

Finance Act 2010

2010 CHAPTER 13

PART 1 U.K.

CHARGES, RATES ETC

Income tax

- 1 Charge, main rates, thresholds and allowances etc for 2010-11 U.K.

 - (1) Income tax is charged for the tax year 2010-11.
 - (2) For that tax year
 - the basic rate is 20%, (a)
 - the higher rate is 40%, and (b)
 - the additional rate is 50%. (c)
 - (3) The amounts specified in the following provisions of ITA 2007 are the same for the tax year 2010-11 as for the tax year 2009-10
 - sections 10(5) and 12(3) (basic rate limit and starting rate limit for savings), (a)
 - sections 35, 36(1), 37(1) and 38(1) (personal allowances and blind person's (b) allowance),
 - sections 43, 45(3)(a) and (b) and 46(3)(a) and (b) (tax reductions for married couples and civil partners), and
 - sections 36(2), 37(2), 45(4) and 46(4) (adjusted net income limit). (d)

Corporation tax

- 2 Charge and main rate for financial year 2011 U.K.
 - (1) Corporation tax is charged for the financial year 2011.
 - (2) For that year the rate of corporation tax is—
 - (a) [F126%] on profits of companies other than ring fence profits, and

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- (b) 30% on ring fence profits of companies.
- (3) In subsection (2) "ring fence profits" has the same meaning as in Part 8 of CTA 2010 (see section 276 of that Act).

Textual Amendments

F1 Word in s. 2(2)(a) substituted (1.4.2011) by Finance Act 2011 (c. 11), s. 4

3 Small profits rates and fractions for financial year 2010 U.K.

- (1) For the financial year 2010 the small profits rate is—
 - (a) 21% on profits of companies other than ring fence profits, and
 - (b) 19% on ring fence profits of companies.
- (2) For the purposes of Part 3 of CTA 2010, for that year—
 - (a) the standard fraction is 7/400ths, and
 - (b) the ring fence fraction is 11/400ths.
- (3) In subsection (1) "ring fence profits" has the same meaning as in Part 8 of CTA 2010 (see section 276 of that Act).

Capital gains tax

4 Increase in entrepreneurs' relief U.K.

- (1) In section 169N(3) of TCGA 1992 (limit on entrepreneurs' relief)—
 - (a) for "£1 million" (in both places) substitute "£2 million", and
 - (b) in paragraph (b), after "total of" insert " so much of " and insert at the end " as was subject to reduction under subsection (2)".
- (2) The amendments made by subsection (1) have effect in relation to qualifying business disposals occurring on or after 6 April 2010.

Capital allowances

5 Annual investment allowance U.K.

- (1) In section 51A(5) of CAA 2001 (entitlement to annual investment allowance: maximum allowance), for "£50,000" substitute "£100,000".
- (2) The amendment made by subsection (1) has effect in relation to expenditure incurred on or after the relevant date.
- (3) Subsections (4) and (5) apply in relation to a chargeable period ("the actual chargeable period") which—
 - (a) begins before the relevant date, and
 - (b) ends on or after that date.
- (4) The maximum allowance under section 51A of CAA 2001 for the actual chargeable period is the sum of each maximum allowance that would be found if—

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- (a) the period beginning with the first day of the chargeable period and ending with the day before the relevant date, and
- (b) the period beginning with the relevant date and ending with the last day of the chargeable period,

were treated as separate chargeable periods.

- (5) But, so far as concerns expenditure incurred before the relevant date, the maximum allowance under section 51A of that Act for the actual chargeable period is to be calculated as if the amendment made by subsection (1) had not been made.
- (6) In this section "the relevant date" means—
 - (a) for corporation tax purposes, 1 April 2010, and
 - (b) for income tax purposes, 6 April 2010.

