

Capital Allowances Bill

CONTENTS

PART 1

INTRODUCTION

CHAPTER 1.1

CAPITAL ALLOWANCES: GENERAL

- 1.1.1 Capital allowances
- 1.1.2 General means of giving effect to capital allowances
- 1.1.3 Claims for capital allowances
- 1.1.4 Capital expenditure
- 1.1.5 When capital expenditure is incurred
- 1.1.6 Meaning of “chargeable period”

CHAPTER 1.2

EXCLUSION OF DOUBLE RELIEF

- 1.2.1 No double allowances
- 1.2.2 No double relief through pooling under Part 2 (plant and machinery allowances)
- 1.2.3 Interaction between claims in respect of fixtures and other claims
- 1.2.4 Interpretation

PART 2

PLANT AND MACHINERY ALLOWANCES

CHAPTER 2.1

INTRODUCTION

- 2.1.1 General conditions as to availability of plant and machinery allowances
- 2.1.2 Expenditure incurred before qualifying activity carried on
- 2.1.3 Use for qualifying activity of plant or machinery provided for other purposes
- 2.1.4 Use for qualifying activity of plant or machinery which is a gift

CHAPTER 2.2

QUALIFYING ACTIVITIES

- 2.2.1 Qualifying activities
- 2.2.2 Ordinary Schedule A businesses
- 2.2.3 Furnished holiday lettings businesses
- 2.2.4 Management of investment companies
- 2.2.5 Special leasing of plant or machinery
- 2.2.6 Employments and offices

CHAPTER 2.3

QUALIFYING EXPENDITURE

Buildings, structures and land

- 2.3.1 Buildings
- 2.3.2 Structures, assets and works
- 2.3.3 Expenditure unaffected by sections 2.3.1 and 2.3.2
- 2.3.4 Interests in land
- 2.3.5 Building alterations connected with installation of plant or machinery

Demolition costs

- 2.3.6 Demolition costs

Expenditure on thermal insulation, safety measures, etc.

- 2.3.7 Application of Part to thermal insulation, safety measures, etc.
- 2.3.8 Thermal insulation of industrial buildings
- 2.3.9 Fire safety
- 2.3.10 Safety at designated sports grounds
- 2.3.11 Safety at regulated stands at sports grounds
- 2.3.12 Safety at other sports grounds
- 2.3.13 Personal security

Films

- 2.3.14 Election to treat expenditure on films as capital expenditure

Exclusion of certain types of expenditure

- 2.3.15 Expenditure by MPs and others on accommodation
- 2.3.16 Expenditure on plant or machinery for use in dwelling-house not qualifying expenditure in certain cases
- 2.3.17 Restriction on qualifying expenditure in case of employment or office
- 2.3.18 Exclusion where sums payable in respect of depreciation
- 2.3.19 Production animals etc.

CHAPTER 2.4

FIRST-YEAR QUALIFYING EXPENDITURE

General

- 2.4.1 First-year allowances available for certain types of qualifying expenditure only

Types of expenditure which may qualify for first-year allowances

- 2.4.2 Expenditure incurred for Northern Ireland purposes by small or medium-sized enterprises
- 2.4.3 Miscellaneous exclusions from section 2.4.2 (expenditure for Northern Ireland purposes etc.)
- 2.4.4 Exclusion of plant or machinery partly for use outside Northern Ireland
- 2.4.5 Effect of plant or machinery subsequently being primarily for use outside Northern Ireland
- 2.4.6 Expenditure incurred by small or medium-sized enterprises
- 2.4.7 ICT expenditure incurred by small enterprises
- 2.4.8 General exclusions applying to sections 2.4.2, 2.4.6 and 2.4.7

Expenditure of small or medium-sized enterprises

- 2.4.9 Expenditure of small or medium-sized enterprises: companies
- 2.4.10 Expenditure of small or medium-sized enterprises: businesses
- 2.4.11 Whether company is a member of a large or medium-sized group: general

Supplementary

- 2.4.12 Time when expenditure is incurred
- 2.4.13 Disclosure of information between UK tax authorities

CHAPTER 2.5
ALLOWANCES AND CHARGES

First-year allowances

- 2.5.1 First-year allowances

Pooling

- 2.5.2 Pooling of qualifying expenditure
- 2.5.3 The different kinds of pools

Writing-down and balancing allowances and balancing charges

- 2.5.4 Determination of entitlement or liability
- 2.5.5 Amount of allowances and charges

Available qualifying expenditure

- 2.5.6 Available qualifying expenditure
- 2.5.7 Initial allocation of qualifying expenditure to pools
- 2.5.8 Unrelieved qualifying expenditure

Disposal events and disposal values: general

- 2.5.9 Meaning of “disposal receipt” and “disposal event”
- 2.5.10 Disposal events and disposal values
- 2.5.11 General limit on amount of disposal value
- 2.5.12 Cases in which disposal value is nil
- 2.5.13 Case in which no disposal value need be brought into account

The final chargeable period

- 2.5.14 The final chargeable period

List of provisions outside this Chapter about disposal values

- 2.5.15 List of provisions outside this Chapter about disposal values

CHAPTER 2.6
HIRE-PURCHASE ETC. AND PLANT OR MACHINERY PROVIDED BY LESSEE

Hire-purchase and similar contracts

- 2.6.1 Plant or machinery treated as owned by person entitled to benefit of contract, etc.
- 2.6.2 Hire-purchase etc. and fixtures
- 2.6.3 Disposal value on cessation of notional ownership

Plant or machinery provided by lessee

2.6.4 Plant or machinery provided by lessee

CHAPTER 2.7

COMPUTER SOFTWARE

2.7.1 Software and rights to software

2.7.2 Disposal values

2.7.3 Limit on disposal values

CHAPTER 2.8

CARS, ETC.

