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HMRC internal manual

Corporate Intangibles Research and Development Manual

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CIRD11505 - Intangible assets within CTA09/PART8: FA02 rule: introduction CTA09/PART8/CHAPTER 16

Introduction

Assets which, wholly or partly, satisfy the asset conditions described in [CIRD11050](#) (<https://www.gov.uk/hmrc-internal-manuals/corporate-intangibles-research-and-development-manual/cird11050>) onwards also need to satisfy the FA02 rule as described CIRD11520-11650 if

CTA09/PART8 is to be of any application to them. This general rule is subject to exceptions (see CIRD11520).

The FA02 rule was amended from 1 July 2020. Before 1 July 2020 the thrust of the FA02 rule was to bring within the scope of CTA09/PART8 only those intangible fixed assets that are treated as:

- created on or after 1 April 2002, or,
- if created before 1 April 2002, those assets acquired from unrelated parties after that date.

From 1 July 2020 most acquisitions of intangible fixed assets will come within CTA09/PART8, but some related party acquisitions will be subject to restrictions. The special rules for these restrictions are explained in CIRD46000 onwards.

When an asset is treated as created or acquired.

To determine when assets are created or acquired for the purposes of CTA09/S882, refer to S883-889 (see CIRD11665-11690).

Intangible fixed assets that do not satisfy the FA02 rule are generally outside CTA09/PART 8 and subject to other parts of the corporation tax code. Exceptions to the FA02 rule are listed at CIRD11520.

‘Pre-FA 2002 assets’

The legislation defines intangible fixed assets that fail the general conditions of the FA02 rule as ‘pre-FA 2002 assets’ (see S881). Some ‘pre-FA 2002 assets’ may still come within CTA09/PART 8 where they are within the exceptions to the general conditions outlined above. For example some telecommunications rights are ‘pre-FA 2002 assets’, but Part 8 applies to them by virtue of the rules mentioned in [CIRD11740](https://www.gov.uk/hmrc-internal-manuals/corporate-intangibles-research-and-development-manual/cird11740) (<https://www.gov.uk/hmrc-internal-manuals/corporate-intangibles-research-and-development-manual/cird11740>).

Note that the term 'pre-FA 2002' replaces the FA02/SCH29 term 'existing assets' (see FA02/SCH29/PARA118(3)).

Flow charts

There are explanatory flow-charts at [CIRD11530](https://www.gov.uk/hmrc-internal-manuals/corporate-intangibles-research-and-development-manual/cird11530) (<https://www.gov.uk/hmrc-internal-manuals/corporate-intangibles-research-and-development-manual/cird11530>).

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