

Bill 6

CONTENTS

PART 1

RULES FOR SPECIAL TYPES OF COMPANY ETC

CHAPTER 1

SECURITISATION COMPANIES

- 1 Meaning of “securitisation company” [j9101]
- 2 Power to make regulations about the taxation of securitisation companies [j9100]
- 3 Regulations: supplementary [j9103]

Schedule 1 – Minor and consequential amendments [j2 (s. 84 FA 2005)]
Part 1 – Other enactments [s. 84 FA 2005]
Schedule 2 – Repeals and revocations [j4 (s. 84 FA 2005)]

PART 1

RULES FOR SPECIAL TYPES OF COMPANY ETC

CHAPTER 1

SECURITISATION COMPANIES

1 Meaning of “securitisation company” [j9101]

- (1) In this Chapter “securitisation company” means a company to which subsection (2) or (6) applies.

Origin: FA 2005 s.84(2); drafting.

- (2) This subsection applies to a company if –
- (a) conditions A to C are met in relation to it, and
 - (b) it meets such other conditions as the Treasury may specify by regulations.

Origin: FA 2005 s.84(2).

- (3) Condition A is that the company is party as debtor to a capital market investment.

Origin: FA 2005 s.84(2).

- (4) Condition B is that securities representing that capital market investment are issued.

Origin: FA 2005 s.84(2).

- (5) Condition C is that the capital market investment is part of a capital market arrangement.

Origin: FA 2005 s.84(2).

- (6) This subsection applies to a company if there is between it and a company to which subsection (2) applies a relationship (direct or indirect) of a description specified by the Treasury by regulations.

Origin: FA 2005 s.84(2).

- (7) In this section “capital market investment” and “capital market arrangement” have the same meaning as in section 72B(1) of the Insolvency Act 1986 (c. 45) (see paragraphs 1, 2 and 3 of Schedule 2A to that Act).

Origin: FA 2005 s.84(6).

2 Power to make regulations about the taxation of securitisation companies [j9100]

- (1) The Treasury may by regulations make provision about the application of the Corporation Tax Acts in relation to a securitisation company.

Origin: FA 2005 s.84(1).

- (2) The regulations may, in particular, provide for the application, modification or non-application of any of the provisions of the Corporation Tax Acts.

Origin: FA 2005 s.84(3).

- (3) The regulations may, in particular, provide—

- (a) that the amount of profits of any specified description (before any such adjustments as are mentioned in subsection (4)) is to be taken to be such amount, or is to be calculated on such basis, as may be specified, and
- (b) that the amount determined in accordance with regulations under paragraph (a) is to be brought into account for corporation tax purposes instead of any specified amount that would otherwise fall to be brought into account.

Origin: FA 2005 s.84(3).

- (4) The regulations may, in particular, provide for specified adjustments to be made to the amount to be brought into account for corporation tax purposes in accordance with regulations under subsection (3).

Origin: FA 2005 s.84(3).

- (5) The regulations may, in particular, provide—

- (a) that the regulations apply to a company only if an election that they are to apply is made, or
- (b) that the regulations do not apply to a company if an election that they are not to apply is made.

Origin: FA 2005 s.84(3).

- (6) The regulations may, in particular, provide that once subject to the regulations a company is to continue to be subject to them for all subsequent periods of account.

Origin: FA 2005 s.84(3).

- (7) The regulations may, in particular, impose conditions that must be met if a company is to have, or continue to have, the benefit of the regulations.

Origin: FA 2005 s.84(3).

- (8) The regulations may, in particular, provide for the consequences of failing to meet any specified condition (which may include recalculating the company's profits for previous periods on the basis that the regulations did not apply).

Origin: FA 2005 s.84(3).

- (9) In this section “specified” means specified in the regulations.

Origin: FA 2005 s.84(6).

3 Regulations: supplementary [j9103]

- (1) Regulations under this Chapter may –
- (a) make different provision for different descriptions of company,
 - (b) contain incidental, supplementary, consequential and transitional provision and savings.

Origin: FA 2005 s.84(4), (5).

- (2) The provision which may be made under subsection (1)(b) includes provision amending any provision of, or made under, the Taxes Acts (within the meaning of section 118(1) of TMA 1970).

Origin: FA 2005 s.84(5).

- (3) Regulations under this Chapter may include provision which –
- (a) in the case of provision relating to corporation tax, has effect from the beginning of periods of account current when the regulations are made, and
 - (b) in the case of provision relating to income tax or capital gains tax, has effect in relation to times before the regulations are made.

Origin: FA 2005 s.84(5).

SCHEDULES

SCHEDULE 1

Section [jref]

MINOR AND CONSEQUENTIAL AMENDMENTS [j2 (s. 84 FA 2005)]

PART 1

OTHER ENACTMENTS [s. 84 FA 2005]

Finance Act 2005 (c. 7)

- 1 (1) The Finance Act 2005 is amended as follows.
- (2) Omit section 84 (taxation of securitisation companies).

SCHEDULE 2

Section [jref]

REPEALS AND REVOCATIONS [j4 (s. 84 FA 2005)]

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Finance Act 2005 (c. 7)	Section 84.
Finance Act 2006 (c. 25)	Section 101(5).
Finance Act 2007 (c. 11)	Section 59(4) to (6).