
STATUTORY INSTRUMENTS

2017 No. 495

The Enactment of Extra-Statutory Concessions Order 2017

Non-resident or dual resident settlements: meaning of “participator”

5.—(1) Schedule 5(1) to the Taxation of Chargeable Gains Act 1992 is amended as follows.

(2) In paragraph 2A (settlements created before 17th March 1998) after sub-paragraph (9) insert—

“(9A) For the purposes of sub-paragraphs (8) and (9) above a person is not to be regarded as a participator in a company controlled by the trustees of a settlement where the person has a share or interest in the capital or income of the company solely by virtue of an interest which the person has under the settlement.”.

(3) In paragraph 8 (meaning of “originating”) after sub-paragraph (8) insert—

“(8A) But a person is not to be regarded as a participator in a company controlled by the trustees of a settlement where the person has a share or interest in the capital or income of the company solely because of an interest which the person has under the settlement.”.

(4) In paragraph 9 (qualifying settlements, and commencement) after sub-paragraph (10) insert—

“(10ZA) For the purposes of sub-paragraphs (9) and (10) above a person is not to be regarded as a participator in a company controlled by the trustees of a settlement where the person has a share or interest in the capital or income of the company solely by virtue of an interest which the person has under the settlement.”.

(1) Paragraph 2A of Schedule 5 was inserted by section 131 of, and paragraph 2 of Schedule 22 to, the Finance Act 1998 (c. 36). Sub-paragraph (10) of paragraph 2A was amended by section 1177 of, and paragraphs 225 and 266(1) and (3)(c) of Schedule 1 to, the Corporation Tax Act 2010 (c. 4). Other relevant amendments have been made to sub-paragraph (9) of paragraph 8 of Schedule 5 which was amended by section 1177 of, and paragraphs 225 and 266(1) and (4)(b) of Schedule 1 to, the Corporation Tax Act 2010 and sub-paragraph (11) of paragraph 9 of Schedule 5 which was amended by section 131 of, and paragraph 4 of Schedule 22 to, the Finance Act 1998 and section 1177 of, and paragraphs 225 and 266(1) and (5)(c) of Schedule 1 to, the Corporation Tax Act 2010.