Income Tax Act 2007

Changes over time for: Section 152

19/07/2007 | 21/07/2009 | 01/12/2009 | **26/03/2015**

Changes to legislation:
There are currently no known outstanding effects for the Income Tax Act 2007, Section 152.

152 Losses from miscellaneous transactions

[F1(1) If in a tax year ("the loss-making year") a person makes a loss in a relevant transaction, the person may make a claim for loss relief against relevant miscellaneous income.]

(2) A transaction is a relevant one if, assuming there were profits or other income arising from it—

(a) those profits or that other income would be [F2income on which income tax is charged under, or by virtue of, a relevant section 1016 provision ("the relevant provision")], and

(b) the person would be liable for income tax charged on those profits or that other income.

[F3(2A) A relevant section 1016 provision" means a provision to which section 1016 applies, other than—

(a) regulation 17 of the Offshore Funds (Tax) Regulations 2009 (S.I. 2009/3001) (treatment of participants in non-reporting funds: charge to tax on disposal of asset), or

(b) Chapter 9 of Part 4 of ITTOIA 2005 (gains from contracts for life insurance etc).]

(3) The claim is for the loss to be deducted in calculating the person's net income for the loss-making year and subsequent tax years (see Step 2 of the calculation in section 23).

(4) But a deduction for that purpose is to be made only from the person's [F4relevant] miscellaneous income.

(5) [F5 The person's "relevant miscellaneous income] is so much of the person's total income as is—

(a) income or gains arising from transactions, and

[F6(b) income on which income tax is charged under, or by virtue of, the relevant provision.]

This is subject to subsection (6).

(6) If the loss was made by the person as a partner in a partnership, the transactions covered by subsection (5)(a) are limited to transactions entered into by the partnership.

(7) In calculating a person's net income for a tax year, deductions under this section from the person's [F7relevant] miscellaneous income are to be made before deductions of any other reliefs from that [F7relevant] miscellaneous income.

F8(8) . . . .

(9) This section needs to be read with—

(a) section 153 (how relief works),

(b) section 154 (transactions in deposit rights), F9...

[F10(ba) section 154A (anti-avoidance), and]

(c) section 155 (claims).

Textual Amendments

F1 S. 152(1) substituted (with effect and application in accordance with s. 22(8) of the amending Act) by Finance Act 2015 (c. 11), **s. 22(2)(a)**

F2 Words in s. 152(2)(a) substituted (with effect and application in accordance with s. 22(8) of the amending Act) by Finance Act 2015 (c. 11), **s. 22(2)(b)**

F3 S. 152(2A) inserted (with effect and application in accordance with s. 22(8) of the amending Act) by Finance Act 2015 (c. 11), **s. 22(2)(c)**

F4 Word in s. 152(4) inserted (with effect and application in accordance with s. 22(8) of the amending Act) by Finance Act 2015 (c. 11), **s. 22(2)(d)**

F5 Words in s. 152(5) substituted (with effect and application in accordance with s. 22(8) of the amending Act) by Finance Act 2015 (c. 11), **s. 22(2)(e)**

F6 S. 152(5)(b) substituted (with effect and application in accordance with s. 22(8) of the amending Act) by Finance Act 2015 (c. 11), **s. 22(2)(f)**

F7 Word in s. 152(7) inserted (with effect and application in accordance with s. 22(8) of the amending Act) by Finance Act 2015 (c. 11), **s. 22(2)(g)**

F8 S. 152(8) omitted (with effect and application in accordance with s. 22(8) of the amending Act) by virtue of Finance Act 2015 (c. 11), **s. 22(2)(h)**

F9 Word in s. 152(9)(b) omitted (with effect in accordance with s. 22(9) of the amending Act) by virtue of Finance Act 2015 (c. 11), **s. 22(2)(i)**

F10 S. 152(9)(ba) inserted (with effect in accordance with s. 22(9) of the amending Act) by Finance Act 2015 (c. 11), **s. 22(2)(i)**