

## SCHEDULES

### SCHEDULE 15

#### OIL ACTIVITIES: TRANSFERABLE TAX HISTORY

#### PART 8

#### TTH ELECTIONS: CONDITIONS AND PROCEDURE

##### *Election conditions: associated companies*

- 56 (1) A TTH election may only be made if—
- (a) the seller and purchaser are not associated with one another on the licence transfer date,
  - (b) the corporate restructuring condition is met, or
  - (c) the hive down condition is met.
- (2) The “corporate restructuring condition” is met for the purposes of a TTH election if —
- (a) the seller and purchaser are associated with one another on the licence transfer date, and
  - (b) either—
    - (i) a third party election is made in respect of the TTH asset within the permitted period, or
    - (ii) a hive down election is made in respect of the TTH asset within the permitted period.
- (3) For the purposes of sub-paragraph (2)(b)(i)—
- (a) a “third party election” is an election made between two companies that are not associated with one another, and
  - (b) the “permitted period” in relation to a third party election in respect of the TTH asset is—
    - (i) the period of 90 days ending with the licence transfer date referred to in sub-paragraph (2)(a), or
    - (ii) the period of 90 days beginning with that date.
- (4) For the purposes of sub-paragraph (2)(b)(ii)—
- (a) a “hive down election” is an election in respect of which the hive down condition is met, and
  - (b) the “permitted period” in relation to a hive down election in respect of the TTH asset is the period of 180 days ending with the licence transfer date referred to in sub-paragraph (2)(a).
- (5) The “hive down” condition is met for the purposes of a TTH election if the seller and purchaser—

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*Status: This is the original version (as it was originally enacted).*

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- (a) are associated with one another on the licence transfer date, but
  - (b) before the end of the period of 90 days beginning with that date, the purchaser ceases to be associated with—
    - (i) the seller, and
    - (ii) any other company that is associated with the seller.
- (6) See paragraph 98 of this Schedule and section 271 of CTA 2010 for further provision about the meaning of “associated companies”.