
STATUTORY INSTRUMENTS

2021 No. 213

The UK Property Rich Collective Investment Vehicles (Amendment of the Taxation of Chargeable Gains Act 1992) Regulations 2021

Amendment of Schedule 5AAA to the Taxation of Chargeable Gains Act 1992

6. After paragraph 7 insert—

“Overseas life insurance companies

7A.—(1) Paragraph 6 does not apply if—

- (a) the person making the disposal (“D”) is an overseas life insurance company or would be such a company if it were carrying on its life assurance business in the United Kingdom through a permanent establishment there,
- (b) immediately before the disposal, no more than 40% of the market value of D’s assets derives from investments consisting of—
 - (i) interests in UK land, or
 - (ii) rights or interests in companies which are UK property rich,
- (c) the asset disposed of is a right or interest in a collective investment vehicle that is a company (whether as a result of paragraph 4 or otherwise) and is UK property rich, and
- (d) immediately before the disposal, D does not have a 10% investment in that vehicle.

(2) D has a 10% investment in a collective investment vehicle if, applying the rule in paragraph 9 (but without regard to paragraph 10) of Schedule 1A as if references to 25% were references to 10%, D would be regarded as having a 10% investment in the vehicle.

Offshore collective investment vehicles (other than UK feeder vehicles) that meet the conditions in paragraph 7(2)(a) and (b)

7B.—(1) Paragraph 6 does not apply if—

- (a) the person making the disposal is an offshore collective investment vehicle which meets the conditions in paragraph 7(2)(a) and (b),
- (b) immediately before the disposal, the offshore collective investment vehicle is not a UK feeder vehicle,
- (c) the asset disposed of is a right or interest in a collective investment vehicle that is a company (whether as a result of paragraph 4 or otherwise) and is UK property rich (a “UK property rich vehicle”), and
- (d) immediately before the disposal, the offshore collective investment vehicle does not have a 10% investment in the UK property rich vehicle.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) An offshore collective investment vehicle is a “UK feeder vehicle” at any time if at least 85% of the market value of the assets of the vehicle at that time derives from units in a single collective investment vehicle that is UK property rich.

(3) An offshore collective investment vehicle has a 10% investment in a UK property rich vehicle if, applying the rule in paragraph 9 (but without regard to paragraph 10) of Schedule 1A as if references to 25% were references to 10%, the offshore collective investment vehicle would be regarded as having a 10% investment in the UK property rich vehicle.”.