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STATUTORY INSTRUMENTS

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**2006 No. 766**

**The Tax Credits (Miscellaneous  
Amendments) Regulations 2006**

**Amendment of the Tax Credits (Definition and Calculation of Income) Regulations 2002**

**8.—**(1) Regulation 3 (calculation of income of claimant) is amended as follows.

(2) In paragraph 1, Step Four, after the third sentence insert—

“A loss shall not be available for tax credits purposes, unless the trade was being carried on upon a commercial basis and with a view to the realisation of profits in the trade or, where the carrying on of the trade formed part of a larger undertaking, in the undertaking as a whole.”.

(3) In paragraph (3)(b) for “section 584 of the Taxes Act,” substitute “Chapter 4 of Part 8 of ITTOIA,”.

(4) In paragraph (8)—

(a) in sub-paragraph (a) for “Schedule A business” substitute “UK property business”; and

(b) at the end, for —

“In this paragraph “Schedule A business” and “overseas property business” have the same meanings as they have in the Taxes Act.”

substitute—

“In this paragraph “UK property business” and “overseas property business” have the same meanings as they have in Chapter 2 of Part 3 of ITTOIA.”.