
DRAFT STATUTORY INSTRUMENTS

2009 No.

The Offshore Funds (Tax) Regulations 2009

PART 2

THE TREATMENT OF PARTICIPANTS IN NON-REPORTING FUNDS

CHAPTER 2

CHARGES TO TAX ON PARTICIPANTS IN NON-REPORTING FUNDS

Charge to tax on disposal of asset

The charge to tax

- 17.**—(1) There is a charge to tax if—
- (a) a person disposes of an asset,
 - (b) either condition A or condition B is met, and
 - (c) as a result of the disposal, an offshore income gain arises to the person making the disposal.
- (2) Condition A is that the asset is an interest in a non-reporting fund at the time of the disposal.
- (3) Condition B is that—
- (a) the asset is an interest in a reporting fund at the time of the disposal,
 - (b) the reporting fund was previously a non-reporting fund (becoming a reporting fund as the result of an application under regulation 52),
 - (c) the interest was an interest in a non-reporting fund during some or all of the material period,
 - (d) an election under regulation 48 was not prevented by paragraph (5) of that regulation, and
 - (e) no election has been made under regulation 48(2).
- (4) For the purposes of paragraph (3)(c) the “material period” means a period beginning with the day on which consideration was given for the acquisition of the asset or on 1st January 1984 (whichever is the later) and ending with the day on which the fund became a reporting fund.
- (5) Chapter 5 of this Part deals with offshore income gains and the computation of offshore income gains.