



Corporation Tax Act 2010

2010 CHAPTER 4

PART 19

SALE AND LEASE-BACK ETC

CHAPTER 1

PAYMENTS CONNECTED WITH TRANSFERRED LAND

Insurance company expenses: restriction and carrying forward of relief

839 Deduction^{F1} ... not to exceed commercial rent

- (1) Subsection (3) applies to the calculation of [^{F2}the amount to be taken into account as mentioned in section 835(2)(c) or 836(2)(c) in respect of] the non-excluded element of the payment within section 835(2) or 836(2).
- (2) For the purposes of this section the non-excluded element of a payment is the element of the payment not excluded under section 843 (service charges etc).
- (3) [^{F3}The amount of the payment to be taken into account] must not exceed the commercial rent for the period for which the payment is made (see section 844 or 845).

Textual Amendments

- F1** Words in s. 839 heading omitted (17.7.2012) by virtue of [Finance Act 2012 \(c. 14\)](#), [Sch. 16 para. 226\(4\)](#)
- F2** Words in s. 839(1) substituted (17.7.2012) by [Finance Act 2012 \(c. 14\)](#), [Sch. 16 para. 226\(2\)](#)
- F3** Words in s. 839(3) substituted (17.7.2012) by [Finance Act 2012 \(c. 14\)](#), [Sch. 16 para. 226\(3\)](#)

Status: Point in time view as at 17/07/2012.

Changes to legislation: Corporation Tax Act 2010, Cross Heading: Insurance company expenses: restriction and carrying forward of relief is up to date with all changes known to be in force on or before 24 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)

840 Carrying forward parts of payments

- (1) This section applies if—
 - (a) section 839 has effect, and
 - (b) conditions A and B are met.
- (2) Condition A is that under section 839 part of a payment which would otherwise be [^{F4}taken into account as mentioned in section 835(2)(c) or 836(2)(c) is not taken into account].
- (3) Condition B is that one or more later payments are made, by the transferor or a person associated with the transferor, under—
 - (a) the lease (if section 839 has effect because of section 835(2)), or
 - (b) the rentcharge or other transaction mentioned in section 836(2)(b) (if section 839 has effect because of section 836(2)).
- (4) The part of the payment mentioned in subsection (2) may be carried forward and treated for the purposes of [^{F5}the calculation at step 1 of section 76 of FA 2012] as if it were made—
 - (a) when the next of the later payments is made, and
 - (b) for the period for which that later payment is made.
- (5) So far as a part of a payment carried forward under this section is not [^{F6}taken into account in the calculation at step 1 of section 76 of FA 2012], it may be carried forward again under this section.

Textual Amendments

- F4** Words in s. 840(2) substituted (17.7.2012) by [Finance Act 2012 \(c. 14\), Sch. 16 para. 227\(2\)](#)
- F5** Words in s. 840(4) substituted (17.7.2012) by [Finance Act 2012 \(c. 14\), Sch. 16 para. 227\(3\)](#)
- F6** Words in s. 840(5) substituted (17.7.2012) by [Finance Act 2012 \(c. 14\), Sch. 16 para. 227\(4\)](#)

841 Aggregation and apportionment of payments

- (1) This section applies for the purposes of section 839.
- (2) If more than one payment is made for the same period the payments must be taken together.
- (3) If payments are made for periods which overlap—
 - (a) the payments must be apportioned, and
 - (b) the apportioned payments which belong to the common part of the overlapping periods must be taken together.
- (4) References in subsections (2) and (3) to payments include references to parts of payments which under section 840 are treated as if made later than they were made.

842 Payments made for later periods

- (1) This section applies for the purposes of sections 839 to 841.
- (2) For the purposes of this section the relevant year, in relation to a payment, is the year which begins with the date it is made.

Status: Point in time view as at 17/07/2012.

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- (3) If a payment is made for a period all of which is after the relevant year, it must be treated as made for the relevant year.
- (4) If a payment is made for a period part of which is after the relevant year, it must be treated as if a corresponding part of it was made for the relevant year (and no part for a later period).

Status:

Point in time view as at 17/07/2012.

Changes to legislation:

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