Cars above the cost threshold

2.8.1 Single asset pool

2.8.2 General limit on amount of writing-down allowance

2.8.3 Limit where part of expenditure met by another person

2.8.4 Car used partly for purposes other than those of qualifying activity

2.8.5 Effect of partial depreciation subsidy

2.8.6 Cases where Chapter 2.17 (anti-avoidance) applies

2.8.7 Alteration of amounts by Treasury order

Vehicles provided for purposes of employment or office

2.8.8 Vehicles provided for purposes of employment or office

Interpretation

2.8.9 Extended meaning of “car”

2.8.10 Qualifying hire cars etc.

CHAPTER 2.9

SHORT-LIFE ASSETS

2.9.1 Meaning of “short-life asset”

2.9.2 Cases in which short-life asset treatment is ruled out

2.9.3 Election for short-life asset treatment

2.9.4 Short-life asset pool

2.9.5 Short-life assets provided for leasing

2.9.6 Sales at under-value

2.9.7 Disposal to connected person

CHAPTER 2.10

LONG-LIFE ASSETS

Long-life asset expenditure

2.10.1 Long-life asset expenditure

2.10.2 Meaning of “long-life asset”

2.10.3 Application of Chapter to part of expenditure

Expenditure excluded from being long-life asset expenditure

2.10.4 Fixtures

2.10.5 Ships

-
- 2.10.6 Railway assets
 - 2.10.7 Cars
 - 2.10.8 Expenditure within the relevant monetary limit: general
 - 2.10.9 Expenditure to which the monetary limits apply
 - 2.10.10 The monetary limit
 - 2.10.11 Exceeding the monetary limit

Rules applying to long-life asset expenditure

- 2.10.12 Long-life asset pool
- 2.10.13 Writing-down allowances at 6%

Anti-avoidance provisions

- 2.10.14 Later claims
- 2.10.15 Disposal value of long-life assets

CHAPTER 2.11
OVERSEAS LEASING

Basic terms

- 2.11.1 “Leasing”, “overseas leasing” etc.
- 2.11.2 The designated period

Certain expenditure to be pooled

- 2.11.3 The overseas leasing pool
- 2.11.4 Effect of disposal to connected person on overseas leasing pool

Allowances reduced or, in certain cases, prohibited

- 2.11.5 Writing-down allowances at 10%
- 2.11.6 Cases where allowances are prohibited

Recovery of excess allowances

- 2.11.7 Excess allowances: standard recovery mechanism
- 2.11.8 Excess allowances: connected persons
- 2.11.9 Excess allowances: special provision for ships

Recovery of allowances given in cases where prohibition applies

- 2.11.10 Prohibited allowances: standard recovery mechanism
- 2.11.11 Prohibited allowances: connected persons

Application of Chapter in relation to joint lessees

- 2.11.12 Mitigation of regime
- 2.11.13 Recovery of allowances in case of joint lessees

Duties to supply information

- 2.11.14 Certificate relating to protected leasing
- 2.11.15 Notice of change of use of plant or machinery
- 2.11.16 Notice and joint lessees
- 2.11.17 Meaning of “short-term leasing”

Qualifying purposes

- 2.11.18 Short-term leasing by buyer, lessee, etc.
- 2.11.19 Ships and aircraft
- 2.11.20 Transport containers
- 2.11.21 Other qualifying purposes

Minor definitions

- 2.11.22 Minor definitions

CHAPTER 2.12

SHIPS

Pooling and postponement of allowances

- 2.12.1 Single ship pool
- 2.12.2 Expenditure which is not to be allocated to single ship pool
- 2.12.3 Election to use the appropriate non-ship pool
- 2.12.4 Notice postponing first-year or writing-down allowance
- 2.12.5 Effect of postponement
- 2.12.6 Disposal events and single ship pool
- 2.12.7 Ship not used

Deferment of balancing charges

- 2.12.8 Deferment of balancing charges: introduction
- 2.12.9 Claim for deferment
- 2.12.10 Further conditions for deferment
- 2.12.11 Effect of deferment
- 2.12.12 Limit on amount deferred
- 2.12.13 Amount taken into account in respect of old ship

Attribution of deferments

- 2.12.14 Notice attributing deferments
- 2.12.15 Deferments attributed to earlier expenditure first
- 2.12.16 Variation of attribution
- 2.12.17 Reimposition of deferred charge
- 2.12.18 Amounts which cease to be attributable
- 2.12.19 Requirement to notify where no entitlement to deferments

Meaning of "expenditure on new shipping" for purposes of deferment rules

- 2.12.20 Basic meaning of expenditure on new shipping
- 2.12.21 Exclusions: ship previously owned
- 2.12.22 Exclusions: object to secure deferment
- 2.12.23 Exclusions: later events
- 2.12.24 Exclusions where expenditure not by ship owner

Meaning of "qualifying ship" for purposes of deferment rules

- 2.12.25 Basic meaning of "qualifying ship"
- 2.12.26 Ships under 100 tons
- 2.12.27 Ships which are not qualifying ships
- 2.12.28 Further registration requirement

Deferment of balancing charges: supplementary provisions

- 2.12.29 Change in the persons carrying on the qualifying activity
- 2.12.30 Connected persons

