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# Finance Act 2011

## CHAPTER 11

### FINANCE ACT 2011

#### PART 1

##### CHARGES, RATES, ALLOWANCES ETC

###### *Income tax*

- 1 Charge and main rates for 2011-12
- 2 Basic rate limit for 2011-12
- 3 Personal allowance for 2011-12 for those aged under 65

###### *Corporation tax*

- 4 Main rate for financial year 2011
- 5 Charge and main rate for financial year 2012
- 6 Small profits rate and fractions for financial year 2011
- 7 Increase in rate of supplementary charge

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- 8 Annual exempt amount
- 9 Entrepreneurs' relief

###### *Capital allowances*

- 10 Plant and machinery writing-down allowances
- 11 Annual investment allowance
- 12 Short-life assets

###### *Alcohol duties*

- 13 Rates of alcoholic liquor duties

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- 14 General beer duty: reduced rate for lower strength beer
- 15 New high strength beer duty

*Tobacco duties*

- 16 Rates of tobacco products duty

*Gambling duties*

- 17 Rates of gaming duty
- 18 Amusement machine licence duty

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- 19 Fuel duties: rates of duty and rebates from 23 March 2011
- 20 Fuel duties: rates of duty and rebates from 1 January 2012

*Vehicle excise duty*

- 21 VED rates for light passenger vehicles, light goods vehicles, motorcycles etc
- 22 VED rates for certain goods vehicles without road-friendly suspension

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- 24 Rate of aggregates levy
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- 42 Enterprise investment scheme: amount of relief
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SCHEDULE 1 — New high strength beer duty

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### *High strength beer duty*

- 1 In Part 3 of ALDA 1979 (beer), after section 36H...

#### *Consequential amendments in ALDA 1979*

- 2 ALDA 1979 is amended as follows.
- 3 In section 4 (interpretation), in subsection (1) insert at the...
- 4 (1) Section 36 (beer: charge of excise duty) is amended...
- 5 In section 36B (interpretation of provisions relating to small brewery...
- 6 (1) Section 36D (rate of duty for small brewery beer...
- 7 (1) Section 36F (rate of duty for small brewery beer...
- 8 (1) Section 36G (assessments where incorrectly low rate of duty...
- 9 In section 36H (power to vary reduced rate provisions), in...
- 10 In section 41 (exemption from duty of beer produced for...
- 11 In section 49 (beer regulations), in subsection (1)—
- 12 In section 49A (drawback allowable to registered brewer), in subsection...

## SCHEDULE 2 — Employment income provided through third parties

### *Main provision*

- 1 After Part 7 of ITEPA 2003 insert— Part 7A Employment...

#### *Other amendments to ITEPA 2003*

- 2 ITEPA 2003 is amended as follows.
- 3 In section 1(1)(a) (overview of contents of Act) for “7”...
- 4 (1) Amend section 3 (structure of employment income Parts) as...
- 5 For the “or” after section 7(6)(b) (meaning of “specific employment...
- 6 (1) Amend section 10 (provision relating to “taxable specific income”)...
- 7 (1) Amend section 13 (person liable for tax) as follows....
- 8 After section 63(4) (the benefits code) insert—
- 9 Under Step 1 in section 218(1) (exclusion of lower-paid employments...
- 10 In section 222(1)(a) and (3) (payments treated as earnings: payments...
- 11 After section 227(4) (scope of exemptions to income tax under...
- 12 (1) Amend section 271 (income tax exemptions: removal benefits and...
- 13 (1) Amend section 287 (income tax exemptions: limit on exemption...
- 14 (1) Amend section 394 (employer-financed retirement benefits: charge on benefit...
- 15 After section 428(6) (restricted employment-related securities: amount of charge) insert—...
- 16 In section 431(3) (restricted employment-related securities: election for disapplication of...
- 17 In section 437(1)(a) (convertible employment-related securities: market value) after “option”...
- 18 After section 441(9) (convertible employment-related securities: amount of gain realised)...
- 19 In section 446B(4) (employment-related securities with artificially depressed market value:...
- 20 After section 446C(4) (employment-related securities with artificially depressed market value:...
- 21 After section 446S(3) (employment-related securities acquired for less than market...

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- 22 In section 446T(3) (employment-related securities acquired for less than market...)
- 23 In section 446V (employment-related securities acquired for less than market...)
- 24 In section 452(2) (shares in research institution spin-out companies: market...)
- 25 In section 480(5) (employment-related securities options: deductible amounts)—
- 26 In section 567(5) (pension income: amount charged to tax) before...
- 27 After section 567 insert— Cases in which Part 7A has...
- 28 After section 687(4) (PAYE: payments by intermediary) insert—
- 29 After section 687 insert— Payment of employment income under Part...
- 30 (1) Amend section 689 (PAYE: employee of non-UK employer) as...
- 31 Before section 696 insert— Employment income under Part 7A (1) This section applies if— (a) the value of a...
- 32 After section 696(2) (PAYE: readily convertible assets) insert—
- 33 In section 710(2)(a) (PAYE: accounting for tax on notional payments)...
- 34 (1) Amend section 716A (priority rule in relation to certain...

#### *Amendments to ITTOIA 2005*

- 35 ITTOIA 2005 is amended as follows.
- 36 (1) Amend section 39 (employee benefit contributions: meaning of “employee...)
- 37 (1) Amend section 40 (employee benefit contributions: provision of qualifying...)
- 38 (1) Amend section 41 (employee benefit contributions: timing of qualifying...)
- 39 In section 44(1) (employee benefit contributions: interpretation)—

#### *Amendments to ITA 2007*

- 40 ITA 2007 is amended as follows.
- 41 After section 809F(5) (remittance basis: effect) insert—
- 42 After section 809K(1)(c) (remittance basis: application of sections 809L to...)
- 43 For section 809Z7(4) (remittance basis: meaning of “foreign specific employment...)

#### *Amendments to CTA 2009*

- 44 CTA 2009 is amended as follows.
- 45 (1) Amend section 1291 (employee benefit contributions: meaning of “employee...)
- 46 (1) Amend section 1292 (employee benefit contributions: provision of qualifying...)
- 47 (1) Amend section 1293 (employee benefit contributions: timing of qualifying...)
- 48 In section 1296(1) (employee benefit contributions: interpretation)—

#### *Other amendments*

- 49 (1) TCGA 1992 is amended as follows.
- 50 In the following provisions, in the definition of “the employment...)
- 51 In Schedule 34 to FA 2004 (non-UK pension schemes) after...

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*Commencement and transitional provision relating to Part 7A of ITEPA 2003*

- 52 (1) Part 7A of ITEPA 2003 (as inserted by paragraph...
- 53 (1) This paragraph applies if— (a) on or after 9...
- 54 (1) This paragraph applies if— (a) on or after 9...
- 55 (1) For the purpose of determining whether Chapter 2 of...
- 56 (1) This paragraph applies for the purposes of section 554Q...
- 57 (1) This paragraph applies for the purposes of section 554R...
- 58 (1) This paragraph applies if— (a) B takes a step...
- 59 (1) This paragraph applies if— (a) a relevant step within...

*Other commencement provision*

- 60 The amendments made by paragraph 14 of this Schedule, so...
- 61 The amendments made by paragraphs 36, 39(a), 45 and 48(a)...
- 62 The amendments made by paragraphs 37(2), 39(b), 46(2) and 48(b)...
- 63 The amendments made by paragraphs 38(2) and 47(2) of this...

