

*These notes refer to the Taxation (International and Other Provisions)
Act 2010 (c.8) which received Royal Assent on 18 March 2010*

TAXATION (INTERNATIONAL AND OTHER PROVISIONS) ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5: Advance pricing agreements

Section 220: Effect of agreement on party to it

438. This section provides that matters covered by an APA are to be determined under the agreement without reference to the usual means of determining such questions. In the case of transfer pricing matters, although reference to Part 4 may be excluded, an APA cannot exclude reference to other statutory provisions. The section is based on section 85(1), (3), (4) and (8) of FA 1999.
439. The opening words of section 85(3) of FA 1999 make section 85 subject to the following provisions of the section and to section 86. This is regarded, in fact, as referring to the remainder of section 85(3) and to sections 85(4) and 86(2) only and *subsection (3)* is drafted accordingly.
440. *Subsection (5)* rewrites, from section 85(4)(b), “a question falling within another paragraph of that subsection”. “That subsection” is section 85(2) which is rewritten in section 218(2). These words are rewritten as “a question that relates to a matter within another paragraph of section 218(2)” since section 85(2) (and section 218) lists “matters” rather than “questions”.