Further provisions

- 2.12.31 Adjustment of assessments etc.
- 2.12.32 Minor definitions

CHAPTER 2.13

PROVISIONS AFFECTING MINING AND OIL INDUSTRIES

Expenditure connected with mineral extraction trades

- 2.13.1 Meaning of “mineral extraction trade” etc.
- 2.13.2 Expenditure treated as incurred for purposes of mineral extraction trade
- 2.13.3 Pre-trading expenditure on mineral exploration and access

Provisions relating to ring fence trades

- 2.13.4 Ring fence trade a separate qualifying activity
- 2.13.5 Meaning of “abandonment expenditure”
- 2.13.6 Abandonment expenditure incurred before cessation of ring fence trade
- 2.13.7 Abandonment expenditure within 3 years of ceasing ring fence trade

Transfers of interests in oil fields: anti-avoidance

- 2.13.8 Transfers of interests in oil fields: anti-avoidance

Production sharing contracts

- 2.13.9 Production sharing contracts
- 2.13.10 Expenditure on plant or machinery incurred by contractor
- 2.13.11 Expenditure on plant or machinery incurred by participator
- 2.13.12 Participator’s expenditure attributable to plant or machinery
- 2.13.13 Disposal values on cessation of ownership

CHAPTER 2.14

FIXTURES

Introduction

- 2.14.1 Scope of Chapter etc.
- 2.14.2 Meaning of “fixture” and “relevant land”
- 2.14.3 Meaning of “equipment lease” and “lease”
- 2.14.4 Meaning of “interest in land”, etc.

Persons who are treated as owners of fixtures

- 2.14.5 Person with interest in relevant land having fixture for purposes of qualifying activity
- 2.14.6 Equipment lessors
- 2.14.7 Section 2.14.6: first set of conditions (equipment lessee has qualifying activity etc.)
- 2.14.8 Section 2.14.6: second set of conditions (equipment lessor has right to sever fixture that is not part of building)
- 2.14.9 Section 2.14.6: third set of conditions (equipment lease is part of affordable warmth programme)

-
- 2.14.10 Purchaser of land giving consideration for fixture
 - 2.14.11 Purchaser of land discharging obligations of equipment lessee
 - 2.14.12 Incoming lessee where lessor entitled to allowances
 - 2.14.13 Incoming lessee where lessor not entitled to allowances

Restrictions on amount of qualifying expenditure

- 2.14.14 Fixture on which a plant and machinery allowance has been claimed
- 2.14.15 Fixture on which an industrial buildings allowance has been made
- 2.14.16 Fixture on which a research and development allowance has been made

Cessation of ownership of fixtures

- 2.14.17 Cessation of ownership when person ceases to have qualifying interest
- 2.14.18 Identifying the qualifying interest in special cases
- 2.14.19 Cessation of ownership of lessor where section 2.14.12 applies
- 2.14.20 Cessation of ownership on severance of fixture
- 2.14.21 Cessation of ownership of equipment lessor

Acquisition of ownership of fixture when another ceases to own it

- 2.14.22 Acquisition of ownership by lessor or licensor on termination of lease or licence
- 2.14.23 Acquisition of ownership by assignee of equipment lessor
- 2.14.24 Acquisition of ownership by equipment lessee

Disposal values

- 2.14.25 Disposal values in relation to fixtures: general
- 2.14.26 Disposal values in avoidance cases

Election to fix apportionment

- 2.14.27 Election to apportion sale price on sale of qualifying interest
- 2.14.28 Election to apportion capital sum given by lessee on grant of lease
- 2.14.29 Elections under sections 2.14.27 and 2.14.28: supplementary
- 2.14.30 Elections under sections 2.14.27 and 2.14.28: procedure

Further provisions

- 2.14.31 Interpretation
- 2.14.32 Amendment of returns and adjustment of assessments
- 2.14.33 Appeals etc.

CHAPTER 2.15

ASSET PROVIDED OR USED ONLY PARTLY FOR QUALIFYING ACTIVITY

- 2.15.1 Reduction of first-year allowances
- 2.15.2 Single asset pool etc.
- 2.15.3 Reduction of allowances and charges on expenditure in single asset pool
- 2.15.4 Effect of significant reduction in use for purposes of qualifying activity

CHAPTER 2.16

PARTIAL DEPRECIATION SUBSIDIES

- 2.16.1 Meaning of “partial depreciation subsidy”
- 2.16.2 Reduction of first-year allowances
- 2.16.3 Single asset pool etc.

2.16.4 Reduction of allowances and charges on expenditure in single asset pool

CHAPTER 2.17
ANTI-AVOIDANCE

Relevant transactions

2.17.1 Relevant transactions: sale, hire-purchase (etc.) and assignment

Restrictions on allowances

- 2.17.2 Connected persons
- 2.17.3 Transactions to obtain allowances
- 2.17.4 Sale and leaseback, etc.
- 2.17.5 No first-year allowance for B's expenditure
- 2.17.6 Restriction on B's qualifying expenditure

Finance leases

- 2.17.7 Meaning of "finance lease"
- 2.17.8 Hire-purchase etc.
- 2.17.9 Allocation of expenditure to a chargeable period

Sale and finance leasebacks

- 2.17.10 Meaning of "sale and finance leaseback"
- 2.17.11 Disposal value restricted
- 2.17.12 No first-year allowance for B's expenditure
- 2.17.13 Restriction on B's qualifying expenditure
- 2.17.14 B's qualifying expenditure if lessor not bearing non-compliance risk
- 2.17.15 Qualifying expenditure limited in subsequent transactions

Sale and leaseback or sale and finance leaseback: election for special treatment

- 2.17.16 Circumstances in which election may be made
- 2.17.17 Effect of election: relaxation of restriction on B's qualifying expenditure, etc.