*Power to make provision dealing with interactions etc*

- 64 Employment income provided through third parties

SCHEDULE 3 — Tainted charity donations

Part 1 — INCOME TAX

- 1 In Part 13 of ITA 2007 (tax avoidance), after Chapter...

Part 2 — CORPORATION TAX

- 2 After Part 21B of CTA 2010 (inserted by Schedule 5...

Part 3 — CAPITAL GAINS TAX

- 3 After section 257 of TCGA 1992 insert— Tainted charity donations...

Part 4 — CONSEQUENTIAL AMENDMENTS

*Capital Allowances Act 2001*

- 4 In section 63 of CAA 2001 (cases in which disposal...

*Income Tax (Employment and Pensions) Act 2003*

- 5 In section 713 of ITEPA 2003 (donations to charity: payroll...

*Income Tax (Trading and Other Income) Act 2005*

- 6 In section 108 of ITTOIA 2005 (gifts of trading stock...

*Income Tax Act 2007*

- 7 ITA 2007 is amended as follows.
- 8 In section 30 (calculation of income tax liability: additional tax)—...
- 9 In section 58 (meaning of “adjusted net income), at the...
- 10 In section 413 (gift aid: overview of Chapter), after subsection...
- 11 In section 431 (gifts of shares, securities and real property...
- 12 In section 543 (meaning of “non-charitable expenditure”), omit subsection (1)(g)...
- 13 Sections 549 to 557 (substantial donor transactions) are repealed.
- 14 In Schedule 2 (transitionals and savings), omit paragraphs 105 and...
- 15 In Schedule 4 (index of defined expressions), at the appropriate...

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*Housing and Regeneration Act 2008*

- 16 In Schedule 9 (amendment of enactments: Part 1), omit paragraph...

*Corporation Tax Act 2009*

- 17 In section 105 of CTA 2009 (gifts of trading stock...  
18 In Schedule 1 (minor and consequential amendments), omit paragraphs 703...

*Corporation Tax Act 2010*

- 19 CTA 2010 is amended as follows.  
20 In section 1 (overview of Act), in subsection (4)—  
21 In section 189 (relief for qualifying charitable donations), in subsection...  
22 In section 496 (meaning of “non-charitable expenditure”), omit subsection (1)(e)...  
23 Sections 502 to 510 (substantial donor transactions) are repealed.  
24 In Schedule 1 (minor and consequential amendments), omit paragraphs 532...  
25 In Schedule 2 (transitionals and savings etc), omit paragraphs 73...  
26 In Schedule 4 (index of defined expressions), at the appropriate...  
Part 5 — COMMENCEMENT AND TRANSITIONAL PROVISION

*Commencement*

- 27 (1) Subject to sub-paragraph (2), the amendments made by this...

*Treatment of existing arrangements*

- 28 In the amendments made by Parts 1 and 2 of...

*Treatment of substantial donor transactions*

- 29 (1) For the purposes of section 549(2) of ITA 2007...  
30 (1) For the purposes of section 502(2) of CTA 2010...

*Housing (Scotland) Act 2010 (asp 17)*

- 31 Until such time as section 20 of the Housing (Scotland)...

SCHEDULE 4 — Amounts not fully recognised for accounting purposes

*Loan relationships*

- 1 Part 5 of CTA 2009 (loan relationships) is amended as...  
2 (1) Section 311 (amounts not fully recognised for accounting purposes)...  
3 (1) Section 312 (determination of credits and debits where amounts...  
4 In section 440 (overview of Chapter 15), in subsection (2),...  
5 After section 455 insert— Derecognition Debts arising from derecognition of...  
6 In section 464 (priority of Part for corporation tax purposes),...



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### *Derivative contracts*

- 7 Part 7 of CTA 2009 (derivative contracts) is amended as...
- 8 (1) Section 599A (amounts not fully recognised for accounting purposes)...
- 9 (1) Section 599B (determination of credits and debits where amounts...
- 10 In section 689 (overview of Chapter 11), in subsection (2),...
- 11 After section 698 insert— Derecognition Debits arising from derecognition of...

### *Consequential repeals*

- 12 In consequence of the amendments made by this Schedule, omit—...

### *Commencement*

- 13 (1) The amendments made by this Schedule have effect in...

## SCHEDULE 5 — Group mismatch schemes

### *Insertion of new Part 21B of CTA 2010 and consequential amendments*

- 1 In section 1(4) of CTA 2010 (overview of Act), omit...
- 2 After Part 21A of that Act insert— Part 21B Group...
- 3 (1) Sections 938 to 940 of that Act are renumbered...
- 4 (1) Schedule 4 to that Act (index of defined expressions)...
- 5 (1) In section 147(6) of TIOPA 2010 (transfer pricing: basic...

### *Commencement of new Part 21B of CTA 2010 and consequential amendments*

- 6 (1) The amendments made by paragraphs 1, 2 and 5...

### *Repeal of sections 418 to 419 of CTA 2009*

- 7 (1) Omit sections 418 to 419 of CTA 2009 (loan...

### *Repeal of section 453 of CTA 2009*

- 8 (1) Omit section 453 of CTA 2009 (connected parties deriving...

## SCHEDULE 6 — Leasing businesses

### *Businesses carried on by companies alone*

- 1 Chapter 3 of Part 9 of CTA 2010 (sale of...
- 2 (1) Section 387 (“business of leasing plant or machinery”) is...
- 3 In section 389 (provision supplementing section 388), in subsection (5) (b),...
- 4 In section 390 (relevant plant or machinery value where relevant...
- 5 In section 391 (relevant company's income for condition B in...
- 6 (1) Section 398G (transfers into and out of A) is...
- 7 In section 401 (provisions supplementing section 400), in subsection (5) (b),...
- 8 In section 402 (“PM” where relevant company lessee under long...
- 9 (1) Section 403 (“TWDV” in section 399) is amended as...

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*Businesses carried on by companies in partnership*

- 10 Chapter 4 of Part 9 of CTA 2010 (sale of...
- 11 (1) Section 410 (“business of leasing plant or machinery”) is...
- 12 In section 412 (provision supplementing section 411), in subsection (5)  
(b),...
- 13 In section 413 (relevant plant or machinery value where partnership...
- 14 In section 414 (partnership's income for condition B in section...
- 15 (1) Section 421 (the amount of the income: the basic...

*Anti-avoidance provisions*

- 16 Chapter 5 of Part 9 of CTA 2010 (sales of...
- 17 (1) Section 434 (introduction to sections 435 and 436) is...
- 18 (1) Section 435 (disregard of increases or decreases in balance...
- 19 In section 436 (balance sheet amounts determined on assumption  
company...

*General interpretation of sales of lessors Chapters*

- 20 Chapter 6 of Part 9 of CTA 2010 (sales of...
- 21 In section 437, omit subsection (9) (definition of “market value”)...
- 22 After that section insert— Determining the ascribed value of plant...

*Consequential amendments*

- 23 In section 267A of CAA 2001 (restriction on effect of...
- 24 In section 948 of CTA 2010 (modified application of CAA...
- 25 (1) Section 950 of CTA 2010 (transfers of trades involving...
- 26 (1) In Schedule 4 to CTA 2010 (index of defined...

*Application of new provisions*

- 27 (1) The amendments made by paragraphs 2 to 5 and...

SCHEDULE 7 — Investment companies

*Amendments of Chapter 4 of Part 2 of CTA 2010*

- 1 (1) Section 6 of CTA 2010 (UK resident company operating...
- 2 (1) Section 7 of that Act (UK resident company operating...
- 3 After section 9 of that Act insert— Designated currency of...
- 4 In section 17 of that Act (interpretation of Chapter 4...

