
STATUTORY INSTRUMENTS

2010 No. 294

**The Authorised Investment Funds
(Tax) (Amendment) Regulations 2010**

Amendment of the principal Regulations

Amendment of regulation 21

11. After paragraph (5) in regulation 21 (meaning of “qualifying investments”: further provisions) insert—

“(5A) For the purpose of category 4A, units in an offshore fund are qualifying units at any time in the relevant period if, and only if, the offshore fund would itself (on the relevant assumption) satisfy the qualifying investments test throughout that period.

(5B) For the purposes of paragraph (5A), the relevant assumption is that the only investments of the offshore fund which are to be regarded as qualifying investments are those falling within categories 1 to 3 and 5 to 8.

(5C) In paragraph (5B), references to investments of an offshore fund—

- (a) in the case of an offshore fund which is a company, are references to investments which are the investments of the company, but do not include cash awaiting investment, and
- (b) in the case of any other offshore fund, are references to investments subject to the trust or other arrangements constituting the investments of the other offshore fund, but do not include cash awaiting investment.”.