Miscellaneous and supplementary

- 2.17.18 Additional VAT liabilities and rebates
- 2.17.19 Exception for manufacturers and suppliers
- 2.17.20 Adjustments of assessments etc.
- 2.17.21 Meaning of connected person

CHAPTER 2.18
ADDITIONAL VAT LIABILITIES AND REBATES

Introduction

2.18.1 Introduction

Additional VAT liability

- 2.18.2 Additional VAT liability treated as qualifying expenditure
- 2.18.3 Additional VAT liability generates first-year allowance
- 2.18.4 Exceptions to section 2.18.3

Additional VAT rebate

- 2.18.5 Additional VAT rebate generates disposal value
- 2.18.6 Limit on disposal value where additional VAT rebate

Short-life assets: balancing allowance

- 2.18.7 Additional VAT liability

Anti-avoidance

- 2.18.8 No first-year allowance in respect of additional VAT liability
- 2.18.9 Restriction on B's qualifying expenditure: general
- 2.18.10 Restriction on B's qualifying expenditure: sale and finance leaseback
- 2.18.11 B's qualifying expenditure if lessor not bearing non-compliance risk
- 2.18.12 Effect of election under section 2.17.16 on additional VAT liability
- 2.18.13 Miscellaneous

CHAPTER 2.19

GIVING EFFECT TO ALLOWANCES AND CHARGES

Trades

- 2.19.1 Trades

Property businesses

- 2.19.2 Ordinary Schedule A businesses
- 2.19.3 Furnished holiday lettings businesses
- 2.19.4 Overseas property businesses

Activities analogous to trades

- 2.19.5 Professions and vocations
- 2.19.6 Mines, transport undertakings etc.

Investment companies

- 2.19.7 Investment companies

Life assurance business

- 2.19.8 Introductory
- 2.19.9 Apportionment of allowances and charges
- 2.19.10 Different giving effect rules for different categories of business
- 2.19.11 Supplementary

Special leasing of plant or machinery

- 2.19.12 Special leasing of plant or machinery
- 2.19.13 Excess allowance from special leasing: income tax
- 2.19.14 Excess allowance from special leasing: corporation tax
- 2.19.15 Special leasing: life assurance business

Employments and offices

- 2.19.16 Employments and offices

CHAPTER 2.20
SUPPLEMENTARY PROVISIONS

Partnerships and successions

- 2.20.1 Qualifying activities carried on in partnership
- 2.20.2 Partnership using property of a partner
- 2.20.3 Successions: general
- 2.20.4 Election where predecessor and successor are connected persons
- 2.20.5 Effect of election
- 2.20.6 Successions by beneficiaries

Miscellaneous

- 2.20.7 Use of plant or machinery for business entertainment
- 2.20.8 Determination of questions about market value of property
- 2.20.9 Shares in plant or machinery

PART 3
INDUSTRIAL BUILDINGS ALLOWANCES

CHAPTER 3.1
INTRODUCTION

- 3.1.1 Industrial buildings allowances
- 3.1.2 Expenditure on the construction of a building
- 3.1.3 Preparation of sites for plant or machinery

CHAPTER 3.2
INDUSTRIAL BUILDINGS

Buildings in use for the purposes of a qualifying trade

- 3.2.1 Trades and undertakings which are “qualifying trades”
- 3.2.2 Building used for welfare of workers
- 3.2.3 Parts of trades and undertakings
- 3.2.4 Exclusion of dwelling-houses, retail shops, showrooms, hotels and offices etc.
- 3.2.5 Building used by more than one licensee

Qualifying hotels and sports pavilions

- 3.2.6 Qualifying hotels
- 3.2.7 Qualifying sports pavilions

Commercial buildings (enterprise zones)

- 3.2.8 Commercial buildings (enterprise zones)

Supplementary provisions

- 3.2.9 Buildings outside the United Kingdom
- 3.2.10 Non-industrial part of building disregarded
- 3.2.11 Roads on industrial estates etc.
- 3.2.12 Cessation of use and temporary disuse of building

CHAPTER 3.3

THE RELEVANT INTEREST IN THE BUILDING

- 3.3.1 General rule as to what is the relevant interest
- 3.3.2 Interest acquired on completion of construction
- 3.3.3 Effect of creation of subordinate interest
- 3.3.4 Merger of leasehold interest
- 3.3.5 Election to treat grant of lease exceeding 50 years as sale
- 3.3.6 Supplementary provisions with respect to elections

CHAPTER 3.4

QUALIFYING EXPENDITURE

Introduction

- 3.4.1 Meaning of “qualifying expenditure”
- 3.4.2 Meaning of references to carrying on a trade as a developer

Qualifying expenditure

- 3.4.3 Capital expenditure on construction of a building
- 3.4.4 Purchase of unused building where developer not involved
- 3.4.5 Purchase of building which has been sold unused by developer
- 3.4.6 Purchase of used building from developer

Qualifying enterprise zone expenditure

- 3.4.7 The time limit for qualifying enterprise zone expenditure
- 3.4.8 Application of section 3.4.3
- 3.4.9 Application of sections 3.4.4 and 3.4.5
- 3.4.10 Purchase of building within 2 years of first use

