

Statutory clearance	Relevant contact
Capital gains:	
Under S138 TCGA 1992	
<p>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. <u>(a)</u></p>	<p>Clearance & Counteraction Team Anti-Avoidance Group First Floor 22 Kingsway London WC2B 6NR Tel: 020 7438 7474 Fax: 020 7438 4409 Email: reconstructions@hmrc.gsi.gov.uk</p> <p>Guidance</p>
Under Section 139(5) TCGA 1992	
<p>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. <u>(a)</u></p>	<p>Clearance & Counteraction Team Anti-Avoidance Group First Floor 22 Kingsway London WC2B 6NR Tel: 020 7438 7474 Fax: 020 7438 4409 Email: reconstructions@hmrc.gsi.gov.uk</p> <p>Guidance</p>
Under Section 140B TCGA 1992	
<p>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. <u>(a)</u></p>	<p>Clearance & Counteraction Team Anti-Avoidance Group First Floor 22 Kingsway London WC2B 6NR Tel: 020 7438 7474 Fax: 020 7438 4409 Email: reconstructions@hmrc.gsi.gov.uk</p> <p>Guidance</p>
Under Section 140D TCGA 1992	

<p>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. <u>(a)</u></p>	<p>Clearance & Counteraction Team Anti-Avoidance Group First Floor 22 Kingsway London WC2B 6NR Tel: 020 7438 7474 Fax: 020 7438 4409 Email: reconstructions@hmrc.gsi.gov.uk</p> <p>Guidance</p>
<p>Under Section 247(1)(f) ITA 2007 (from 6 April 2007 - previously Section 304A(1)(f) ICTA 1988)</p>	
<p>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. <u>(a)</u></p>	<p>Clearance & Counteraction Team Anti-Avoidance Group First Floor 22 Kingsway London WC2B 6NR Tel: 020 7438 7474 Fax: 020 7438 4409 Email: reconstructions@hmrc.gsi.gov.uk</p>
<p>Under Paragraphs 84(6), 85(5), 86(9) and 87(8) Schedule 29 FA 2002</p>	
<p>For confirmation that the proposed transfer of the business or trade under a company reconstruction will be treated as tax-neutral. <u>(a)</u></p>	<p>Clearance & Counteraction Team Anti-Avoidance Group First Floor 22 Kingsway London WC2B 6NR Tel: 020 7438 7474 Fax: 020 7438 4409 Email: reconstructions@hmrc.gsi.gov.uk</p> <p>Guidance</p>
<p>(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</p>	

meet the relevant technical conditions will be a matter to be determined after the transactions have taken place.	
Demergers:	
Under Section 215(1) ICTA 1988	
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 213(2) ICTA 1988.	<p>Clearance & Counteraction Team Anti-Avoidance Group First Floor 22 Kingsway London WC2B 6NR Tel: 020 7438 7474 Fax: 020 7438 4409 Email: reconstructions@hmrc.gsi.gov.uk</p> <p>Guidance</p>
Under Sections 215(2) & (3)	
For confirmation that proposed payment will not be chargeable payments for the purposes of Section 214 ICTA 1988.	<p>Clearance & Counteraction Team Anti-Avoidance Group First Floor 22 Kingsway London WC2B 6NR Tel: 020 7438 7474 Fax: 020 7438 4409 Email: reconstructions@hmrc.gsi.gov.uk</p>
Purchase of own shares by unquoted trading company:	
Under Section 225(1)(a) ICTA 1988	
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.	<p>Clearance & Counteraction Team Anti-Avoidance Group First Floor 22 Kingsway London WC2B 6NR Tel: 020 7438 7474 Fax: 020 7438 4409 Email: reconstructions@hmrc.gsi.gov.uk</p> <p>Guidance</p>

Under Section 225(1)(b) ICTA 1988	
For confirmation that a payment made on a purchase of own shares is one which does fall to be treated as an income distribution.	Clearance & Counteraction Team Anti-Avoidance Group First Floor 22 Kingsway London WC2B 6NR Tel: 020 7438 7474 Fax: 020 7438 4409 Email: reconstructions@hmrc.gsi.gov.uk
Transactions in securities:	
Under Section 701 Income Tax Act 2007 or 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 703-709 ICTA 1988 will continue to apply for corporation tax.)	Clearance & Counteraction Team Anti-Avoidance Group First Floor 22 Kingsway London WC2B 6NR Tel: 020 7438 7474 Fax: 020 7438 4409 Email: reconstructions@hmrc.gsi.gov.uk Guidance
Company migrations:	
Notices to be given under 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.	Hazel Ford International CT & VAT 03/64/01, 3rd Floor 100 Parliament Street London SW1A 2BQ Tel: 020 7147 2689 Fax: 020 7147 2649
Insurance Companies – transfers of business:	
Section 44AED 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 HMRC CT&VAT Insurance Group Mailstation E 3 rd 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 CRI Ty Glas Llanishen Cardiff CF14 5ZG Tel: 029 2032 7400 Email: Enterprise.centre@hmrc.gsi.gov.uk
Transactions in land:	
Under S35 ICTA 1988	
Confirmation of the taxpayer's view of the tax consequences of assigning a lease granted at under value.	Applications for clearance under Section 35(3) ICTA should be sent to the HMRC Officer who deals with the taxpayer's returns. http://www.hmrc.gov.uk/manuals/pimmanual/PIM1222.htm
Under S776 ICTA 1988	
Confirmation that Section 776 ICTA does not apply to gains made from transactions in land.	Applications for clearance under Section 776(11) ICTA should be sent to the HMRC Officer who deals with the taxpayer's returns. http://www.hmrc.gov.uk/manuals/bimmanual/BIM60300.htm
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).	

<p>For legally Binding Origin Information for preferential and non-preferential goods.</p>	<p>Application form C&E 1900 is available via the HMRC website:</p> <p>www.hmrc.gov.uk</p> <p>Or by telephoning the HMRC National Advice Service on 0845 010 9000. When completed it should be sent to: HMRC Frontiers and International Trade Duty Liability Team 6th floor Portcullis House 27 Victoria Avenue Southend on Sea Essex SS2 6AL</p>
<p>Under Council Regulation (EEC)</p>	
<p>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).</p>	
<p>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 from:</p> <p>HMRC Frontiers and International, Tariff Classification Service 2nd Floor North West Alexander House 21 Victoria Street Southend on Sea Essex SS99 1AL</p> <p>You can also apply electronically by registering under the Government Gateway website www.gateway.gov.uk under organisations.</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 arrangements.	
For approval of UK exporters to issue simplified proofs of preferential origin.	Contact HMRC National Advice Service on 0845 010 9000.
Stamp Duty Adjudication:	
Under S12 Stamp Act 1891	
Any person may require the HMRC Commissioners to confirm whether, and is so in what amount, an 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.	Miles Harwood Excise & Stamp Taxes 100 Parliament Street London SW1A 2BQ Tel: 020 71472801
Offshore Funds: distributing status:	
Under section 760 Income and Corporation Tax Act 1988	
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.	Liz Foster/Sandra Whyman HMRC Offshore Funds Centre 6 th Floor Concept House 5 Young Street Sheffield S1 4LB Tel: 0114 296 9377 or 9688 Or see the Offshore Funds page of the HMRC website.