
DRAFT STATUTORY INSTRUMENTS

2009 No.

The Offshore Funds (Tax) Regulations 2009

PART 2

THE TREATMENT OF PARTICIPANTS IN NON-REPORTING FUNDS

CHAPTER 2

CHARGES TO TAX ON PARTICIPANTS IN NON-REPORTING FUNDS

Application of TCGA 1992

Application of section 10A of TCGA 1992

23.—(1) Section 10A of TCGA 1992(1) (temporary non-residents) applies for the purposes of this Part with the following modifications.

- (2) The section applies as if, in subsection (2)—
- (a) the reference to section 86A were omitted;
 - (b) for the reference to capital gains tax there were substituted a reference to income tax;
 - (c) in paragraph (a), for the reference to chargeable gains and losses there were substituted a reference to offshore income gains;
 - (d) in paragraph (b)—
 - (i) for the reference to chargeable gains there were substituted a reference to offshore income gains;
 - (ii) for the reference to section 13 or 86 there were substituted a reference to regulation 24;
 - (e) paragraph (c) were omitted; and
 - (f) for the reference to gains or, as the case may be, losses there were substituted a reference to offshore income gains.
- (3) The section applies as if, in subsection (3)—
- (a) for the reference to gains and losses there were substituted a reference to offshore income gains; and
 - (b) for the reference to any gain or loss there were substituted a reference to any offshore income gains.
- (4) The section applies as if subsection (4) were omitted.
- (5) The section applies as if, in subsection (5)—

(1) Section 10A was inserted by section 127(1) of the Finance Act 1998 (c. 36) and amended by section 32 of the Finance (No. 2) Act 2005 (c. 22), section 74(4)(a) of the Finance Act 2006 (c. 25) and paragraph 59 of Schedule 7 to the Finance Act 2008.

- (a) for the reference to gains and losses there were substituted a reference to offshore income gains;
 - (b) for the reference to any chargeable gain or allowable loss there were substituted a reference to an offshore income gain; and
 - (c) for the reference to section 10 or 16(3) there were substituted a reference to regulation 22(1)(b).
- (6) The section applies as if subsection (6) were omitted.
- (7) The section applies as if, in subsection (7), for the reference to capital gains tax there were substituted a reference to income tax.
- (8) The section applies as if, in subsection (9ZA)—
- (a) for the reference to foreign chargeable gains there were substituted a reference to offshore income gains to which regulation 19 applied; and
 - (b) the second sentence of that subsection were omitted.
- (9) The section applies as if, in subsection (9B)—
- (a) in paragraph (a)—
 - (i) for the reference to section 87 or 89(2) there were substituted a reference to regulation 20;
 - (ii) for the reference to chargeable gains there were substituted a reference to offshore income gains; and
 - (b) in paragraph (b) the references to subsections (2)(c) and (6) were omitted.
- (10) The section applies as if, in subsection (9C)—
- (a) for the reference to capital gains tax there were substituted a reference to income tax; and
 - (b) for the reference to chargeable gains there were substituted a reference to offshore income gains.