

| Statutory clearance | Relevant contact |
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| Capital gains: | |
| Under S138 TCGA 1992 | |
| For confirmation that the anti-avoidance provisions at Section 137(1) TCGA will not prevent Sections 135 or 136 TCGA from applying on the proposed share exchanges, company reconstructions or amalgamations, and for confirmation that the anti-avoidance provisions at Section 140E(7) will not prevent Sections 140E, F or G applying on the proposed formation of a European Company (SE) merger. (a) | Clearance & Counteraction Team Anti-Avoidance Group First Floor 22 Kingsway London WC2B 6NR Tel: 020 7438 7474 Fax: 020 7438 4409 Email: Reconstructions guidance S138 & 139(5) TCGA 1992 - Applications for Advance Clearance |
| Under Section 139(5) TCGA 1992 | |
| For confirmation that the anti-avoidance provisions at Section 139(5) TCGA will not prevent Section 139 TCGA applying on the proposed company reconstruction or amalgamation involving a transfer of business. (a) | Clearance & Counteraction Team Anti-Avoidance Group First Floor 22 Kingsway London WC2B 6NR Tel: 020 7438 7474 Fax: 020 7438 4409 Email: Reconstructions guidance S138 & 139(5) TCGA 1992 - Applications for Advance Clearance |
| Under Section 140B TCGA 1992 | |
| For confirmation that the anti-avoidance provisions at Section 140B TCGA will not prevent S140A TCGA from applying on the proposed transfer of non-UK trade made by a UK company resident in different European Union Member State. (a) | Clearance & Counteraction Team Anti-Avoidance Group First Floor 22 Kingsway London WC2B 6NR Tel: 020 7438 7474 Fax: 020 7438 4409 Email: Reconstructions guidance S140B & 140D TCGA 1992 - Applications for Advance Clearance |
| Under Section 140D TCGA 1992 | |
| For confirmation that the anti-avoidance provisions at Section 140D TCGA will not prevent S140C TCGA from applying on the proposed transfer of non-UK trade made by a UK company to a company resident in different European Union Member State. (a) | Clearance & Counteraction Team Anti-Avoidance Group First Floor 22 Kingsway London WC2B 6NR Tel: 020 7438 7474 Fax: 020 7438 4409 Email: Reconstructions guidance S140B & 140D TCGA 1992 - Applications for Advance Clearance |
| Under Section 247(1)(f) ITA 2007 (from 6 April 2007 – previously Section 304A(1)(f) ICTA 1988) | |
| For confirmation that the anti-avoidance provisions of Section 137(1) TCGA 1992 will not prevent the provisions of Section 304A ICTA from applying such that the exchange of shares shall not be regarded as involving any disposal of the old shares or acquisition of the new shares and EIS and BES reliefs will continue to apply. (a) | Clearance & Counteraction Team Anti-Avoidance Group First Floor 22 Kingsway London WC2B 6NR Tel: 020 7438 7474 Fax: 020 7438 4409 Email: Reconstructions guidance |
| Under section 831 CTA 2009 | |
| For confirmation that the proposed transfer of the business or trade under a company reconstruction will be treated as tax-neutral. (a) | Clearance & Counteraction Team Anti-Avoidance Group First Floor 22 Kingsway London WC2B 6NR |

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| | Tel: 020 7438 7474 Fax: 020 7438 4409 Email: Reconstructions guidance |
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(a) Please note that clearance for an anti-avoidance provision under the sections of the acts shown above does not extend to other conditions. Whether the transactions in question meet the relevant technical conditions will be a matter to be determined after the transactions have taken place

Demergers:

Under Section 1091 CTA 2010

For confirmation that the proposed division of the trading activities of a single company or group between two or more companies or groups will represent an exempt distribution for the purposes of Section 1091 (2) CTA 2010

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Under section 1092 CTA 2010

For confirmation that proposed payment will not be chargeable payments for the purposes of Section 1092 CTA 2010.

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Purchase of own shares by unquoted trading company:

Under Section 1044 CTA 2010

For confirmation that a payment made on a purchase of own shares does not fall to be treated as an income distribution for tax purposes.

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 Tel: 020 7438 7474
 Fax: 020 7438 4409
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[S225 ICTA 1988 - applications for advance clearance](#)

Under Section 1044 CTA 2010

For confirmation that a payment made on a purchase of own shares is one which does fall to be treated as an income distribution.

