
STATUTORY INSTRUMENTS

2014 No. 3188

**The Loan Relationships and Derivative Contracts
(Disregard and Bringing into Account of Profits
and Losses) (Amendment) Regulations 2014**

Definitions and updating statutory references

- 8.—(1) In regulation 2(1)—
- (a) before the definition of “deferred shares”(1) insert—
 - ““CTA 2009” means the Corporation Tax Act 2009;
 - “CTA 2010 means the Corporation Tax Act 2010;”;
 - (b) in the definition of “derivative contract”, for “Schedule 26 to the Finance Act 2002”(2) substitute “Part 7 of CTA 2009”;
 - (c) in the definition of “exchange gain or loss”, for “Paragraph 54 of Schedule 26 to the Finance Act 2002” substitute “section 475 of CTA 2009”;
 - (d) in the definition of “fair value accounting”, for “section 103 of the Finance Act 1996”(3) substitute “section 313 of CTA 2009”;
 - (e) in the definition of “loan relationship”(4), for “section 81 of the Finance Act 1996” substitute “section 302 of CTA 2009”;
 - (f) in the definition of “a paragraph 50A credit or debit”(5)—
 - (i) for “a paragraph 50A credit or debit” substitute “a section 614 or 615 credit or debit”;
 - (ii) for “paragraph 50A of Schedule 26 to the Finance Act 2002” substitute “section 614 or 615 of CTA 2009”;
 - (g) in the definition of “a prior period adjustment credit or debit”(6), for “paragraph 17B(1) (b) of Schedule 26 to the Finance Act 2002” substitute “section 597(1)(b) of CTA 2009”;
 - (h) in the definition of “underlying subject matter”, for “Schedule 26 to the Finance Act 2002” substitute “Part 7 of CTA 2009”.
- (2) In regulation 2(2)—
- (a) in the definition of “generally accepted accounting practice” for “section 50 of the Finance Act 2004” substitute “section 1127 of CTA 2010”;
 - (b) after ““effective interest method”,” insert ““fair value hedge”,”.
- (3) In regulation 3(1) and (5), for “section 84A(3A) of the Finance Act 1996” substitute “section 328(4) of CTA 2009” in both places that it appears.

(1) This definition was inserted by [S.I. 2013/2781](#).
(2) [2002 c. 23](#).
(3) [1996 c.8](#).
(4) This definition was inserted by [S.I. 2005/2012](#).
(5) This definition was inserted by [S.I. 2005/2012](#).
(6) This definition was inserted by [S.I. 2005/2012](#).

(4) In regulation 4(1), for “paragraph 16(3A) and 17C(1)(a) of Schedule 26 to the Finance Act 2002” substitute “section 606(4) and 598(1)(a) of CTA 2009”.

(5) In regulation 4(4A)(7), for “paragraph 16(3A) of Schedule 26 to the Finance Act 2002” substitute “section 606(4) of CTA 2009”.

(6) In regulation 4A(9)(8), in the definition of “control”, for “section 840 of the Income and Corporation Taxes Act 1988”(9) substitute “section 1124 of CTA 2010”.

(7) In regulation 5(4)—

(a) for “section 84A(3) of the Finance Act 1996” substitute “section 328(3) of CTA 2009”;

(b) for “section 84A(3A)” substitute “section 328(4)”;

(c) for “paragraph 6D(2) of Schedule 28AA to the Taxes Act 1988” substitute “section 192(1) of the Taxation (International and Other Provisions) Act 2010(10)”.

(8) In the following regulations, for “paragraph 17C(1)(a) of Schedule 26 to the Finance Act 2002” substitute “section 598(1)(a) of CTA 2009” in each place that it appears—

(a) regulation 7(1)(11);

(b) regulation 8(1)(12);

(c) regulation 9(1), (5) and (6);

(d) regulation 9A(1),(2) and (3)(13);

(e) regulation 10(10) and (11).

(9) In regulation 7(1) and 8(1), for “paragraph 50A credit or debit” substitute “section 614 or 615 credit or debit” in each place that it appears.

(10) In regulation 7(4)(14) and 9(3), for “paragraph 16(3) of Schedule 26 to the Finance Act 2002” substitute “section 606(3) of CTA 2009” in both places that it appears.

(11) In regulation 9(2) and (2A), for “paragraph 17C(1)(b) of Schedule 26 to the Finance Act 2002” substitute “section 598(1)(b) of CTA 2009”.

(12) Omit regulation 9(7).

(13) In regulation 10(1), for “paragraph 17C(1)(c) of Schedule 26 to the Finance Act 2002” substitute “section 598(1)(c) of CTA 2009”.

(14) In regulation 10(3C)(15), for “paragraph 28(6) of Schedule 26 to the Finance Act 2002” substitute “section 624(3) of CTA 2009”.

(15) In regulation 10(4), for “paragraph 32(2) of Schedule 29 to the Finance Act 2002 (gains and losses of a company from intangible fixed assets)” substitute “section 748(4) of CTA 2009”.

(16) In regulation 10(8)(16)—

(a) for “paragraph 28 of Schedule 26 to the Finance Act 2002 would apply but for paragraph 30 of that Schedule” substitute “section 625 of the Corporation Tax 2009 would apply but for section 628 of that Act”;

(7) Regulation 4(4A) was inserted by [S.I.2005/3374](#).

(8) Regulation 4A was inserted [S.I. 2005/3374](#) and substituted by [S.I. 2007/3431](#). Regulation 4(9) was re-numbered by [S.I. 2011/698](#).

(9) 1988 c. 1.

(10) 2010 c. 8.

(11) Regulation 7(1) was substituted by [S.I. 2005/2012](#).

(12) Regulation 8(1) was substituted by [S.I. 2005/2012](#).

(13) Regulation 9A was inserted by [S.I. 2005/3374](#).

(14) Regulation 7(4) was inserted by [S.I. 2005/2012](#).

(15) Regulation 10(3C) was inserted [S.I. 2005/3374](#).

(16) Regulation 10(8) was amended by [S.I. 2005/2012](#).

- (b) for “(within the meaning paragraph 28 of that Schedule)” substitute “(within the meaning of section 625 of that Act)”.
- (17) In the following regulations, for “section 85B(3) of the Finance Act 1996” substitute “section 310(1) of CTA 2009”—
- (a) regulation 11(1) and (1A)(**17**);
 - (b) regulation 12(1) and (1A)(**18**).
- (18) In regulations 11(4)(**19**) and 12(3)(**20**), for “Chapter 2 of the Finance Act 1996” substitute “Part 5 of the Corporation Tax 2009” in both places that it appears.

(17) Regulation 11 inserted by [S.I. 2005/2012](#). Paragraph (1) substituted, and paragraph (1A) inserted, by [S.I. 2006/3236](#).

(18) Regulation 12 inserted by [S.I. 2005/2012](#). Paragraphs (1) and (1A) substituted by regulation 7 of [S.I. 2006/3236](#).

(19) Regulation 11(4) Inserted by regulation 12 of [S.I. 2005/3374](#).

(20) Regulation 12(3) inserted by regulation 13 of [S.I. 2005/3374](#).