Part of expenditure within time limit for qualifying enterprise zone expenditure

- 3.4.11 Qualifying enterprise zone expenditure where section 3.4.4 or 3.4.5 applies
- 3.4.12 Purchase of building within 2 years of first use
- 3.4.13 Application of section 3.4.12 where developer involved

CHAPTER 3.5

INITIAL ALLOWANCES

- 3.5.1 Initial allowances for qualifying enterprise zone expenditure
- 3.5.2 Amount of initial allowance and period for which allowance made
- 3.5.3 Building not industrial building when it comes to be used etc.
- 3.5.4 Grants affecting entitlement to initial allowances

CHAPTER 3.6

WRITING-DOWN ALLOWANCES

- 3.6.1 Entitlement to writing-down allowance
- 3.6.2 Basic rule for calculating amount of allowance
- 3.6.3 Calculation of amount after sale of relevant interest
- 3.6.4 Allowance limited to residue of qualifying expenditure
- 3.6.5 Meaning of “the residue of qualifying expenditure”

CHAPTER 3.7
BALANCING ADJUSTMENTS

General

- 3.7.1 When balancing adjustments are made
- 3.7.2 Main balancing events
- 3.7.3 Proceeds from main balancing events
- 3.7.4 Balancing event where hotel not qualifying hotel for 2 years

Calculation of balancing adjustments

- 3.7.5 Building an industrial building etc. throughout
- 3.7.6 Building not an industrial building etc. throughout
- 3.7.7 Overall limit on balancing charge

Meaning of "the relevant period of ownership" etc.

- 3.7.8 The relevant period of ownership
- 3.7.9 Starting expenditure
- 3.7.10 Adjusted net cost
- 3.7.11 Net allowances

Balancing allowances restricted where sale subject to subordinate interest

- 3.7.12 Balancing allowances restricted where sale subject to subordinate interest
- 3.7.13 Interpretation of section 3.7.12

Qualifying enterprise zone expenditure: effect of realising capital value

- 3.7.14 Capital value provisions: application of provisions
- 3.7.15 Balancing adjustment on realisation of capital value
- 3.7.16 Capital value that is attributable to subordinate interest
- 3.7.17 Exception for payments more than 7 years after agreement
- 3.7.18 Capital value provisions: interpretation

CHAPTER 3.8
WRITING OFF QUALIFYING EXPENDITURE

- 3.8.1 Introduction
- 3.8.2 Writing off initial allowances
- 3.8.3 Writing off writing-down allowances
- 3.8.4 Writing off research and development allowances
- 3.8.5 Writing off expenditure when building not an industrial building
- 3.8.6 Writing off or increase of expenditure where balancing adjustment made
- 3.8.7 Writing off capital value which has been realised
- 3.8.8 Crown or other person not within the charge to tax entitled to the relevant interest
- 3.8.9 Treatment of demolition costs

CHAPTER 3.9
HIGHWAY UNDERTAKINGS

- 3.9.1 Carrying on of highway undertakings
- 3.9.2 The relevant interest
- 3.9.3 Balancing adjustment on ending of concession
- 3.9.4 Cases where highway concession is to be treated as extended

CHAPTER 3.10
ADDITIONAL VAT LIABILITIES AND REBATES

Introduction

3.10.1 Introduction

Additional VAT liabilities

- 3.10.2 Additional VAT liabilities: initial allowances
- 3.10.3 Additional VAT liabilities and writing-down allowances
- 3.10.4 Additional VAT liabilities and writing off initial allowances

Additional VAT rebates

- 3.10.5 Additional VAT rebates and writing-down allowances
- 3.10.6 Additional VAT rebates and balancing adjustments
- 3.10.7 Additional VAT rebates and writing off qualifying expenditure

CHAPTER 3.11
GIVING EFFECT TO ALLOWANCES AND CHARGES

- 3.11.1 Trades
- 3.11.2 Lessors and licensors
- 3.11.3 Buildings temporarily out of use
- 3.11.4 Mining structures etc.: balancing allowances carried back to earlier chargeable periods

CHAPTER 3.12
SUPPLEMENTARY PROVISIONS

- 3.12.1 Apportionment of sums partly referable to non-qualifying assets
- 3.12.2 Arrangements having an artificial effect on pricing
- 3.12.3 Requisitioned land
- 3.12.4 Provisions applying on termination of lease
- 3.12.5 Meaning of "lease" etc.

PART 4
AGRICULTURAL BUILDINGS ALLOWANCES

CHAPTER 4.1
INTRODUCTION

- 4.1.1 Agricultural buildings allowances
- 4.1.2 Meaning of "husbandry"
- 4.1.3 Expenditure on the construction of a building

CHAPTER 4.2
THE RELEVANT INTEREST

- 4.2.1 General rule as to what is the relevant interest
- 4.2.2 Effect of creation of subordinate lease
- 4.2.3 Interest held as security
- 4.2.4 Merger of leasehold interest
- 4.2.5 Provisions applying on ending of lease

4.2.6 Acquisition of fee simple under agreement

CHAPTER 4.3

QUALIFYING EXPENDITURE

- 4.3.1 Capital expenditure on construction of agricultural building
4.3.2 Purchase of relevant interest before first use of agricultural building
4.3.3 Different relevant interests in different parts of the related agricultural land