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 Fax: 020 7438 4409
 Email: [Reconstructions guidance](#)

Transactions in securities:

Under Section 701 Income Tax Act 2007 or section 748 CTA 2010 (previously section 707 ICTA 1988)

For confirmation that provisions cancelling tax advantages obtained from certain transactions in securities (in the circumstances specified at Sections 686-690 ITA 2007 or Sections 704A-E ICTA 1988) will not apply.
 (Sections 682 –713 Income Tax Act 2007 replace Sections 703 – 709 Income and Corporation Taxes Act 1988 from 6 April 2007 for income tax only.
 Section 731-

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[S707 ICTA 1988 Applications for advance clearance](#)

751 CTA 2010 will continue to apply for Corporation Tax.)

Company Migrations:

Notices to be given under Section 109B TMA 1970 (previously Section 130(2)(a) Finance Act 1988)

Under this section a company intending to cease to be resident in the UK must first notify us and make acceptable arrangements for payment of all tax due for periods up to the date of the proposed migration

Neil Nagle
HMRC, CTIAA, Transfer Pricing Team
3rd Floor
100 Parliament Street
London SW1A 2BQ
Tel: 020 7147 2459
Fax: 020 7147 2649
[CTM34195 - Residence: outward company migration: guidance notes for migrating companies](#)

Insurance Companies – transfers of business:

Section 444AED ICTA

For confirmation that the targeted anti-avoidance provisions at sections 444AEA to 444AECC ICTA will not apply. In relation to a proposed long-term insurance business.

The transferor company's Client Relationship Manager and
CTIAA (Insurance Group), HMRC, Mailstation E 3rd Floor 100 Parliament Street London SW1A 2BQ

Corporate Venture Schemes:

Part X Sch 15 FA2000

For confirmation that, providing that the facts regarding the proposed share issue and the company still apply when the shares are issued, the company and the shares issued will meet the requirements of Parts III and IV of Sch 15 FA2000.

Small Company Enterprise Centre, HMRC, 1st Floor Ferrers House, Castle Meadow Road, Nottingham, NG2 1BB, Email: [Enterprise Centre](#)

Transactions in Land:

Under Section 237 CTA 2009 and S300 ITTOIA 2005

Confirmation of the taxpayer's view of the tax consequences of assigning a lease granted at under value.
(Previously S35 ICTA 1988)

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[PIM1222 - Other sums treated like premiums: Charge on assignment of lease granted at undervalue](#)

Under S831 ICTA 2010 and S770 ITA 2007

Confirmation that Section 819 CTA 2010 does not apply to gains made from transactions in land.
Confirmation that Section 756 ITA 2007 does not apply to gains made from transactions in land.
(Previously section 776 ICTA 1988)

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[BIM60395 - Land transactions: ICTA88/S776: Table of contents](#)

International Trade:

Under Council Regulation (EEC) 2913/92 of 12 October 1992 (as amended) establishing the Community Customs Code, and the Implementing Provisions in Commission Regulation (EEC) 2454/93 of July 1993 (as amended)

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| <p>For legally Binding Origin Information for preferential and non-preferential goods.</p> | <p>Application form C&E 1900 is available via the C&E 1900 - Application for Binding Origin Information (BOI) Or by telephoning the HMRC Helpline on 0845 010 9000. When completed it should be sent to: HMRC Frontiers and International Trade Duty Liability Team 6th Floor Portcullis House Southend on Sea Essex</p> |
| <p>Under Council Regulation (EEC) 2913/92 of 12 October 1992 (as amended) establishing the Community Customs Code, and the Implementing Provisions in Commission Regulation (EEC) 2454/93 (as amended). For legally binding tariff information confirming the tariff classification of goods for import/export purposes.</p> | <p>Application form C103 is available by telephoning the Tariff Classification Service on 01702 366077 or from: HMRC Frontiers and International Tariff Classification Service 2nd Floor North West Alexander House 21 Victoria Street Essex SS99 1AL You can also apply electronically by registering under the Government Gateway under organisations.</p> |
| <p>Under articles in the Origin protocols in the reciprocal Association Free Trade and Stabilisation and Association Agreements which the European Community has concluded with a range of third countries, and Articles in Community Customs Code Implementing provisions (Commission Regulation 2454/93) laying down the rules of origin for the EC's autonomous preferential trade agreements.</p> | |
| <p>For approval of UK exporters to issue simplified proofs of preferential origin.</p> | <p>Contact the Helpline on Tel: 0845 010 9000.</p> |
| <p>Stamp Duty Adjudication:</p> | |
| <p>Under S12 Stamp Act 1891 Any person may require the HMRC Commissioners to confirm whether, and is so in what amount, an</p> | <p>Miles Harwood 100 Parliament Street London SW1A 2BQ Tel: 020 71472801</p> |
| <p>executed instrument is chargeable with stamp duty, whether any late stamping penalty is payable and whether, in their opinion, that penalty is correct and appropriate.</p> | |
| <p>Offshore Funds: Distributing status:</p> | |
| <p>Under Section 760 Income and Corporation Tax Act 1988</p> | |
| <p>An offshore fund shall not be certified as a distributing fund in respect of an account period unless the fund pursues a full distribution policy within the meaning of Part 1 of Schedule 27 ICTA 1988.</p> | <p>Liz Foster/Sandra Whyman HMRC Collective Investments Schemes Centre 1st Floor South Concept House 5 Young Street Sheffield S1 4LB Tel: 0114 296 9377 or 9688 Or see the CISC Centre page page of the HMRC website.</p> |