Stamp duty land tax

6 Relief for first-time buyers U.K.

- (1) Part 4 of FA 2003 (stamp duty land tax) is amended as follows.
- (2) After section 57A insert—

"57AA First-time buyers

- (1) A land transaction is exempt from charge under section 55 if—
 - (a) it is a relevant acquisition of a major interest in land.
 - (b) the land consists entirely of residential property,
 - (c) the relevant consideration (see section 55) for the transaction (other than any consisting of rent) is more than £125,000 but not more than £250,000,
 - (d) the purchaser, or (if more than one) each of the purchasers, is a first-time buyer who intends to occupy the residential property as the purchaser's only or main residence, and
 - (e) (subject to subsection (4)) the transaction is not one of a number of linked transactions.
- (2) In this section "first-time buyer" means a person who—
 - (a) has not previously been a purchaser in relation to a relevant acquisition of a major interest in land which consisted of or included residential property,
 - (b) has not previously acquired an equivalent interest in such land under the law of a territory outside the United Kingdom,
 - (c) has not previously been, or been one of the persons who was, "the person" for the purposes of section 71A, 72, 72A or 73 in a case where the first transaction within the meaning of the section concerned was a relevant acquisition of a major interest in land which consisted of or included residential property, and
 - (d) would not have been such a person for those purposes in such a case if the provisions mentioned in paragraph (c) had been in force, and had had effect in the territory concerned, at all material times (subject, where required, to appropriate modifications).

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- (3) In this section "relevant acquisition of a major interest in land" means an acquisition of a major interest in land other than—
 - (a) the grant of a lease for a term of less than 21 years, or
 - (b) the assignment of a lease which has less than 21 years to run.
- (4) Subsection (1)(e) does not prevent a transaction being exempt from charge under section 55 if each of the linked transactions is one the subject-matter of which is land, or an interest in or right over land, which falls within section 116(1)(a), (b) or (c) by reason of its connection with the same building."
- (3) After section 73C insert—

"73CA Sections 71A to 73: first-time buyers

- (1) Where section 71A, 72, 72A or 73 applies, the first transaction within the meaning of the section concerned is exempt from charge under section 55 if—
 - (a) the transaction is a relevant acquisition of a major interest in land,
 - (b) the land consists entirely of residential property,
 - (c) the relevant consideration (see section 55) for the transaction (other than any consisting of rent) is more than £125,000 but not more than £250,000.
 - (d) the person (within the meaning of the section concerned), or (if more than one) each of them, is a first-time buyer who intends to occupy the residential property as the person's only or main residence, and
 - (e) (subject to subsection (3)) the transaction is not one of a number of linked transactions.
- (2) In subsection (1)—
 - "first-time buyer", and
 - "relevant acquisition of a major interest in land",

have the same meaning as in section 57AA.

- (3) Subsection (4) of section 57AA applies for the purposes of this section."
- (4) In section 110 (approval of regulations under general power), insert at the end—
 - "(6) This section does not apply to regulations containing only provision varying section 57AA or 73CA, or paragraph 15 of Schedule 9, which does not increase any person's liability to tax."
- (5) In Schedule 9 (right to buy, shared ownership leases etc), insert at the end—

"First-time buyers

- 15 (1) This paragraph applies where—
 - (a) a lease is granted as mentioned in sub-paragraph (1)(a) of paragraph 2 and the conditions in sub-paragraph (2) of that paragraph are met but no election is made for tax to be charged in accordance with that paragraph,
 - (b) a lease is granted as mentioned in sub-paragraph (1)(a) of paragraph 4 and the conditions in sub-paragraph (2) of that

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- paragraph are met but no election is made for tax to be charged in accordance with that paragraph,
- (c) paragraph 4A applies in relation to the acquisition of an interest (but the acquisition is not exempt from charge by virtue of subparagraph (2) of that paragraph),
- (d) a shared ownership trust is declared but no election is made for tax to be charged in accordance with paragraph 9, or
- (e) an equity-acquisition payment is made under a shared ownership trust (but the equity-acquisition payment, and the consequential increase in the purchaser's beneficial interest, are not exempt from charge by virtue of paragraph 10).
- (2) Neither section 57AA nor section 73CA applies in relation to—
 - (a) the acquisition of the lease,
 - (b) the acquisition of the interest,
 - (c) the declaration of the shared ownership trust, or
 - (d) the equity-acquisition payment and the consequential increase in the purchaser's beneficial interest."
- (6) The amendments made by this section have effect in relation to any land transaction of which the effective date is on or after 25 March 2010 but before 25 March 2012.