*Amendments of ICTA*

- 5 In Schedule 24 to ICTA (assumptions for calculating chargeable  
profits,...

*Amendments of CTA 2009*

- 6 (1) Section 328 of CTA 2009 (loan relationships: exchange gains...
- 7 (1) Section 606 of that Act (derivative contracts: exchange gains...

*Commencement*

- 8 (1) The amendments made by this Schedule have effect in...

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## SCHEDULE 8 — Reduction in childcare relief for higher earners

### *Introduction*

- 1 ITEPA 2003 is amended as follows.

### *Childcare vouchers*

- 2 (1) Section 270A (limited exemption for qualifying childcare vouchers) is...
- 3 After section 270A insert— Meaning of “relevant earnings amount” and...

### *Childcare provided otherwise than at employer's premises etc*

- 4 (1) Section 318A (limited exemption for childcare provided otherwise than...
- 5 After section 318A insert— Meaning of “relevant earnings amount” and...
- 6 In subsection (1) of section 318D (childcare: power to vary...

### *Commencement and transitional provision*

- 7 The amendments made by this Schedule have effect for the...
- 8 (1) But the amendments made by paragraphs 2(2) to (5)...
- 9 Regulations made under section 270B(3)(b) or (4) of ITEPA 2003...
- 10 The amendments made by paragraphs 2(6) and 6 do not...

## SCHEDULE 9 — Value shifting

### *Amendments of TCGA 1992*

- 1 In section 30 of TCGA 1992 (tax-free benefits)—
- 2 For sections 31 to 34 of TCGA 1992 (which make...
- 3 In section 176 of TCGA 1992 (depreciatory transactions within a...
- 4 In section 179 of TCGA 1992 (company ceasing to be...

### *Consequential repeals*

- 5 The following provisions are repealed— (a) in Schedule 20 to...

### *Commencement and transitionals*

- 6 (1) The amendments made by paragraphs 1 to 3 and...

## SCHEDULE 10 — Company ceasing to be member of group

### *Degrouping*

- 1 In section 139 of TCGA 1992 (reconstruction involving transfer of...
- 2 In section 171A of TCGA 1992 (election to reallocate gain...
- 3 (1) Section 179 of TCGA 1992 (company ceasing to be...
- 4 After section 179 of TCGA 1992 insert— Claim for adjustment...
- 5 In TCGA 1992, the following provisions are repealed—

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*Substantial shareholding exemption*

- 6 (1) Schedule 7AC to TCGA 1992 (exemptions for disposals by...

*Intangible fixed assets: degrouping*

- 7 (1) Part 8 of CTA 2009 (intangible fixed assets) is...

*Consequential repeals*

- 8 In consequence of the repeals made by paragraph 5, the...

*Commencement*

- 9 (1) The amendments made by paragraphs 1 to 5 and...

SCHEDULE 11 — Pre-entry losses

*TCGA 1992*

- 1 In section 177A of TCGA 1992 (restriction on set-off of...  
2 Schedule 7A to that Act (restriction on set-off of pre-entry...  
3 (1) Paragraph 1 (application and construction of Schedule) is amended...  
4 Omit paragraphs 2 to 5 (determination of pre-entry proportion of...  
5 (1) Paragraph 6 (restrictions on the deduction of pre-entry losses)...  
6 (1) Paragraph 7 (gains from which pre-entry losses are to...  
7 (1) Paragraph 8 (change of a company's nature) is amended...  
8 Omit paragraph 9 (identification of “the relevant group” and  
application...  
9 In paragraph 11 (continuity provisions), omit sub-paragraph (3)(b) (and  
the...

*Consequential repeals*

- 10 Omit the following provisions (which relate to the provisions repealed...

*Commencement*

- 11 (1) The amendments made by this Part of this Schedule...

*Transitional provision*

- 12 (1) Sub-paragraph (2) applies where, immediately before  
commencement, Schedule 7A...

SCHEDULE 12 — Controlled foreign companies

Part 1 — EXEMPTIONS FOR COMPANIES WITH LIMITED UK CONNECTION

- 1 (1) Section 748 of ICTA (cases where apportionment of chargeable...  
2 After section 751AA of that Act insert— Reduction in chargeable...  
3 In Schedule 25 to that Act (cases where section 747(3)...

Part 2 — AMENDMENT OF SMALL CHARGEABLE PROFITS EXEMPTION

- 4 (1) Section 748 of ICTA (cases where apportionment of chargeable...  
5 After that section insert— Exclusion of small profits exemptions (1)  
Nothing in section 748(1)(da) prevents an apportionment falling to...

Part 3 — TEMPORARY EXEMPTION FOLLOWING REORGANISATION ETC

- 6 (1) Section 748 of ICTA (cases where section 747(3) does...  
7 After section 751AB of that Act (inserted by paragraph 2...

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- 8 In Schedule 25 to that Act (cases where section 747(3)...  
Part 4 — HOLDING COMPANIES: EXTENSION OF TRANSITIONAL PROVISION
- 9 (1) Part 2 of Schedule 16 to FA 2009 (controlled...  
Part 5 — MINOR AND CONSEQUENTIAL AMENDMENTS
- 10 In the following provisions of ICTA, for “or 751AA” substitute...  
11 In section 751A of that Act (reduction in chargeable profits...  
12 (1) Section 751B of that Act (sections 751A and 751AA:...  
13 Omit the following provisions— (a) in Schedule 17 to FA...  
Part 6 — COMMENCEMENT AND TRANSITIONAL PROVISION
- 14 (1) The amendments made by paragraph 9 are treated as...

#### SCHEDULE 13 — Profits of foreign permanent establishments etc

##### Part 1 — AMENDMENTS OF CTA 2009

- 1 CTA 2009 is amended as follows.  
2 In section 1(1)(c) (overview of Act), for “Chapter 4” substitute...  
3 In section 5(1) (territorial scope), insert at the end “...  
4 After section 18 insert— CHAPTER 3A UK RESIDENT  
COMPANIES: PROFITS...  
5 In section 775(4) (intangible fixed assets: cases where transfers within...  
6 In section 803(b) (assets held for non-taxable activities excluded from...  
7 In section 845(4) (exceptions to rule that transfer between company...  
8 After section 848 insert— Assets held for purposes of exempt...  
9 In section 1007(2)(b) (relief if employee etc acquires shares), insert...  
10 In section 1015(2)(b) (relief if employee etc obtains share option),...  
11 In Schedule 4 to that Act (index of defined expressions),...

##### Part 2 — AMENDMENTS OF OTHER ACTS

#### *ICTA*

- 12 In paragraph 4(1) of Schedule 24 to ICTA (assumptions for...

#### *TCGA 1992*

- 13 In TCGA 1992, after section 276 insert— No gain/no loss:...

#### *CAA 2001*

- 14 CAA 2001 is amended as follows.  
15 In section 15 (plant and machinery allowances: qualifying activities),  
after...  
16 In the Table in section 61 (disposal events and disposal...  
17 After section 62 insert— Cases in which disposal value is...

#### *ITA 2007*

- 18 ITA 2007 is amended as follows.  
19 In section 879(1) (interest paid on advances from banks), insert...  
20 (1) Section 918 (manufactured dividends on UK shares: REITs) is...  
21 In section 919 (manufactured interest on UK securities: payments by...  
22 (1) Section 920 (foreign payers of manufactured interest: the reverse...  
23 In section 922 (manufactured overseas dividends: payments by UK  
residents...  
24 (1) Section 923 (foreign payers of manufactured overseas dividends:  
the...

