

SCHEDULES

SCHEDULE 7

RPDT RELIEFS

PART 2

RPDT GROUP RELIEF

Introduction

- 4 (1) This Part of this Schedule allows—
- (a) a company (“the surrendering company”) to surrender an adjusted trading loss it has for an accounting period to another company (“the claimant company”) that is part of the same relief group, and
 - (b) enables the claimant company to claim relief from RPDT for that loss.
- (2) The relief mentioned in sub-paragraph (1) is called “RPDT group relief”.
- 5 In this Part of this Schedule, in relation to an adjusted trading loss that a company has for an accounting period—
- “surrender period” means an accounting period for which the surrendering company has the loss;
 - “surrenderable amounts” means an adjusted trading loss so far as eligible for surrender under this Part of this Schedule.
- 6 In this Part of this Schedule, “company” means any body corporate.

Surrender of company’s losses for an accounting period

- 7 (1) Sub-paragraph (2) applies if—
- (a) a surrendering company has an adjusted trading loss for a surrender period, and
 - (b) the company is part of a relief group.
- (2) The surrendering company may surrender the loss.

Claims for RPDT group relief

- 8 (1) This paragraph applies in relation to the surrendering company’s surrenderable amounts for the surrender period under paragraph 7.
- (2) The claimant company may make a claim for RPDT group relief for an accounting period (“the claim period”) in relation to those amounts (in whole or in part) if—
- (a) the surrendering company consents to the claim,

Status: This is the original version (as it was originally enacted).

- (b) there is a period (“the overlapping period”) that is common to the claim period and the surrender period, and
 - (c) at a time during the overlapping period the surrendering company and the claimant company are part of the same relief group.
- (3) More than one company may make a claim for RPDT group relief in relation to any surrenderable amounts (but the giving of RPDT group relief in relation to any claim is subject to the provisions of this Part of this Schedule).
- (4) Paragraph 70(3) and (4) of Schedule 18 to FA 1998 apply for the purposes of any consent given under this paragraph.

Giving of RPDT group relief

- 9 (1) If a claimant company makes a claim under paragraph 8, the relief is to be given effect in accordance with section 38 as “allowable RPDT group relief”.
- (2) The amount of the relief is—
- (a) an amount equal to the surrendering company’s surrenderable amounts for the surrender period, or
 - (b) if the claim is in relation to only part of those amounts, an amount equal to that part.

But this is subject to section 42 and paragraph 10.

- (3) The deduction of the relief under section 38 is to be made after the deduction of any relief under Part 1 of this Schedule but before the deduction of any relief under Part 3 of this Schedule.

Limitation on amount of RPDT group relief to be given

- 10 (1) Paragraph 9(2) is subject to the limitation in sections 138 to 142 of CTA 2010 (general limitation on amount of group relief to be given) as if those sections applied to RPDT group relief under this Part of this Schedule as they apply to group relief under Part 5 of that Act.
- (2) For the purposes of sub-paragraph (1)—
- (a) section 140 of CTA 2010 (unrelieved part of claimant company’s available total profits) has effect as if—
 - (i) in subsection (7), for the words from “references to its” to the end there were substituted “references to its adjusted trading profits (within the meaning of section 39 of FA 2022) after the deduction of any relief given under Part 1 of Schedule 7 to FA 2022.”;
 - (ii) subsection (8) were omitted;
 - (b) section 142 of CTA 2010 (meaning of the “overlapping period”) has effect as if—
 - (i) in subsection (1) for the words in parenthesis there were substituted “(see paragraph 8(2)(b) of Schedule 7 to FA 2022)”;
 - (ii) in subsection (3), for the words from “group relief condition is the” to the end there were substituted “requirement in paragraph 8(2)(c) of Schedule 7 to FA 2022”.

Arrangements for transfer of companies

- 11 Sections 154 and 155A to 156 of CTA 2010 (arrangements for transfer of member of group of companies etc) apply for the purposes of this Part of this Schedule as they apply for the purposes of Part 5 of that Act, but as if the references in sections 155A(1) and 155B(1) to “or 155(3)” were omitted.