CHAPTER 4.4

WRITING-DOWN ALLOWANCES

- 4.4.1 Entitlement to writing-down allowance
4.4.2 Basic rule for calculating amount of allowance
4.4.3 First use of building not for purposes of husbandry etc.
4.4.4 Effect of acquisition of relevant interest after first use of building
4.4.5 Calculation of allowance after acquisition
4.4.6 Chargeable period when balancing adjustment made
4.4.7 Allowance limited to residue of qualifying expenditure
4.4.8 Final writing-down allowance

CHAPTER 4.5

BALANCING ADJUSTMENTS

General

- 4.5.1 When balancing adjustments are made
4.5.2 Balancing events (on making an election)
4.5.3 Requirements as to elections
4.5.4 Proceeds from balancing events
4.5.5 Exclusion of proportion of proceeds

Calculation of balancing adjustments

- 4.5.6 Calculation of balancing adjustment
4.5.7 The residue of qualifying expenditure
4.5.8 Overall limit on balancing charge
4.5.9 Acquisition of relevant interest in part of land, etc.
4.5.10 Balancing allowances restricted where sale subject to subordinate interest etc.
4.5.11 Interpretation of section 4.5.10

CHAPTER 4.6

SUPPLEMENTARY PROVISIONS

Giving effect to allowances and charges

- 4.6.1 Trades
4.6.2 Schedule A businesses

Meaning of "lease" etc.

- 4.6.3 Meaning of "lease" etc.

PART 5

MINERAL EXTRACTION ALLOWANCES

CHAPTER 5.1

INTRODUCTION

- 5.1.1 Mineral extraction allowances
- 5.1.2 Qualifying expenditure
- 5.1.3 Meaning of “mineral exploration and access”
- 5.1.4 Meaning of “mineral asset”
- 5.1.5 Relationship between main types of qualifying expenditure
- 5.1.6 Expenditure excluded from being qualifying expenditure

CHAPTER 5.2

QUALIFYING EXPENDITURE ON MINERAL EXPLORATION AND ACCESS

- 5.2.1 Qualifying expenditure on mineral exploration and access
- 5.2.2 Pre-trading exploration expenditure
- 5.2.3 Pre-trading expenditure on plant or machinery

CHAPTER 5.3

QUALIFYING EXPENDITURE ON ACQUIRING A MINERAL ASSET

- 5.3.1 Qualifying expenditure on acquiring a mineral asset
- 5.3.2 Exclusion of undeveloped market value of land
- 5.3.3 Qualifying expenditure where buildings or structures cease to be used
- 5.3.4 Reduction where premium relief previously allowed

CHAPTER 5.4

QUALIFYING EXPENDITURE: SECOND-HAND ASSETS

Assets reflecting expenditure on mineral exploration and access

- 5.4.1 Acquisition of mineral asset owned by previous trader
- 5.4.2 Acquisition of oil licence from non-trader
- 5.4.3 Acquisition of other assets from non-traders

Qualifying expenditure on assets limited by reference to historic costs

- 5.4.4 UK oil licence: limit is original licence payment
- 5.4.5 Assets generally: limit is previous trader's unrelieved qualifying expenditure
- 5.4.6 Transfers of mineral assets within group: limit is initial group expenditure
- 5.4.7 Section 5.4.6: supplementary

CHAPTER 5.5

OTHER KINDS OF QUALIFYING EXPENDITURE

- 5.5.1 Expenditure on works likely to become valueless
- 5.5.2 Contribution to works for benefit of employees abroad
- 5.5.3 Expenditure on restoration within 3 years of ceasing to trade

CHAPTER 5.6
ALLOWANCES AND CHARGES

Writing-down and balancing allowances and balancing charges

- 5.6.1 Determination of entitlement or liability
- 5.6.2 Amount of allowances and charges

Available qualifying expenditure

- 5.6.3 Available qualifying expenditure

Disposal values

- 5.6.4 Meaning of “disposal receipt”
- 5.6.5 Disposal of, or ceasing to use, asset
- 5.6.6 Use of asset otherwise than for permitted development etc.
- 5.6.7 Sections 5.6.5 and 5.6.6: amount of disposal value to be brought into account
- 5.6.8 Disposal value restricted in case of interest in land
- 5.6.9 Receipt of capital sum

Cases in which a person is entitled to a balancing allowance

- 5.6.10 Pre-trading expenditure
- 5.6.11 Giving up exploration, search or inquiry
- 5.6.12 Ceasing to work mineral deposits
- 5.6.13 Buildings etc. for benefit of employees abroad ceasing to be used
- 5.6.14 Disposal of asset, etc.
- 5.6.15 Discontinuance of trade

CHAPTER 5.7
SUPPLEMENTARY PROVISIONS

- 5.7.1 Giving effect to allowances and charges
- 5.7.2 Treatment of demolition costs
- 5.7.3 Time when expenditure incurred
- 5.7.4 Shares in assets
- 5.7.5 Meaning of “development” etc.