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### *TIOPA 2010*

- 25 TIOPA 2010 is amended as follows.  
 26 In section 18 (entitlement to credit for foreign tax reduces...  
 27 For section 43 substitute— Profits attributable to permanent  
 establishments for...  
 28 (1) Section 78 (meaning of “overseas permanent establishment”) is  
 amended...  
 29 In section 263 (tax treatment of financing costs and income:...  
 30 After section 317 insert— Companies with permanent establishments  
 profits election...  
 Part 3 — COMMENCEMENT AND TRANSITIONAL PROVISION

#### *Commencement*

- 31 The amendments made by this Schedule come into force on...

#### *Condition B of motive test*

- 32 (1) This paragraph applies in relation to a company carrying...  
 33 (1) This paragraph applies in relation to a company (“company...”

#### *Large pre-commencement losses*

- 34 (1) This paragraph applies if— (a) there is a relevant...  
 35 (1) This paragraph applies if— (a) section 18O of CTA...

#### *Section 62A of CAA 2001*

- 36 For the purposes of section 62A of CAA 2001 (as...

#### *Section 43(8) of TIOPA 2010: free assets*

- 37 Until provision made under subsection (8) of section 43 of...

### SCHEDULE 14 — Furnished holiday lettings Part 1 — INCOME TAX

#### *FA 2004*

- 1 (1) In FA 2004, section 189 (relevant UK individual) is...

#### *ITTOIA 2005*

- 2 (1) ITTOIA 2005 is amended as follows.

#### *ITA 2007*

- 3 (1) ITA 2007 is amended as follows.

#### *Commencement*

- 4 Subject to paragraphs 5 and 6, this Part has effect...  
 5 Paragraph 2(3) and (4)(a) have effect in relation to the...  
 6 Paragraph 2(5) has effect where the tax year mentioned in...  
 Part 2 — CORPORATION TAX

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*CTA 2009*

- 7 (1) CTA 2009 is amended as follows.

*CTA 2010*

- 8 (1) CTA 2010 is amended as follows.

*Commencement*

- 9 Subject to paragraphs 10 and 11, this Part has effect...  
10 Paragraph 7(3) and (4)(a) have effect in relation to accounting...  
11 Paragraph 7(5) has effect where the accounting period mentioned in...  
Part 3 — CAPITAL ALLOWANCES

*CAA 2001*

- 12 (1) CAA 2001 is amended as follows.

*Commencement*

- 13 This Part has effect— (a) for corporation tax purposes, in...  
Part 4 — CHARGEABLE GAINS

*TCGA 1992*

- 14 (1) TCGA 1992 is amended as follows.

*Commencement etc*

- 15 Subject to paragraph 16, this Part has effect—  
16 Section 241A of TCGA 1992, so far as it applies...  
17 (1) In relation to disposals within paragraph 15 and claims...

SCHEDULE 15 — Chargeable gains: oil activities

Part 1 — LICENCE SWAPS

- 1 In section 195A of TCGA 1992 (oil licence swaps), in...  
2 After section 195E of that Act (company that gives mixed...  
3 (1) Section 196 of that Act (interpretation of sections 194...  
4 The amendments made by this Part of this Schedule have...

Part 2 — REINVESTMENT OF RING FENCE ASSETS

- 5 After section 198H of TCGA 1992 (acquisition by member of...  
6 The amendment made by this Part of this Schedule has...

SCHEDULE 16 — Benefits under pension schemes

Part 1 — CHANGES TO BENEFITS AVAILABLE UNDER PENSION SCHEMES  
ETC

*Unsecured and alternatively secured pension to be replaced by drawdown pension*

- 1 (1) In Part 4 of FA 2004 (pension schemes etc),...

*Meaning of “drawdown pension”*

- 2 Part 1 of Schedule 28 to FA 2004 (pension rules)...  
3 (1) In paragraph 4 (meaning of “unsecured pension”), for “...  
4 In paragraph 6 (short-term annuity), in sub-paragraph (1)—

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- 5 For paragraph 7 (meaning of “income withdrawal”) substitute— Income withdrawal” means an amount (other than an annuity) which...

*Member's drawdown pension fund*

- 6 (1) In Part 1 of Schedule 28 to FA 2004,...

*Drawdown pension year and basis amount for drawdown pension year*

- 7 (1) In Part 1 of Schedule 28 to FA 2004,...
- 8 (1) Paragraph 10 of that Schedule (basis amount) is amended...
- 9 After paragraph 10 of that Schedule insert— (1) This paragraph applies in relation to drawdown pension years...

*Flexible drawdown: minimum income requirement etc*

- 10 Benefits under pension schemes

*Dependants' drawdown pension*

- 11 (1) In Part 4 of FA 2004, section 167 (pension...

*Meaning of “dependants' drawdown pension”*

- 12 Part 2 of Schedule 28 to FA 2004 (pension death...
- 13 (1) In paragraph 18 (meaning of “dependants' unsecured pension”), for...
- 14 In paragraph 20 (dependants' short-term annuity), in sub-paragraph (1) —
- 15 For paragraph 21 (meaning of “dependants' income withdrawal”) substitute— Dependants' income withdrawal” means an amount (other than an annuity)...

*Dependant's drawdown pension fund*

- 16 (1) In Part 2 of Schedule 28 to FA 2004,...

*Drawdown pension year and basis amount for drawdown pension year*

- 17 (1) In Part 2 of Schedule 28 to FA 2004,...
- 18 (1) Paragraph 24 of that Schedule (basis amount) is amended...
- 19 After paragraph 24 of that Schedule insert— (1) This paragraph applies in relation to drawdown pension years...

*Flexible drawdown: minimum income requirement etc*

- 20 Benefits under pension schemes

*Foreign pensions: temporary non-residents*

- 21 (1) In Part 9 of ITEPA 2003 (pension income), Chapter...

*Pensions under registered pension schemes: temporary non-residents*

- 22 (1) In Part 9 of ITEPA 2003 (pension income), Chapter...

*Lump sums to be payable to persons aged 75 or over*

- 23 Part 1 of Schedule 29 to FA 2004 (lump sum...



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- 24 (1) Paragraph 1 (pension commencement lump sum) is amended as...
- 25 In paragraph 2 (pension commencement lump sum: calculation of permitted...
- 26 In paragraph 3 (pension commencement lump sum: calculation of applicable...
- 27 (1) Paragraph 3A (recycling of pension commencement lump sums) is...
- 28 (1) Paragraph 4 (serious ill-health lump sum) is amended as...
- 29 In paragraph 7 (trivial commutation lump sum), in sub-paragraph (1) (e),...
- 30 In paragraph 10(1) (winding-up lump sum)— (a) at the end...
- 31 In paragraph 12 (interpretation of Part 1), after sub-paragraph (1)...

*Lump sum death benefits to be payable to persons aged 75 or over*

- 32 Part 2 of Schedule 29 to FA 2004 (lump sum...
- 33 (1) Paragraph 13 (defined benefits lump sum death benefit) is...
- 34 (1) Paragraph 14 (pension protection lump sum death benefit) is...
- 35 (1) Paragraph 15 (uncrystallised funds lump sum death benefit) is...
- 36 (1) Paragraph 16 (annuity protection lump sum death benefit) is...
- 37 (1) Paragraph 17 (unsecured pension fund lump sum death benefit)...
- 38 (1) Paragraph 18 (charity lump sum death benefit) is amended...
- 39 In paragraph 20(1) (trivial commutation lump sum death benefit), omit —...

