (as it was originally enacted).

- (a) it is within a charge to tax under the law of the State as being resident for that purpose, and
- (b) it is not regarded, for the purposes of any double taxation relief arrangements to which the State is a party, as resident in a territory not within a member State.