PART 6
RESEARCH AND DEVELOPMENT ALLOWANCES

CHAPTER 6.1
INTRODUCTION

- 6.1.1 Research and development allowances
- 6.1.2 Expenditure on research and development

CHAPTER 6.2
QUALIFYING EXPENDITURE

- 6.2.1 Qualifying expenditure
- 6.2.2 Excluded expenditure: land and dwellings
- 6.2.3 Additional qualifying expenditure: cost of demolition

CHAPTER 6.3
ALLOWANCES AND CHARGES

- 6.3.1 Allowances
- 6.3.2 Balancing charges
- 6.3.3 Disposal events and disposal values
- 6.3.4 Chargeable period for which a disposal value is to be brought into account

CHAPTER 6.4
ADDITIONAL VAT LIABILITIES AND REBATES

- 6.4.1 Circumstances in which this Chapter applies
- 6.4.2 Additional VAT liability treated as additional expenditure etc.
- 6.4.3 Additional VAT rebate generates disposal value

CHAPTER 6.5
SUPPLEMENTARY PROVISIONS

- 6.5.1 Giving effect to allowances and charges
- 6.5.2 Sales: time of cessation of ownership

PART 7
KNOW-HOW ALLOWANCES

CHAPTER 7.1
INTRODUCTION

- 7.1.1 Know-how allowances
- 7.1.2 Know-how as property
- 7.1.3 Acquisition of know-how together with a trade

CHAPTER 7.2
QUALIFYING EXPENDITURE

- 7.2.1 Qualifying expenditure
- 7.2.2 Excluded expenditure

CHAPTER 7.3
ALLOWANCES AND CHARGES

- 7.3.1 Pooling of expenditure
- 7.3.2 Determination of entitlement or liability
- 7.3.3 Amount of allowances and charges
- 7.3.4 Available qualifying expenditure
- 7.3.5 Disposal values
- 7.3.6 Giving effect to allowances and charges

PART 8
PATENT ALLOWANCES

CHAPTER 8.1
INTRODUCTION

- 8.1.1 Patent allowances
- 8.1.2 Acquisition of future patent rights
- 8.1.3 Grant of licences

CHAPTER 8.2
QUALIFYING EXPENDITURE

- 8.2.1 Qualifying expenditure
- 8.2.2 Qualifying trade expenditure
- 8.2.3 Qualifying non-trade expenditure

CHAPTER 8.3
ALLOWANCES AND CHARGES

- 8.3.1 Pooling of expenditure
- 8.3.2 Determination of entitlement or liability
- 8.3.3 Amount of allowances and charges
- 8.3.4 Available qualifying expenditure
- 8.3.5 Disposal value of patent rights
- 8.3.6 Limit on amount of disposal value
- 8.3.7 Cases in which no disposal value need be brought into account

CHAPTER 8.4
GIVING EFFECT TO ALLOWANCES AND CHARGES

- 8.4.1 Persons having qualifying trade expenditure
- 8.4.2 Persons having qualifying non-trade expenditure

CHAPTER 8.5
SUPPLEMENTARY PROVISIONS

Anti-avoidance

- 8.5.1 Limit on qualifying expenditure

Interpretation

- 8.5.2 Capital expenditure and capital sums: special rule
- 8.5.3 Sums paid for Crown use treated as paid under licence
- 8.5.4 Meaning of “income from patents”

PART 9
DREDGING ALLOWANCES

CHAPTER 9.1
INTRODUCTION

- 9.1.1 Dredging allowances

CHAPTER 9.2
QUALIFYING EXPENDITURE

- 9.2.1 Qualifying expenditure
- 9.2.2 Qualifying trades
- 9.2.3 Trade not yet carried on or premises not yet occupied

CHAPTER 9.3
ALLOWANCES

Writing-down allowances

- 9.3.1 Entitlement to writing-down allowances
- 9.3.2 The writing-down period
- 9.3.3 Calculation of amount of writing-down allowance
- 9.3.4 Claim for a reduced specified amount
- 9.3.5 Total of allowances not to exceed qualifying expenditure

Balancing allowances

- 9.3.6 Balancing allowance where trade discontinued
- 9.3.7 Balancing allowance where trade sold
- 9.3.8 Calculation of amount of balancing allowance

Giving effect to allowances

- 9.3.9 Giving effect to allowances

PART 10
ASSURED TENANCY ALLOWANCES

CHAPTER 10.1
INTRODUCTION

- 10.1.1 Assured tenancy allowances
- 10.1.2 Allowances available in relation to old expenditure only
- 10.1.3 Meaning of “approved body”
- 10.1.4 Expenditure on the construction of a building

CHAPTER 10.2
THE RELEVANT INTEREST

Introduction

- 10.2.1 Introduction

The relevant interest in the building

- 10.2.2 General rule as to what is the relevant interest in the building
- 10.2.3 Interest acquired on completion of construction
- 10.2.4 Effect of creation of subordinate interest
- 10.2.5 Merger of leasehold interest
- 10.2.6 Provisions applying on other terminations of lease

The relevant interest in the dwelling-house

- 10.2.7 The relevant interest in the dwelling-house

CHAPTER 10.3
QUALIFYING EXPENDITURE

- 10.3.1 Capital expenditure on construction
- 10.3.2 Purchase of relevant interest sold before dwelling-house used where developer not involved
- 10.3.3 Purchase of relevant interest sold by developer before dwelling-house used

CHAPTER 10.4
QUALIFYING DWELLING-HOUSES

- 10.4.1 Requirements relating to the landlord
- 10.4.2 Qualifying dwelling-houses: exclusions
- 10.4.3 Dwelling-house ceasing to be qualifying dwelling-house

CHAPTER 10.5
WRITING-DOWN ALLOWANCES

Entitlement to and calculation of writing-down allowances

- 10.5.1 Entitlement to writing-down allowance
- 10.5.2 Basic rule for calculating amount of allowance
- 10.5.3 Calculation of amount after sale of relevant interest
- 10.5.4 Allowance limited to residue of qualifying expenditure attributable to dwelling-house

Interpretation

- 10.5.5 Qualifying expenditure attributable to dwelling-house
- 10.5.6 Residue of qualifying expenditure attributable to dwelling-house

CHAPTER 10.6
BALANCING ADJUSTMENTS

General

- 10.6.1 When balancing adjustments are made
- 10.6.2 Balancing events
- 10.6.3 Proceeds from balancing events

Calculation of balancing adjustments

- 10.6.4 Dwelling-house a qualifying dwelling-house throughout
- 10.6.5 Dwelling-house not a qualifying dwelling-house throughout
- 10.6.6 Overall limit on balancing charge
- 10.6.7 Recovery of old initial allowances made on incorrect assumptions

Meaning of "the relevant period of ownership" etc.

