



# Finance Act 2005

## 2005 CHAPTER 7

### PART 2

#### INCOME TAX, CORPORATION TAX AND CAPITAL GAINS TAX

### CHAPTER 4

#### TRUSTS WITH VULNERABLE BENEFICIARY

##### *Miscellaneous and supplementary*

#### **42 Application in relation to Scotland**

- (1) This Chapter applies in relation to Scotland with the following modifications.
- (2) In section 23(5), for “trusts on which property is held for the benefit of a vulnerable person are qualifying trusts” substitute “property held in trust for the benefit of a vulnerable person is held in qualifying trust”.
- (3) In section 31(3)(a), for “on the qualifying trusts” substitute “in qualifying trust (in the same trust as the settled property disposed of)”.
- (4) In section 34—
  - (a) in subsection (1), for “those trusts are qualifying trusts if they” substitute “the property is held in qualifying trust if the trust purposes”, and
  - (b) in subsection (4), for “on trusts” substitute “in a trust”.
- (5) In section 35—
  - (a) in subsection (1), for “those trusts are qualifying trusts if they are” substitute “the property is held in qualifying trust if the trust is”,
  - <sup>F1</sup>(b) .....
  - (c) in subsection (2), before “which” insert “the purposes of”.

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**Changes to legislation:** *There are currently no known outstanding effects for the Finance Act 2005, Section 42. (See end of Document for details)*

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- (6) In section 36, for “the trusts on which it is held are qualifying trusts” substitute “ it is held in qualifying trust ”.
- (7) In section 37—
- (a) in subsection (1), for paragraph (b) substitute—
    - “(b) property held in the trust in relation to which the election is made is held in qualifying trust.”,
  - (b) in subsection (3)(b), for “the trusts in relation to which the election is made are qualifying trusts” substitute “ property held in the trust in relation to which the election is made is held in qualifying trust ”, and
  - (c) in subsection (5), for paragraph (b) substitute—
    - “(b) property held in the trust in relation to which the election is made ceases to be held in qualifying trust.”.
- (8) Sections 34(3) and 35(4) do not apply to Scotland
- (9) Unless otherwise modified by this section, any reference to anything being held on trusts is to be construed as a reference to it being held in trust.
- (10) Unless otherwise modified or disapplied by this section, any reference to trusts is to be construed as a reference to a trust or the trust (as appropriate).

**Textual Amendments**

- F1** S. 42(5)(b) repealed (retrospective to 6.4.2006) by [Finance Act 2006 \(c. 25\)](#), [Sch. 13 para. 35\(5\)\(7\)](#), [Sch. 26 Pt. 3\(15\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Finance Act 2005, Section 42.