7 Rate in respect of residential property where consideration over £1m U.K.

(1) In section 55(2) of FA 2003 (amount of SDLT chargeable), in Table A (bands and percentages for residential property), for the final entry (cases where relevant consideration is more than £500,000 to be chargeable at 4%) substitute—

"More than £500,000 but not more than £1,000,000	4%
More than £1,000,000	5%"

- (2) The amendment made by subsection (1) has effect in relation to any land transaction of which the effective date is on or after 6 April 2011.
- (3) But that amendment does not have effect in relation to any transaction—
 - (a) effected in pursuance of a contract entered into and substantially performed before 25 March 2010, or
 - (b) effected in pursuance of a contract entered into before that date and not excluded by subsection (4).
- (4) A transaction effected in pursuance of a contract entered into before 25 March 2010 is excluded by this subsection if—
 - (a) there is any variation of the contract, or assignment (or assignation) of rights under the contract, on or after 25 March 2010,
 - (b) the transaction is effected in consequence of the exercise on or after that date of any option, right of pre-emption or similar right, or
 - (c) on or after that date there is an assignment (or assignation), subsale or other transaction relating to the whole or part of the subject-matter of the contract as a result of which a person other than the purchaser under the contract becomes entitled to call for a conveyance.

Status: Point in time view as at 01/04/2011.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2010, Part 1. (See end of Document for details)

Inheritance tax

8 Rate bands U.K.

- (1) The Table substituted in Schedule 1 to IHTA 1984 by section 155(1)(b) and (4) of FA 2006 (which provides for a rate of nil per cent on such portion of the value concerned as does not exceed £325,000 and a rate of 40 per cent on such portion as exceeds that amount) has effect in relation to chargeable transfers made on or after 6 April 2010.
- (2) Accordingly, omit—
 - (a) in IHTA 1984, the Table substituted in Schedule 1 in relation to chargeable transfers made on or after that date (which provided for a rate of nil per cent on such portion of the value concerned as does not exceed £350,000 and a rate of 40 per cent on such portion as exceeds that amount), and
 - (b) in FA 2007, section 4 (which substituted it).
- (3) Section 8 of IHTA 1984 (indexation) does not have effect by virtue of any difference between the retail prices index for the month of September in 2010, 2011, 2012 or 2013 and the previous September.

Alcohol and tobacco

9 Rates of alcoholic liquor duties U.K.

- (1) ALDA 1979 is amended as follows.
- (2) In section 5 (rate of duty on spirits), for "£22.64" substitute "£23.80".
- (3) In section 36(1AA)(a) (standard rate of duty on beer), for "£16.47" substitute "£17.32"
- (4) In section 62(1A) (rates of duty on cider)—
 - (a) in paragraph (a) (rate of duty per hectolitre in the case of sparkling cider of a strength exceeding 5.5 per cent), for "£207.20" substitute "£217.83",
 - (b) in paragraph (b) (rate of duty per hectolitre in the case of cider of a strength exceeding 7.5 per cent which is not sparkling cider), for "£47.77" substitute "£54.04", and
 - (c) in paragraph (c) (rate of duty per hectolitre in any other case), for "£31.83" substitute "£36.01".
- (5) In section 62(1A) (as amended by subsection (4))—
 - (a) in paragraph (b), for "£54.04" substitute "£50.22", and
 - (b) in paragraph (c), for "£36.01" substitute "£33.46".
- (6) For the table in Schedule 1 substitute—

"TABLE OF RATES OF DUTY ON WINE AND MADE-WINE

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2010, Part 1. (See end of Document for details)

PART 1 U.K.

