



# Income and Corporation Taxes Act 1988

## 1988 CHAPTER 1

### PART XVIII

#### DOUBLE TAXATION RELIEF

### CHAPTER III

#### MISCELLANEOUS PROVISIONS

#### **809 Relief in respect of discretionary trusts.**

<sup>M1</sup>(1) In any case where—

- (a) a payment made by [<sup>F1</sup>the trustees of a settlement] falls to be treated as a net amount in accordance with section 687(2) and the income arising under the [<sup>F2</sup>settlement] includes any taxed overseas income, and
- (b) the trustees certify that—
  - (i) the income out of which the payment was made was or included taxed overseas income of an amount and from a source stated in the certificate, and
  - (ii) that amount arose to them not earlier than six years before the end of the year of assessment in which the payment was made;

then the person to whom the payment was made may claim that the payment, up to the amount so certified, shall be treated for the purposes of this Part as income received by him from that source and so received in the year in which the payment was made.

- (2) In subsection (1) above “taxed overseas income”, in relation to any [<sup>F2</sup>settlement], means income in respect of which the trustees are entitled to credit for overseas tax under this Part.

---

*Status: Point in time view as at 19/07/2006. This version of this provision has been superseded.*

*Changes to legislation: Income and Corporation Taxes Act 1988, Section 809 is up to date with all changes known to be in force on or before 21 August 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)*

---

---

**Textual Amendments**

- F1** Words in s. 809(1)(a) substituted (6.4.2006) by [Finance Act 2006 \(c. 25\), Sch. 13 paras. 24\(a\), 27\(1\)](#)
- F2** Words in s. 809(1)(a)(2) substituted (6.4.2006) by [Finance Act 2006 \(c. 25\), Sch. 13 paras. 24\(b\), 27\(1\)](#)
- 

**Marginal Citations**

- M1** Source—1973 s.18

**Status:**

Point in time view as at 19/07/2006. This version of this provision has been superseded.

**Changes to legislation:**

Income and Corporation Taxes Act 1988, Section 809 is up to date with all changes known to be in force on or before 21 August 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.