*Serious ill-health lump sum charge*

- 40 In Part 4 of FA 2004 (pension schemes etc ),...

*Special lump sum death benefits charge*

- 41 (1) In Part 4 of FA 2004, section 206 (special...

*Exemption from income tax of certain lump sums and lump sum death benefits*

- 42 (1) Section 636A of ITEPA 2003 (exemption for certain lump...

*Lifetime allowance charge: benefit crystallisation events*

- 43 In section 216 of FA 2004 (benefit crystallisation events and...
- 44 (1) Schedule 32 to FA 2004 (benefit crystallisation events: supplementary)...

*Annual allowance charge: persons meeting flexible drawdown conditions*

- 45 Benefits under pension schemes

*Removal of certain charges to inheritance tax in respect of pension schemes*

- 46 IHTA 1984 is amended as follows.
- 47 (1) Section 12 (dispositions allowable for income tax or conferring...
- 48 Omit the following provisions— (a) section 151A(person dying with alternatively...

Part 2 — CONSEQUENTIAL AMENDMENTS

*Inheritance Tax Act 1984*

- 49 IHTA 1984 is amended as follows.

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- 50 (1) Section 12(dispositions allowable for income tax or conferring benefits...
- 51 In section 151 (treatment of pension rights, etc), in subsection...
- 52 In section 200 (transfer on death)— (a) in subsection (1),...
- 53 In section 210 (pension rights, etc), omit subsections (2) and...
- 54 (1) Section 216 (delivery of accounts) is amended as follows....
- 55 In section 226 (payment: general rules), in subsection (4)—
- 56 In section 233 (interest on unpaid tax), in subsection (1)(c)—...
- 57 In section 272(general interpretation), omit the definition of “scheme administrator”....

*Pension Schemes Act 1993*

- 58 Until such time as the repeal of section 28A of...

*Pension Schemes (Northern Ireland) Act 1993*

- 59 Until such time as the repeal of section 24A of...

*Income Tax (Earnings and Pensions) Act 2003*

- 60 (1) Section 683 of ITEPA 2003 (PAYE income) is amended...
- 61 In Part 2 of Schedule 1 to ITEPA 2003 (index...

*Finance Act 2004*

- 62 Part 4 of FA 2004 (pension schemes etc) is amended...
- 63 In section 164 (authorised member payments), in subsection (2)(b), after...
- 64 In section 165 (pension rules), in subsection (3)(a), for “unsecured...
- 65 In section 168(1) (lump sum death benefit rule), for paragraph...
- 66 In section 169 (recognised transfers), in subsection (1D)—
- 67 (1) Section 172B (increase in rights of connected person on...
- 68 Omit section 172BA (increase in rights on death arising from...
- 69 Omit section 181A (minimum level of payment of alternatively secured...
- 70 (1) Section 182 (unauthorised borrowing: money purchase arrangements) is amended...
- 71 In section 211 (surchargeable unauthorised member payments: valuation of crystallised...
- 72 In section 212 (surchargeable unauthorised member payments: valuation of uncrystallised...
- 73 (1) In section 216 (benefit crystallisation events and amounts crystallised),...
- 74 In section 241(1) (scheme chargeable payment), omit paragraph (aa) (and...
- 75 In section 268 (unauthorised payments surcharge and scheme sanction charge),...
- 76 In section 273A (insurance company liable as scheme administrator), in...
- 77 (1) Section 280(2) (general index) is amended as follows.
- 78 In Schedule 28 (pension rules), omit the following provisions—
- 79 (1) Schedule 29 (authorised lump sums) is amended as follows....
- 80 (1) Schedule 32 (benefit crystallisation events: supplementary) is amended as...

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- 81 (1) Schedule 34 (non-UK schemes: application of certain charges) is...  
82 (1) Schedule 36 (transitional provisions and savings) is amended as...

*Income Tax Act 2007*

- 83 In section 30(1) of ITA 2007 (additional tax), after the...

*Consequential repeals*

- 84 In consequence of the amendments made by this Schedule, omit...  
Part 3 — COMMENCEMENT AND TRANSITIONAL PROVISION

*General*

- 85 Subject to the provisions of this Part, the amendments made...

*Entitlement to unsecured or alternatively secured pension on 5 April 2011*

- 86 Any person who, immediately before 6 April 2011, was entitled...  
87 Paragraph 6 of Schedule 28 to FA 2004 (short-term annuity)...

*Member's unsecured or alternatively secured pension fund existing on 5 April 2011*

- 88 Paragraph 8(1A) of Schedule 28 to FA 2004 (member's drawdown...

*Current unsecured pension year to become drawdown pension year*

- 89 (1) This paragraph applies in the case of a person...

*Previous limit on amount of pension payable in year to apply for limited period*

- 90 (1) This paragraph applies in the case of a person...  
91 (1) This paragraph applies in the case of a person...

*Drawdown pension year and basis amount where person's whereabouts unknown at age 75*

- 92 (1) This paragraph applies in the case of a person...

*Current alternatively secured pension year to become drawdown pension year*

- 93 (1) This paragraph applies in the case of a person...

*Entitlement to dependants' unsecured or alternatively secured pension on 5 April 2011*

- 94 Any person who, immediately before 6 April 2011, was entitled...  
95 Paragraph 20 of Schedule 28 to FA 2004 (short-term annuity)...

*Dependant's unsecured or alternatively secured pension fund existing on 5 April 2011*

- 96 Paragraph 22(2) of Schedule 28 to FA 2004 (dependant's drawdown...

*Current unsecured pension year to become drawdown pension year*

- 97 (1) This paragraph applies in the case of a person...

*Previous limit on amount of pension payable in year to apply for limited period*

- 98 (1) This paragraph applies in the case of a person...  
99 (1) This paragraph applies in the case of a person...

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*Current alternatively secured pension year to become drawdown pension year*

100 (1) This paragraph applies in the case of a person...

*Lump sums and lump sum death benefits*

101 The amendments made by paragraphs 24 to 26, 31 and...

102 The amendments made by paragraphs 27 to 30, 40, 42(2)(a)...

103 The amendments made by paragraphs 33 to 39, 41, 42(2)(b)...

*Lifetime allowance charge*

104 (1) The amendments made by paragraphs 43, 44, 73, 80...

*Inheritance tax*

105 The amendments made by paragraphs 47 and 50 have effect...

106 The amendments made by paragraphs 48 and 51 to 57...

*Consequential repeals*

107 Any repeal in paragraph 84 has effect to the same...

*Power to make retrospective provision in orders and regulations under Part 4 of FA 2004*

108 (1) This paragraph applies to any order or regulations under...

*Application of rules of pension schemes*

109 (1) The trustees or managers of a registered pension scheme...

SCHEDULE 17 — Annual allowance charge

Part 1 — AMENDMENTS

1 Part 4 of FA 2004 (pension schemes etc) is amended...

2 In section 172D(4)(b) (limit on increase in benefits), for “236”...

3 (1) Section 227 (annual allowance charge) is amended as follows....

4 For section 228 substitute— Annual allowance (1) The annual allowance for the tax year 2011-12 and,...

5 After that section insert— Carry forward of unused annual allowance...

6 (1) Section 229 (total pension input amount) is amended as...

7 (1) Section 230 (cash balance arrangements) is amended as follows....

8 In section 231 (cash balance arrangements: uprating of opening value),...

9 (1) Section 232 (cash balance arrangements: adjustments of closing value)...

10 (1) Section 234 (defined benefits arrangements) is amended as follows....

11 (1) Section 235 (defined benefits arrangements: uprating of opening value)...

