



Taxation (International and Other Provisions) Act 2010

2010 CHAPTER 8

PART 8

OFFSHORE FUNDS [F¹ETC]

Tax treatment of participants in offshore funds

355 Meaning of “offshore fund”

- (1) In section 354 “offshore fund” means—
 - (a) a mutual fund constituted by a body corporate resident outside the United Kingdom,
 - (b) a mutual fund under which property is held on trust for the participants where the trustees of the property are not resident in the United Kingdom, or
 - (c) a mutual fund constituted by other arrangements that create rights in the nature of co-ownership where the arrangements take effect by virtue of the law of a territory outside the United Kingdom.
- (2) Subsection (1)(c) does not include a mutual fund constituted by two or more persons carrying on a trade or business in partnership.
- (3) In this section—
 - “body corporate” does not include a limited liability partnership, and
 - “co-ownership” is not restricted to the meaning of that term in the law of any part of the United Kingdom.
- (4) See also section 151W(b) of TCGA 1992, section 564U(b) of ITA 2007 and section 519(4)(b) of CTA 2009 (which have the effect that investment bond arrangements are not an offshore fund for the purposes of section 354).

Changes to legislation:

There are currently no known outstanding effects for the Taxation (International and Other Provisions) Act 2010, Section 355.