- 10.6.8 The relevant period of ownership
- 10.6.9 Starting expenditure
- 10.6.10 Adjusted net cost

CHAPTER 10.7

WRITING OFF QUALIFYING EXPENDITURE ATTRIBUTABLE TO DWELLING-HOUSE

- 10.7.1 Introduction
- 10.7.2 Writing off initial allowances
- 10.7.3 Writing off writing-down allowances
- 10.7.4 Writing off expenditure for periods when building not used as qualifying dwelling-house
- 10.7.5 Writing-off or increase of expenditure where balancing adjustment made
- 10.7.6 Treatment of demolition costs

CHAPTER 10.8

SUPPLEMENTARY PROVISIONS

- 10.8.1 Giving effect to allowances and charges
- 10.8.2 Apportionment of sums partly referable to non-qualifying assets
- 10.8.3 Meaning of "dwelling-house", "lease" etc.

PART 11

CONTRIBUTIONS

CHAPTER 11.1

EXCLUSION OF EXPENDITURE MET BY CONTRIBUTIONS

Rules excluding contributions

- 11.1.1 The general rule excluding contributions
- 11.1.2 Exclusion of contributions to dredging

Exceptions to the general rule

- 11.1.3 Northern Ireland regional development grants
- 11.1.4 Insurance or compensation money
- 11.1.5 Certain contributions which are not eligible for allowances

CHAPTER 11.2

CONTRIBUTION ALLOWANCES

Contribution allowances under Parts 2 to 5

- 11.2.1 Conditions for contribution allowances under Parts 2 to 5
- 11.2.2 Plant and machinery
- 11.2.3 Industrial buildings
- 11.2.4 Agricultural buildings
- 11.2.5 Mineral extraction

Effect of transfers of trade etc. on contribution allowances

- 11.2.6 Transfer of contributor's trade
- 11.2.7 Effect of transfer of contributing landlord's interest in land

Contribution allowances under Part 9

- 11.2.8 Contribution allowances under Part 9

PART 12
SUPPLEMENTARY PROVISIONS

CHAPTER 12.1
LIFE ASSURANCE BUSINESS

- 12.1.1 Management assets
- 12.1.2 Investment assets

CHAPTER 12.2
ADDITIONAL VAT LIABILITIES AND REBATES: INTERPRETATION, ETC.

- 12.2.1 Introduction
- 12.2.2 "Additional VAT liability" and "additional VAT rebate"
- 12.2.3 Time when additional VAT liability or rebate is incurred or made
- 12.2.4 Chargeable period in which additional VAT liability or rebate accrues etc.
- 12.2.5 Apportionment of additional VAT liabilities and rebates
- 12.2.6 Supplementary

CHAPTER 12.3
DISPOSALS OF OIL LICENCES: PROVISIONS RELATING TO PARTS 5 AND 6

Introduction

- 12.3.1 Meaning of "oil licence" and "interest in an oil licence"

Oil licences relating to undeveloped areas

- 12.3.2 Consideration to be treated as nil
- 12.3.3 Circumstances in which oil licence relates to undeveloped area

Disposal of oil licence with exploitation value

- 12.3.4 Disposal of oil licence with exploitation value

Minor definitions

- 12.3.5 Minor definitions

CHAPTER 12.4
PARTNERSHIPS, SUCCESSIONS AND TRANSFERS

- 12.4.1 Application of sections 12.4.2 and 12.4.3
- 12.4.2 Effect of partnership changes
- 12.4.3 Effect of successions
- 12.4.4 Transfer of insurance company business
- 12.4.5 Transfer of a UK trade to a company in another member State

CHAPTER 12.5
MISCELLANEOUS

Apportionment

- 12.5.1 Apportionment where property sold together
- 12.5.2 Determination of apportionment affecting tax liability of two or more persons

Tax agreements for income tax purposes

12.5.3 Tax agreements for income tax purposes

Companies not resident in the United Kingdom

12.5.4 Companies not resident in the United Kingdom

Sales treated as being at market value

12.5.5 Sales between connected persons, etc.

12.5.6 Transactions to obtain tax advantage

12.5.7 Election to treat sale as being at lower amount

12.5.8 Effect of election

CHAPTER 12.6

FINAL PROVISIONS

General interpretation

12.6.1 Application of Act to parts of assets

12.6.2 References to sale of property and time of sale

12.6.3 Transfers treated as sales

12.6.4 Meaning of "control"

12.6.5 Connected persons

12.6.6 Meaning of "the Inland Revenue" etc.

12.6.7 Other definitions

Amendments, repeals, citation etc.

12.6.8 Consequential amendments

12.6.9 Commencement and transitional provisions and savings

12.6.10 Repeals

12.6.11 Citation

Schedule 1 – Index of defined expressions

Schedule 2 – Consequential amendments

Schedule 3 – Transitionals and savings

Schedule 4 – Repeals