12 (1) Section 236 (defined benefits arrangements: adjustments of closing value)...

13 After section 236 insert— Post-entitlement enhancements (1) This section applies in relation to the arrangement if,...

14 In subsection (5) of section 237 (hybrid arrangements), for “236”...

15 After that section insert— Liability of individual (1) The individual is liable to the annual allowance charge....

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- 16 (1) Section 238 (pension input period) is amended as follows....
- 17 After that section insert— Power to make orders about charge...
- 18 In section 254 (accounting for tax by scheme administrators), after...
- 19 In section 255(1) (assessments), after paragraph (c) insert—
- 20 In section 269(1)(a) (appeal against discharge of liability), after “under”...
- 21 In section 279(1) (other definitions), insert at the appropriate places—...
- 22 In section 280(2) (general index), insert at the appropriate places—...
- 23 In section 282(1A) (orders and regulations subject to Commons-only draft...
- 24 (1) Schedule 34 (currently-relieved non-UK pension schemes etc) is amended...
- 25 In Schedule 36 (transitional provision etc), omit paragraph 49 (disapplication...
- 26 (1) In FA 2009— (a) in Schedule 2, omit paragraph...  
Part 2 — COMMENCEMENT AND TRANSITIONAL PROVISION
- 27 (1) The amendments made by Part 1 have effect for...
- 28 (1) This paragraph applies where— (a) the pension input period...
- 29 Where paragraph 28 applies in the case of the individual,...
- 30 (1) This paragraph has effect in relation to the application...
- 31 In determining under section 233 of FA 2004 the pension...
- 32 Section 237B has effect in relation to the tax year...
- 33 Section 254(7A) has effect in relation to the tax year...
- 34 Expressions used in this Part of this Schedule and Part...

#### SCHEDULE 18 — Lifetime allowance charge

##### Part 1 — AMENDMENTS

- 1 Part 4 of FA 2004 (pension schemes etc) is amended...
- 2 (1) Section 218 (individual's lifetime allowance and standard lifetime allowance)...
- 3 Schedule 29 (authorised lump sums) is amended as follows.
- 4 (1) Paragraph 7 (trivial commutation lump sum) is amended as...
- 5 (1) Paragraph 10 (winding-up lump sum) is amended as follows...
- 6 (1) Paragraph 20 (trivial commutation lump sum death benefit) is...
- 7 (1) Paragraph 21 (winding-up lump sum death benefit) is amended...
- 8 Schedule 36 (transitional provision) is amended as follows.
- 9 In paragraph 16(3), for “standard lifetime allowance when the first...
- 10 (1) Paragraph 28(3) is amended as follows.
- 11 (1) Paragraph 34(2) is amended as follows.
- 12 In the Registered Pension Schemes (Standard Lifetime and Annual Allowances)...

##### Part 2 — COMMENCEMENT AND TRANSITIONAL PROVISION

- 13 The amendments made by Part 1 have effect for the...
- 14 (1) This paragraph applies on and after 6 April 2012...
- 15 (1) The Commissioners for Her Majesty's Revenue and Customs may...
- 16 (1) The Commissioners for Her Majesty's Revenue and Customs may...
- 17 (1) Regulations under paragraph 15 or 16 may include supplementary...

#### SCHEDULE 19 — The bank levy

##### Part 1 — INTRODUCTION

- 1 There is to be a tax called “the bank levy”....
- 2 The bank levy is charged on certain types of equity...
- 3 In this Schedule— Part 3 contains provision defining the different...

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## Part 2 — CHARGING OF BANK LEVY

### *Bank levy to be charged in relation to certain groups of entities*

- 4 (1) The bank levy is charged if, as at the...

### *Bank levy to be charged in relation to certain entities which are not members of groups*

- 5 (1) The bank levy is charged if, as at the...

### *Steps for determining the amount of the bank levy*

- 6 (1) This paragraph applies where the bank levy is charged...

### *Special provision for chargeable periods falling wholly or partly before 1 January 2016*

- 7 (1) Paragraph 6(2) applies subject to this paragraph if some...

## Part 3 — GROUPS COVERED BY THE BANK LEVY

### *Definitions of “UK banking group”, “building society group”, “foreign banking group” and “relevant non-banking group”*

- 8 The relevant group is a “UK banking group” if—...

- 9 The relevant group is a “building society group” if the...

- 10 The relevant group is a “foreign banking group” if—

- 11 The relevant group is a “relevant non-banking group” if—

### *Definition of “banking group”*

- 12 (1) The relevant group is a “banking group” if—

- 13 (1) The exempt activities condition is met for the purposes...

## Part 4 — CHARGEABLE EQUITY AND LIABILITIES

### *Definition of “assets”, “equity” and “liabilities”*

- 14 (1) For the purposes of this Schedule, “assets”,...

### *Chargeable equity and liabilities of a UK banking group or a building society group*

- 15 (1) This paragraph applies if the relevant group is a...

- 16 (1) This paragraph applies for the purposes of paragraph 15(2)...

### *Chargeable equity and liabilities of a foreign banking group*

- 17 (1) This paragraph applies if the relevant group is a...

- 18 (1) This paragraph applies for the purposes of paragraph 17(6)...

### *Chargeable equity and liabilities of a relevant non-banking group*

- 19 (1) This paragraph applies if the relevant group is a...

- 20 (1) This paragraph applies for the purposes of paragraph 19(6)...

### *Chargeable equity and liabilities of UK resident banks and building societies which are not members of groups*

- 21 (1) This paragraph applies where the bank levy is charged...

- 22 (1) This paragraph applies for the purposes of paragraph 21(2)...

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*Chargeable equity and liabilities of relevant foreign banks which are not members of groups*

23 (1) This paragraph applies where the bank levy is charged...

*Definition of “UK allocated equity and liabilities”*

24 (1) Take Steps 1 to 4 to determine the amount...

25 (1) This paragraph applies if— (a) the relevant foreign bank...

26 (1) This paragraph applies for the purposes of Step 2...

27 (1) This paragraph applies for the purposes of Step 3...

*“Excluded” equity and liabilities*

28 (1) Equity or liabilities are “excluded” so far as they...

29 (1) Liabilities representing protected deposits are excluded.

30 (1) Equity and liabilities which are “tier one capital equity...

31 (1) Sovereign repo liabilities are excluded. (2) “Sovereign repo...

32 (1) Sovereign stock-lending liabilities are excluded. (2) “Sovereign stock-lending...

33 (1) Relevant insurance liabilities are excluded. (2) “Relevant insurance...

34 (1) Relevant property, plant and equipment reserves are excluded.

35 (1) Relevant tax liabilities are excluded. (2) In relation to...

36 (1) Relevant retirement benefit liabilities are excluded.

37 (1) Financial services compensation scheme liabilities are excluded.

38 (1) Liabilities representing clients' money held by an authorised person...

38A (1) Liabilities are excluded if they represent cash collateral provided...

39 (1) Currency liabilities are excluded. (2) “Currency liabilities”...

Part 5 — SUPPLEMENTARY PROVISION

*Netting agreements*

40 (1) The Treasury may by order add to, repeal or...

*Chargeable periods: entities which do not prepare financial statements*

41 (1) This paragraph applies where an entity does not prepare...

*Financial statements etc*

42 (1) This paragraph applies for the purposes of this Schedule....

*Joint ventures*

43 (1) This paragraph applies if— (a) the relevant group is...

44 (1) This paragraph applies for the purpose of determining the...