WINE OR MADE-WINE OF A STRENGTH NOT EXCEEDING 22 PER CENT

Description of wine or made-wine	Rates of duty per hectolitre £
Wine or made-wine of a strength not exceeding 4 per cent	69.32
Wine or made-wine of a strength exceeding 4 per cent but not exceeding 5.5 per cent	95.33
Wine or made-wine of a strength exceeding 5.5 per cent but not exceeding 15 per cent and not being sparkling	225.00
Sparkling wine or sparkling made-wine of a strength exceeding 5.5 per cent but less than 8.5 per cent	217.83
Sparkling wine or sparkling made-wine of a strength of 8.5 per cent or of a strength exceeding 8.5 per cent but not exceeding 15 per cent	288.20
Wine or made-wine of a strength exceeding 15 per cent but not exceeding 22 per cent	299.97

PART 2 U.K.

WINE OR MADE-WINE OF A STRENGTH EXCEEDING 22 PER CENT

Description of wine or made-wine	Rates of duty per litre of alcohol in wine or made-wine £
Wine or made-wine of a strength exceeding 22 per cent	23.80".

- (7) The amendments made by subsections (2) to (4) and (6) are treated as having come into force on 29 March 2010.
- (8) The amendments made by subsection (5) come into force on 30 June 2010.

10 Rates of tobacco products duty U.K.

(1) For the table in Schedule 1 to TPDA 1979 substitute—

"TABLE

1.	Cigarettes	An amount equal to 24 per cent of the retail price plus £119.03 per thousand cigarettes
2.	Cigars	£180.28 per kilogram
3.	Hand-rolling tobacco	£129.59 per kilogram
	Other smoking tobacco and chewing acco	£79.26 per kilogram".

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(2) The amendment made by subsection (1) is treated as having come into force at 6 pm on 24 March 2010.

Vehicle excise duty

11 Rates for motorcycles U.K.

- (1) In paragraph 2(1) of Schedule 1 to VERA 1994 (annual rates of duty: motorcycles)—
 - (a) in paragraph (c) (motorbicycle which has engine with cylinder capacity exceeding 400cc but not exceeding 600cc), for "£48" substitute "£50", and
 - (b) in paragraph (d) (motorcycle not within any of paragraphs (a) to (c)), for "£66" substitute "£70".
- (2) The amendments made by subsection (1) have effect in relation to licences taken out on or after 1 April 2010.

Fuel duties

12 Fuel duties: rates and rebates from April 2010 U.K.

- (1) HODA 1979 is amended as follows.
- (2) In section 6(1A) (main rates)—
 - (a) in paragraph (a) (unleaded petrol), for "£0.5619" substitute "£0.5719",
 - (b) in paragraph (aa) (aviation gasoline), for "£0.3457" substitute "£0.3835",
 - (c) in paragraph (b) (light oil other than unleaded petrol or aviation gasoline), for "£0.6591" substitute " £0.6691 ", and
 - (d) in paragraph (c) (heavy oil), for "£0.5619" substitute "£0.5719".
- (3) In section 6AA(3) (rate of duty on biodiesel), for "shall be £0.3619 a litre" substitute " is the same as that in the case of heavy oil".
- (4) In section 6AB (rate of duty on bioblend)—
 - (a) in subsection (3), for the words after "is the" substitute " same as that in the case of heavy oil. ", and
 - (b) omit subsections (4) and (5).
- (5) In section 6AD(3) (rate of duty on bioethanol), for "shall be £0.3619 a litre." substitute " is the same as that in the case of unleaded petrol."
- (6) In section 6AE (rate of duty on blends of bioethanol and hydrocarbon oil)—
 - (a) in subsection (3), for the words after "bioethanol blend" substitute " is the same as that in the case of unleaded petrol.", and
 - (b) omit subsections (4) and (5).
- (7) In section 8(3) (road fuel gas)—
 - (a) in paragraph (a) (natural road fuel gas), for "£0.2216" substitute " £0.2360 ", and
 - (b) in paragraph (b) (other road fuel gas), for "£0.2767" substitute "£0.3053".
- (8) In section 11(1) (rebate on heavy oil)—

