
STATUTORY INSTRUMENTS

2000 No. 3109

INCOME TAX

The Personal Equity Plan (Amendment) Regulations 2000

		<i>22nd November</i>
<i>Made</i>	- - - -	<i>2000</i>
<i>Laid before the House of</i>		<i>22nd November</i>
<i>Commons</i>	- - - -	<i>2000</i>
<i>Coming into force</i>	- -	<i>13th December 2000</i>

The Treasury, in exercise of the powers conferred on them by section 333 of the Income and Corporation Taxes Act 1988(1) and section 151 of the Taxation of Chargeable Gains Act 1992(2), hereby make the following Regulations:

1. These Regulations may be cited as the Personal Equity Plan (Amendment) Regulations 2000 and shall come into force on 13th December 2000.

2. In these Regulations “the principal Regulations” means the Personal Equity Plan Regulations 1989(3) and “regulation” means a regulation of the principal Regulations.

3. In regulation 2(1)(b)(4) after the definition of “authorised unit trust” there shall be inserted the following definition—

““depository interest” means the rights of the person mentioned in paragraph (b), under a certificate or other record (whether or not in the form of a document) acknowledging—

- (a) that a person holds relevant investments or evidence of the right to them, and
- (b) that another person is entitled to rights in or in relation to those or identical relevant investments, including the right to receive such investments, or evidence of the right to them or the proceeds from such investments, from the person mentioned in paragraph (a).

In this definition “relevant investments” means investments which—

- (i) in the case of investment under a general plan, are exclusively qualifying investments for general plans falling within any of regulation 6(2)(a) to (ba), or

(1) 1988 c. 1; section 333 was amended by section 70 of the Finance Act 1991 (c. 31) and by sections 75 and 123(7) of the Finance Act 1998 (c. 36).

(2) 1992 c. 12; section 151 was amended by section 85 of the Finance Act 1993 (c. 34), by section 64(2) of the Finance Act 1995 (c. 4) and by section 75(6) of the Finance Act 1998, and was extended by section 123(7) of the Finance Act 1998.

(3) S.I. 1989/469. the relevant amendments were made by S.I. 1991/2774, 1992/623, 1993/756, 1995/1539, 1996/846 and 1997/511, 1716.

(4) Regulation 2(1)(b) was substituted by regulation 3(2) of S.I. 1997/1716.

- (ii) in the case of investment under a single company plan are exclusively shares which are either qualifying investments for single company plans, or shares transferred in accordance with regulation 4A(2) or shares purchased in accordance with regulation 5(6)(b),

and the reference to rights in paragraph (b) of this definition is a reference to rights which are exclusively rights in or in relation to relevant investments;”.

- 4. In regulation 4A(5) after paragraph (3) there shall be inserted the following paragraph—

“(3A) The references to “shares” in paragraphs (2) and (3) shall include references to a depositary interest where the relevant investments in question (referred to in paragraphs (a) and (b) of the definition of “depositary interest”) are shares falling within both paragraphs (2) and (3), (and the reference to “shares” in regulation 6B(3) shall be construed accordingly).”

- 5. In regulation 6(2)(6) after sub-paragraph (ba) there shall be inserted the following sub-paragraph—

“(bb) a depositary interest;”.

- 6. In regulation 6B(2)(7)—

- (a) after sub-paragraph (c) there shall be inserted the following sub-paragraph—

“(ca) a depositary interest;”;

- (b) in sub-paragraph (d) for the words from “such” to the end there shall be substituted the words “qualifying investments for single company plans falling within any of sub-paragraphs (a) to (ca)”.

Greg Pope

Jim Dowd

Two of the Lords Commissioners of Her Majesty’s Treasury

22nd November 2000

(5) Regulation 4A was inserted by S.I. 1991/2774, and amended by S.I. 1992/623 and 1997/511.

(6) Regulation 6(2) was amended by S.I. 1991/2774, 1993/756, 1995/1539, 1996/846, 1997/1716.

(7) Regulation 6B was inserted by S.I. 1991/2774, and paragraph (2) was amended by S.I. 1996/846 and 1997/1716.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which came into force on 13th December 2000, amend the Personal Equity Plan Regulations 1989 (S.I.1989/469). The principal effect of the amendments is to add, to the qualifying investments for general plans or the investments which may be made or held under single company plans, depositary interests which represent existing qualifying or permitted investments (other than cash).