

*Status: Point in time view as at 12/02/2019.*

**Changes to legislation:** Taxation of Chargeable Gains Act 1992, Paragraph 1 is up to date with all changes known to be in force on or before 16 July 2024. 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. (See end of Document for details)

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 5AAA

#### UK PROPERTY RICH COLLECTIVE INVESTMENT VEHICLES ETC

##### Textual Amendments

- F1** [Sch. 5AAA](#) inserted (with effect in accordance with Sch. 1 paras. 120, 123 of the amending Act) by [Finance Act 2019 \(c. 1\)](#), [Sch. 1 para. 21](#)

### PART 1

#### INTRODUCTION: KEY EXPRESSIONS

##### *Meaning of “collective investment vehicle”, “participant” and “unit”*

- 1 (1) In this Schedule “collective investment vehicle” means—
- a collective investment scheme,
  - an AIF,
  - a company which is a UK REIT, or
  - a company which is resident outside the United Kingdom and meets the property income condition.
- (2) A company meets the property income condition if—
- it is not a close company or is a close company but only because it has a qualifying investor as a direct or indirect participator,
  - at least half of its income is property income from long-term investments,
  - it distributes all, or substantially all, of its property income from long-term investments and does so on an annual basis, and
  - it is not liable to tax on that income under the law of any territory in which it is resident.
- (3) Paragraph 46 (meaning of “close company”, “qualifying investor” and “direct or indirect participator”) applies for the purposes of sub-paragraph (2)(a).
- (4) For the purposes of sub-paragraph (2) “property income from long-term investments” means income deriving from direct or indirect investments in—
- land, or
  - estates, interests or rights in or over land,
- which are made on a long-term basis.
- (5) In this Schedule “participant” means—
- in relation to a collective investment scheme or an AIF, a person who takes part in the arrangements or undertaking constituting the scheme or AIF,

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whether by becoming the owner of, or of any part of, the property that is the subject of or held by the arrangements or undertaking or otherwise, or

(b) in relation to a company within (1)(c) or (d), a shareholder in the company.

(6) In this Schedule “unit” means—

(a) in the case of a collective investment scheme or an AIF, the rights or interests (however described) of the participant in the scheme or AIF, or

(b) in the case of a company within (1)(c) or (d), a share in the company.

(7) In this paragraph—

“AIF” has the meaning given by regulation 3 of the Alternative Investment Fund Managers Regulations 2013, and

“UK REIT” has the same meaning as in Part 12 of CTA 2010.]

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