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- (a) in paragraph (a) (fuel oil), for "£0.1037" substitute "£0.1055", and
- (b) in paragraph (b) (gas oil), for "£0.1080" substitute "£0.1099".
- (9) In section 14(1) (rebate on light oil for use as furnace fuel), for "£0.1037" substitute "£0.1055".
- (10) In section 14A(2) (rebate on certain biodiesel), for "£0.1080" substitute "£0.1099".
- (11) The following are revoked—
 - (a) the Hydrocarbon Oil Duties (Hydrogenation of Biomass) (Reliefs) Regulations 2006 (S.I. 2006/3426),
 - (b) the Hydrocarbon Oil Duties (Sulphur-free Diesel) (Hydrogenation of Biomass) (Reliefs) (Amendment) Regulations 2007 (S.I. 2007/2406), and
 - (c) regulation 11 of the Hydrocarbon Oil, Biofuels and Other Fuel Substitutes (Determination of Composition of a Substance and Miscellaneous Amendments) Regulations 2008 (S.I. 2008/753).
- (12) The amendments made by this section are treated as having come into force on 1 April 2010.

Fuel duties: further changes in rates and rebates U.K.

- (1) HODA 1979 is amended as follows.
- (2) In section 6(1A) (main rates)—
 - (a) in paragraph (a) (unleaded petrol)—
 - (i) on 1 October 2010, for "£0.5719" substitute "£0.5819", and
 - (ii) on 1 January 2011, for "£0.5819" substitute "£0.5895",
 - (b) in paragraph (b) (light oil other than unleaded petrol or aviation gasoline)—
 - (i) on 1 October 2010, for "£0.6691" substitute "£0.6791", and
 - (ii) on 1 January 2011, for "£0.6791" substitute "£0.6867", and
 - (c) in paragraph (c) (heavy oil)—
 - (i) on 1 October 2010, for "£0.5719" substitute "£0.5819", and
 - (ii) on 1 January 2011, for "£0.5819" substitute "£0.5895".
- (3) In section 8(3) (road fuel gas)—
 - (a) in paragraph (a) (natural road fuel gas)—
 - (i) on 1 October 2010, for "£0.2360" substitute "£0.2505", and
 - (ii) on 1 January 2011, for "£0.2505" substitute "£0.2615", and
 - (b) in paragraph (b) (other road fuel gas)—
 - (i) on 1 October 2010, for "£0.3053" substitute "£0.3195", and
 - (ii) on 1 January 2011, for "£0.3195" substitute "£0.3304".
- (4) In section 11(1) (rebate on heavy oil)—
 - (a) in paragraph (a) (fuel oil)—
 - (i) on 1 October 2010, for "£0.1055" substitute "£0.1074", and
 - (ii) on 1 January 2011, for "£0.1074" substitute "£0.1088", and
 - (b) in paragraph (b) (gas oil)—
 - (i) on 1 October 2010, for "£0.1099" substitute "£0.1118", and
 - (ii) on 1 January 2011, for "£0.1118" substitute " £0.1133".

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2010, Part 1. (See end of Document for details)

- (5) In section 14(1) (rebate on light oil for use as furnace fuel)
 - (a) on 1 October 2010, for "£0.1055" substitute "£0.1074", and
 - (b) on 1 January 2011, for "£0.1074" substitute "£0.1088".
- (6) In section 14A(2) (rebate on certain biodiesel)—
 - (a) on 1 October 2010, for "£0.1099" substitute "£0.1118", and
 - (b) on 1 January 2011, for "£0.1118" substitute "£0.1133".

Other environmental taxes

14 Rates of air passenger duty U.K.

- (1) In section 30 of FA 1994 (air passenger duty: rates)—
 - (a) in subsection (2) (journeys ending in UK or Part 1 territory), for "£11" substitute "£12" and for "£22" substitute "£24",
 - (b) in subsection (3) (journeys ending in Part 2 territory), for "£45" substitute " £60" and for "£90" substitute " £120",
 - (c) in subsection (4) (journeys ending in Part 3 territory), for "£50" substitute "£75" and for "£100" substitute "£150", and
 - (d) in subsection (4A) (other journeys), for "£55" substitute " £85" and for "£110" substitute " £170".
- (2) The amendments made by subsection (1) have effect in relation to the carriage of passengers beginning on or after 1 November 2010.