*Residence*

45 For the purposes of this Schedule— (a) the territory in...

*Bank levy to be ignored for other tax purposes*

46 In calculating profits or losses for the purposes of income...

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*Anti-avoidance*

- 47 (1) This paragraph applies if— (a) arrangements are entered into...  
48 (1) Section 1139 of CTA 2010 (definition of “tax advantage”)...  
Part 6 — COLLECTION AND MANAGEMENT

*Responsibility for collection and management*

- 49 (1) The Commissioners for Her Majesty's Revenue and Customs are...

*Payment of the bank levy through the corporation tax system*

- 50 (1) This paragraph applies where the bank levy is charged...  
51 (1) This paragraph applies where the bank levy is charged...  
52 (1) Paragraphs 50(2) and 51(2) are to be taken as...

*Joint and several liability*

- 53 (1) This paragraph applies where the bank levy is charged...

*Meaning of “the responsible member”*

- 54 (1) This paragraph applies where the bank levy is charged...  
55 (1) This paragraph applies for the purposes of paragraph 54(3)....

*Consequential amendment to section 1 of PCTA 1968*

- 56 In section 1 of the Provisional Collection of Taxes Act...

*Consequential amendments to TMA 1970*

- 57 TMA 1970 is amended as follows.  
58 (1) Section 59E (provision about when corporation tax is due...  
59 At the end of section 59F(6) (provision for paying corporation...

*Consequential amendments to Schedule 18 to FA 1998*

- 60 Schedule 18 to FA 1998 (company tax returns) is amended...  
61 At the end of paragraph 1 insert , and paragraphs...  
62 After paragraph 3 insert— (1) Her Majesty's Revenue and Customs may  
from time to...  
63 (1) Paragraph 8 is amended as follows.  
64 (1) Paragraph 11 is amended as follows.

*Transitional provision*

- 65 (1) Sub-paragraphs (2) to (6) apply if the chargeable period...  
Part 7 — DOUBLE TAXATION RELIEF ETC

*Arrangements affording double taxation relief*

- 66 (1) If the Treasury by order declares—

*Power to provide for double taxation relief*

- 67 (1) The Treasury may by regulations make provision for relief...



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*Disclosure of information to foreign tax authorities etc*

67A (1) If the Treasury by order declares that—

...

68 (1) Sub-paragraph (2) applies if the law of a foreign...

*Consequential amendment to the Constitutional Reform and Governance Act 2010*

69 In section 23 of the Constitutional Reform and Governance Act...

*Foreign levies to be ignored for purposes of income tax or corporation tax(1) In calculating profits or losses for the purposes of...*

69A (1) In calculating profits or losses for the purposes of...  
Part 8 — DEFINITIONS

*General*

70 (1) In this Schedule— “arrangements” includes any agreement,...

*“Asset management activities”*

71 (1) “Asset management activities” means activities which consist...

*“Capital resources condition”*

72 (1) “The capital resources condition” is that the entity has...

*“Excluded entity”*

73 (1) “Excluded entity” means an entity which is—

*“Long term” equity and liabilities*

74 All equity is “long term”.

75 (1) Liabilities are “long term” to the extent that—

76 (1) Liabilities are also “long term” so far as they...

76A (1) Liabilities under derivative contracts are never “long term” (and...

77 Paragraphs 74 to 76A are subject to Step 6 in...

*“Relevant foreign bank”*

78 (1) “Relevant foreign bank” means an entity which—...

*“Relevant regulated activity”*

79 “Relevant regulated activity” means an activity which is...

*“UK resident bank”*

80 (1) “UK resident bank” means an entity which—...

Part 9 — POWER TO MAKE CONSEQUENTIAL CHANGES

81 (1) The Treasury may, by order made by statutory instrument,...

SCHEDULE 20 — Supplies of commodities to be used in producing electricity

1 Supplies of commodities to be used in producing electricity

2 Supplies of commodities to be used in producing electricity

*Status: Point in time view as at 15/09/2016.*

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- 3 Supplies of commodities to be used in producing electricity
- 4 Supplies of commodities to be used in producing electricity
- 5 Supplies of commodities to be used in producing electricity
- 6 Supplies of commodities to be used in producing electricity
- 7 Supplies of commodities to be used in producing electricity
- 8 Supplies of commodities to be used in producing electricity
- 9 Supplies of commodities to be used in producing electricity

## SCHEDULE 21 — Prevention of SDLT avoidance

### *Introduction*

- 1 Part 4 of FA 2003 (stamp duty land tax) is...

### *Alternative property finance*

- 2 In section 45 (contract and conveyance: effect of transfer of...
- 3 (1) Omit sections 71A(8), 72(7), 72A(8) and 73(5)(a) (which contain...

### *Exchanges*

- 4 (1) Paragraph 5 of Schedule 4 (chargeable consideration: exchanges) is...

### *Commencement*

- 5 (1) Subject to what follows, the amendments made by paragraphs...
- 6 (1) The amendments made by paragraph 3 are treated as...

## SCHEDULE 22 — Transfers involving multiple dwellings

### *New relief*

- 1 Part 4 of FA 2003 (stamp duty land tax) is...
- 2 After section 58C insert— Transfers involving multiple dwellings (1) Schedule 6B provides for relief in the case of...
- 3 After Schedule 6A insert— Schedule 6B Transfers involving multiple dwellings...

### *Other amendments of Part 4 of FA 2003*

- 4 In section 57 of FA 2003 (disadvantaged areas relief), insert...
- 5 In section 87(3) of that Act (interest on unpaid tax),...
- 6 In paragraph 9 of Schedule 5 to that Act (amount...
- 7 In paragraph 12(2A) of Schedule 10 to that Act (notice...
- 8 In paragraphs 11(2C) and 19(2C) of Schedule 15 to that...

### *Commencement*

- 9 (1) The amendments made by this Schedule have effect in...

## SCHEDULE 23 — Data-gathering powers

### Part 1 — POWER TO OBTAIN DATA

#### *Power to give notice*

- 1 (1) An officer of Revenue and Customs may by notice...

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*Purpose of power*

- 2 (1) The power in paragraph 1(1) is exercisable to assist...

*Specifying relevant data*

- 3 (1) A data-holder notice must specify the relevant data to...

*Compliance*

- 4 (1) Relevant data specified in a data-holder notice must be...

*Approval by tribunal*

- 5 (1) An officer of Revenue and Customs may ask for...

*Power to copy documents*

- 6 An officer of Revenue and Customs may take copies of...

*Power to retain documents*

- 7 (1) If an officer of Revenue and Customs thinks it...

Part 2 — RELEVANT DATA-HOLDERS

*Introduction*

- 8 (1) This Part of this Schedule sets out who is...

*Salaries, fees, commission etc*

- 9 (1) Each of the following is a relevant data-holder—  
10 (1) This paragraph applies if— (a) services that an individual...  
11 (1) This paragraph applies if— (a) a person (“A”) performs...

*Interest etc*

- 12 (1) A person by or through whom interest is paid...

*Income, assets etc belonging to others*

- 13 A person who (in whatever capacity) is in receipt of...

*Merchant acquirers etc*

- 13A (1) A person who has a contractual obligation to make...

*Providers of electronic stored-value payment services*

- 13B (1) A person who provides electronic stored-value payment services is...

*Business intermediaries*

- 13C (1) A person who— (a) provides services to enable or...

*Payments derived from securities*

- 14 (1) Each of the following is a relevant data-holder—  
15 (1) A person who makes a payment derived from securities...

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*Grants and subsidies out of public funds*

- 16 (1) A person by whom a payment out of public...

