Taxation of Chargeable Gains Act 1992

Changes over time for: Section 106A

06/04/2008 21/07/2008 27/05/2011 **17/07/2013**

Changes to legislation:
Taxation of Chargeable Gains Act 1992, Section 106A is up to date with all changes known to be in force on or before 07 September 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

▼ View outstanding changes

[F1 **106A**

Identification of securities: F2... capital gains tax.

(1) This section has effect for the purposes of capital gains tax (but not corporation tax) where any securities are disposed of by any person.

(2) The securities disposed of shall be identified in accordance with the following provisions of this section with securities of the same class that have been acquired by the person making the disposal.

(3) The provisions of this section have effect in the case of any disposal notwithstanding that some or all of the securities disposed of are otherwise

identified—

(a) by the disposal, or

(b) by a transfer or delivery giving effect to it;

but where a person disposes of securities in one capacity, they shall not be identified under those provisions with any securities which he holds, or can dispose of, only in some other capacity.

(4) Securities disposed of on an earlier date shall be identified before securities disposed of on a later date; and, accordingly, securities disposed of by a later disposal shall not be identified with securities already identified as disposed of by an earlier disposal.

(5) Subject to subsection (4) above, if within the period of thirty days after the disposal the person making it acquires securities of the same class, the securities disposed of shall be identified—

(a) with securities acquired by him within that period, rather than with other securities; F3 ...

[F4 (aa) with securities acquired by him within that period which are not relevant EMI shares, rather than with securities acquired by him within that period which are relevant EMI shares; and]

(b) [F5 subject to paragraph (aa),] with securities acquired at an earlier time within that period, rather than with securities acquired at a later time within that period.

[F6 (5ZA) None of the securities which, by virtue of subsection (5) above, are identified with other securities shall be regarded as forming part of an existing section 104 holding or as constituting a section 104 holding.]

[F7 (5A) Subsection (5) above shall not require securities to be identified with securities which the person making the disposal acquires at a time when—

(a) he is [F8 not resident] in the United Kingdom, or

(b) he is resident F9 ... in the United Kingdom but is Treaty non-resident.]

(6) Subject to subsections (4) and (5) above, [F10 relevant] securities disposed of shall be identified with [F10 relevant] securities acquired at a later time, rather than with [F10 relevant] securities acquired at an earlier time.

[F11 (6A) Subject to subsections (4) and (5) above, a company's shares which are disposed of shall be identified—

(a) with relevant EMI shares, rather than with other shares, and

(b) with relevant EMI shares acquired at an earlier time rather than with relevant EMI shares acquired at a later time.

(6B) No shares identified with relevant EMI shares by virtue of subsection (6A)(a) or (b) above shall be regarded as forming part of an existing section 104 holding or as constituting a section 104 holding.]

F12 (7) . . . .

F13 (8) . . . .

(9) The identification rules set out in the preceding provisions of this section have effect subject to subsection (1) of section 105, and securities disposed of shall not be identified with securities acquired after the disposal except in accordance with that section or subsection (5) above.

[F14(10) In this section—

[F15"relevant EMI shares" has the meaning given by section 169I(7C) to (7G),]

"securities" means any securities within the meaning of section 104 or any relevant securities, and

"relevant securities" means—

(a) securities within the meaning of Chapter 2 of Part 12 of ITA 2007 (accrued income profits),

(b) qualifying corporate bonds, and

(c) [F16securities which are interests in a non-reporting fund, within the meaning of the Offshore Funds (Tax) Regulations 2009 (S.I. 2009/3001) (see regulation 4(2)).]]

(11) For the purposes of this section securities of a company shall not be treated as being of the same class unless they are so treated by the practice of a recognised stock exchange, or would be so treated if dealt with on that recognised stock exchange.]

Textual Amendments

F1 S. 106A inserted (with effect in accordance with s. 124(7) of the amending Act) by Finance Act 1998 (c. 36), **s. 124(1)** (with s. 124(8))

F2 Words in s. 106A heading omitted (with effect in accordance with Sch. 2 para. 100 of the amending Act) by virtue of Finance Act 2008 (c. 9), **Sch. 2 para. 87(7)**

F3 Word in s. 106A(5) omitted (with effect in accordance with Sch. 24 paras. 5, 6(4)(5) of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 24 para. 4(2)(a)**

F4 S. 106A(5)(aa) inserted (with effect in accordance with Sch. 24 paras. 5, 6(4)(5) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 24 para. 4(2)(b)**

F5 Words in s. 106A(5)(b) inserted (with effect in accordance with Sch. 24 paras. 5, 6(4)(5) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 24 para. 4(2)(c)**

F6 S. 106A(5ZA) inserted (with effect in accordance with Sch. 2 para. 100 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 2 para. 87(2)**

F7 S. 106A(5A) inserted (with effect in accordance with s. 74(5) of the amending Act) by Finance Act 2006 (c. 25), **s. 74(2)**

F8 Words in s. 106A(5A)(a) substituted (with effect in accordance with Sch. 46 para. 112 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 97(a)**

F9 Words in s. 106A(5A)(b) omitted (with effect in accordance with Sch. 46 para. 112 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 46 para. 97(b)**

F10 Word in s. 106A(6) inserted (with effect in accordance with Sch. 2 para. 100 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 2 para. 87(3)**

F11 S. 106A(6A)(6B) inserted (with effect in accordance with Sch. 24 paras. 5, 6(4)(5) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 24 para. 4(3)**

F12 S. 106A(7) omitted (with effect in accordance with Sch. 2 para. 100 of the amending Act) by virtue of Finance Act 2008 (c. 9), **Sch. 2 para. 87(4)**

F13 S. 106A(8) omitted (with effect in accordance with Sch. 2 para. 100 of the amending Act) by virtue of Finance Act 2008 (c. 9), **Sch. 2 para. 87(5)**

F14 S. 106A(10) substituted (with effect in accordance with Sch. 2 para. 100 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 2 para. 87(6)**

F15 Words in s. 106A(10) inserted (with effect in accordance with Sch. 24 paras. 5, 6(4)(5) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 24 para. 4(4)**

F16 Words in s. 106A(10) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Offshore Funds (Tax) (Amendment) Regulations 2011 (S.I. 2011/1211), regs. 1(1), **44(4)**

Modifications etc. (not altering text)

C1 Ss. 104-114 modified by The Personal Equity Plan Regulations 1989 (S.I. 1989/469), **reg. 27(2)** (as substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by S.I. 1998/1869, **regs. 1(1)**, 12)

C2 S. 106A modified by The Personal Equity Plan Regulations 1989 (S.I. 1989/469), **reg. 27(3)** (as substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by S.I. 1998/1869, **regs. 1(1)**, 12)

C3 S. 106A modified (6.4.1999) by The Individual Savings Account Regulations 1998 (S.I. 1998/1870), regs. 1, **34(3)**

C4 Ss. 104-114 modified (6.4.1999) by The Individual Savings Account Regulations 1998 (S.I. 1998/1870), regs. 1, 34(2) (as amended (6.4.2008) by S.I. 2008/704, regs. 1, **15(2)**)

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