15 Standard rate of landfill tax U.K.

- (1) In section 42(1) and (2) of FA 1996 (standard amount of landfill tax), for "£48" substitute "£56".
- (2) The amendments made by subsection (1) have effect in relation to disposals made (or treated as made) on or after 1 April 2011.

16 Rate of aggregates levy U.K.

F2

Textual Amendments

F2 S. 16 repealed (retrospective to 31.3.2011) by Finance Act 2011 (c. 11), s. 24

17 Rates of climate change levy U.K.

(1) In Schedule 6 to FA 2000 (climate change levy), for the table in paragraph 42(1) substitute—

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2010, Part 1. (See end of Document for details)

"TABLE

Taxable commodity supplied	Rate at which levy payable if supply is not a reduced-rate supply
Electricity	£0.00485 per kilowatt hour
Gas supplied by a gas utility or any gas supplied in a gaseous state that is of a kind supplied by a gas utility	£0.00169 per kilowatt hour
Any petroleum gas, or other gaseous hydrocarbon, supplied in a liquid state	£0.01083 per kilogram
Any other taxable commodity	£0.01321 per kilogram".

(2) The amendment made by subsection (1) has effect in relation to supplies treated as taking place on or after 1 April 2011.

18 Climate change levy: reduced-rate supplies U.K.

- (1) In Schedule 6 to FA 2000 (climate change levy), in paragraph 42(1)(c) (reduced-rate supplies), for "20 per cent." substitute "35 per cent.".
- (2) The amendment made by subsection (1) has effect in relation to supplies treated as taking place on or after 1 April 2011.

Gambling

19 Rate of bingo duty U.K.

- (1) In section 17(1)(b) of BGDA 1981 (bingo duty chargeable at 22 per cent of bingo promotion profits), for "22" substitute " 20".
- (2) The amendment made by subsection (1) has effect in relation to accounting periods beginning on or after 29 March 2010.

20 Rates of gaming duty U.K.

(1) In section 11(2) of FA 1997 (rates of gaming duty), for the table substitute—

"TABLE

Part of gross gaming yield	Rate
The first £1,975,000	15 per cent
The next £1,361,500	20 per cent
The next £2,385,000	30 per cent
The next £5,033,500	40 per cent
The remainder	50 per cent".

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2010, Part 1. (See end of Document for details)

(2) The amendment made by subsection (1) has effect in relation to accounting periods beginning on or after 1 April 2010.

21 Amusement machine licence duty U.K.

(1) In section 23(2) of BGDA 1981 (amount of duty payable on amusement machine licence), for the table substitute—

"TABLE

Months for which licence granted	Category A £	Category B1 £	Category B2 £	Category B3 £	Category B4 £	Category C £
1	520	265	210	210	190	85
2	1015	505	395	395	360	150
3	1520	760	605	605	545	225
4	2025	1015	800	800	725	300
5	2540	1270	1000	1000	900	375
6	3050	1520	1195	1195	1085	450
7	3555	1775	1395	1395	1265	520
8	4060	2025	1600	1600	1450	600
9	4570	2285	1800	1800	1630	675
10	5075	2540	1995	1995	1810	750
11	5580	2795	2195	2195	1990	820
12	5805	2905	2285	2285	2075	860".

(2) The amendment made by subsection (1) has effect in relation to cases where the application for the amusement machine licence is received by the Commissioners for Her Majesty's Revenue and Customs after 4 pm on 26 March 2010.

New taxes

22 Bank payroll tax U.K.

Schedule 1 contains provision for and in connection with bank payroll tax.

F³23 Pensions: high income excess relief charge U.K.

Textual Amendments

F3 S. 23 repealed (10.12.2010) by The Finance Act 2010, Section 23 and Schedule 2 (High Income Excess Relief Charge) (Repeal) Order 2010 (S.I. 2010/2938), arts. 1, 2

Status:

Point in time view as at 01/04/2011.

Changes to legislation:

There are currently no known outstanding effects for the Finance Act 2010, Part 1.