*Licences, approvals etc*

- 17 (1) A person by whom licences or approvals are issued...

*Rent and other payments arising from land*

- 18 (1) Each of the following is a relevant data-holder—

*Dealing etc in securities*

- 19 (1) Each of the following is a relevant data-holder—

*Dealing in other property*

- 20 Each of the following is a relevant data-holder—

*Lloyd's*

- 21 A person who is registered as managing agent at Lloyd's...

*Investment plans etc*

- 22 Each of the following is a relevant data-holder—

*Petroleum activities*

- 23 Each of the following is a relevant data-holder—

*Insurance activities*

- 24 Each of the following is a relevant data-holder—

*Environmental activities*

- 25 A person who is involved (in any capacity) in any...

*Settlements*

- 26 (1) Each of the following is a relevant data-holder—

*Charities*

- 27 A charity is a relevant data-holder.  
Part 3 — APPEALS AGAINST DATA-HOLDER NOTICES

*Right of appeal*

- 28 (1) The data-holder may appeal against a data-holder notice, or...

*Procedure for appeal*

- 29 (1) Notice of an appeal under paragraph 28 must be...  
Part 4 — PENALTIES

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*Penalties for failure to comply*

30 (1) If the data-holder fails to comply with a data-holder...

*Daily default penalties for failure to comply*

31 If— (a) a penalty under paragraph 30 is assessed, and...

*Penalties for inaccurate information or documents*

32 (1) This paragraph applies if— (a) in complying with a...

*Failure to comply with time limit*

33 A failure to do anything required to be done within...

*Reasonable excuse*

34 (1) Liability to a penalty under paragraph 30 or 31...

*Assessment of penalties*

35 (1) If the data-holder becomes liable to a penalty under...

*Right to appeal against penalty*

36 (1) The data-holder may appeal against a decision by an...

*Procedure on appeal against penalty*

37 (1) Notice of an appeal under paragraph 36 must be...

*Increased daily default penalty*

38 (1) This paragraph applies if— (a) a penalty under paragraph...

39 (1) If the tribunal makes a determination under paragraph 38,...

*Enforcement of penalties*

40 (1) A penalty under this Schedule must be paid before...

*Power to change amount of penalties*

41 (1) If it appears to the Treasury that there has...

*Double jeopardy*

42 The data-holder is not liable to a penalty under this...

Part 5 — MISCELLANEOUS PROVISION AND INTERPRETATION

*Application of provisions of TMA 1970*

43 Subject to the provisions of this Schedule, the following provisions...

*Regulations*

44 (1) Regulations under this Schedule are to be made by...

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*Tax*

45 (1) In this Schedule “tax” means any or all of...

*Statutory records*

46 (1) For the purposes of this Schedule data form part...

*General interpretation*

47 In this Schedule— “address” includes an electronic address; “body of...

48 A reference in this Schedule to providing data includes—

49 (1) A reference in this Schedule to the carrying on...

*Crown application*

50 This Schedule applies to the Crown but not to Her...

Part 6 — CONSEQUENTIAL PROVISIONS

*TMA 1970*

51 (1) TMA 1970 is amended as follows.

*FA 1973*

52 In Schedule 15 to FA 1973 (territorial extension of charge...

*FA 1974*

53 (1) In section 24 of FA 1974 (returns of persons...

*FA 1986*

54 In Schedule 18 to FA 1986 (securities: other provisions), omit...

*ICTA*

55 Omit the following provisions of ICTA so far as they...

*FA 1989*

56 In Schedule 12 to FA 1989 (close companies), omit paragraph...

*ITTOIA 2005*

57 (1) ITTOIA 2005 is amended as follows.

*FA 2005*

58 In Schedule 2 to FA 2005 (alternative finance arrangements: further...

*CRCA 2005*

59 In Schedule 2 to CRCA 2005 (functions of Commissioners and...

*FA 2008*

60 FA 2008 is amended as follows.

61 In section 39 (dormant bank and building society accounts), in...

62 (1) Schedule 36 (information and inspection powers) is amended as...

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### *CTA 2009*

63 In Chapter 4 of Part 4 of CTA 2009 (profits...

### *CTA 2010*

64 (1) CTA 2010 is amended as follows.

#### Part 7 — APPLICATION OF THIS SCHEDULE

65 (1) This Schedule— (a) comes into force on 1 April...

#### SCHEDULE 24 — Amendments of Schedule 36 to FA 2008

1 Schedule 36 to FA 2008 (information and inspection powers) is...

2 (1) Paragraph 5 (power to obtain information and documents about...

3 (1) Paragraph 40A (penalties for inaccurate information and documents)  
is...

4 (1) After paragraph 49 insert— Increased daily default penalty (1) This  
paragraph applies if— (a) a penalty under paragraph...

5 (1) Paragraph 50 (tax-related penalty) is amended as follows.

6 In paragraph 61A (involved third parties), in the first column...

#### SCHEDULE 25 — Mutual assistance for recovery of taxes etc

### *MARD*

1 In this Schedule “MARD” means Council Directive 2010/24/EU.

### *HMRC functions*

2 (1) The Commissioners are a competent authority in the United...

### *Exchange of information*

3 (1) No obligation of secrecy imposed by statute or otherwise...

### *Onward disclosure of information received from HMRC*

4 (1) A public authority commits an offence if—

5 (1) It is a defence for a person charged with...

### *Enforcement of foreign claims in the UK*

6 (1) This paragraph applies if an applicant authority of another...

### *The relevant UK authority*

7 (1) “The relevant UK authority” is— (a) if the foreign...

### *Corresponding UK claim*

8 (1) In relation to a foreign claim, “corresponding UK claim”...

### *Application of relevant enactments*

9 (1) In relation to any kind of foreign claim, the...

### *Power to make further provision*

10 The Treasury may by regulations make provision about procedural or...

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*Contested claims*

- 11 (1) The taking or continuation of steps against a person...

*Claims determined in taxpayer's favour*

- 12 (1) Steps under paragraph 6(3) must not be taken or...

*Liability to pay*

- 13 In relation to any steps against a person under paragraph...

*Presumption of validity*

- 14 For the purposes of any steps under paragraph 6(3), a...

*Regulations*

- 15 (1) Regulations under this Schedule are to be made by...

*Interpretation*

- 16 In this Schedule— “agricultural levy” has the meaning given by...

*Consequential amendments etc*

- 17 (1) Section 134 of and Schedule 39 to FA 2002...  
18 (1) Section 322 of FA 2004 (mutual assistance: customs union...

*Application*

- 19 This Schedule has effect in relation to the recovery of...

SCHEDULE 26 — Redundant reliefs  
Part 1 — INCOME TAX AND CORPORATION TAX

*Transitional relief for charities etc on abolition of payment of tax credits on distributions*

- 1 (1) Section 35 of, and Schedule 5 to, F(No.2)A 1997...

*Gifts of money for relief in poor countries (“Millennium Gift Aid”)*

- 2 (1) Section 48 of FA 1998 (gifts of money for...

*Supplement payable in connection with payroll deduction scheme*

- 3 (1) Section 38 of FA 2000 (supplement payable in connection...

*National Savings Bank ordinary account interest*

- 4 Section 691 of ITTOIA 2005 (National Savings Bank ordinary account...

Part 2 — STAMP DUTY

*Exemptions from stamp duty*

- 5 Section 45 of FA 1944 (exemption of certain assignments by...  
6 Section 31 of FA 1953 (instruments relating to National Savings)...  
7 (1) In Schedule 13 to FA 1999 (stamp duty: instruments...



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