



Finance Act 1946

1946 CHAPTER 64 9 and 10 Geo 6

PART IV.

EXCESS PROFITS TAX AND THE NATIONAL DEFENCE CONTRIBUTION.

39 Supplementary provisions as to relief for terminal expenses and losses on sales of stock.

- (1) The provisions of the Ninth Schedule to this Act shall have effect in relation to claims for relief under the two last preceding sections.
- (2) Any provision in the two last preceding sections that the profits for any accounting period or chargeable accounting period shall, for the purposes of excess profits tax, be treated as reduced by any amount shall, where there are no such profits, or a loss, for that period, or where those profits for that period are less than the said amount, be construed as a provision that, for those purposes, there shall be deemed to be a loss for that period of that amount, the loss for that period shall be deemed to be increased by that amount, or there shall be deemed to be a loss for that period equal to the excess of that amount over the amount of those profits, as the case may be.
- (3) In the two last preceding sections, the expressions “a group of companies” and “the principal company” have the meanings assigned to them by subsection (1) of section twenty-eight of the Finance Act, 1940, and for the purposes of the two last preceding sections a group of companies shall be deemed to be the same group notwithstanding any changes in the members thereof so long as, and only so long as, the same body corporate remains the principal company of the group, and references to changes in the identity of the group shall be construed accordingly.
- (4) Where any of the following events occurs, that is to say—
 - (a) a change takes place in the persons carrying on a trade or business ; or
 - (b) the person carrying on a trade or business, being a body corporate, becomes or ceases to be a member of a group of companies ; or
 - (c) there is a change in the identity of a group of companies of which the person carrying on a trade or business, being a body corporate, is a member,

*Changes to legislation: There are currently no known outstanding effects
for the Finance Act 1946, Section 39. (See end of Document for details)*

and, apart from that event, relief or additional relief would be allowable under either of the two last preceding sections, the Commissioners may, if they think fit, allow the relief or additional relief or such part thereof as they think just, having regard to the extent to which the persons directly or indirectly interested in the trade or business, or the body corporate, as the case may be, before the change remain interested therein after the change.

Modifications etc. (not altering text)

- C1** The text of ss. 38–43 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Changes to legislation:

There are currently no known outstanding effects for the Finance Act 1946, Section 39.