



# Corporation Tax Act 2009

## 2009 CHAPTER 4

### PART 6

#### RELATIONSHIPS TREATED AS LOAN RELATIONSHIPS ETC

### CHAPTER 3

#### OEICS, UNIT TRUSTS AND OFFSHORE FUNDS

##### *The qualifying investments test*

#### 495 Qualifying holdings

- (1) For the purposes of section 494(1)(d) a holding in an open-ended investment company, a unit trust scheme or an offshore fund is a qualifying holding at any time if—
- (a) at that time, or
  - (b) at any other time in the relevant accounting period,
- the company, scheme or fund [<sup>F1</sup>itself fails] to meet the qualifying investments test  
<sup>F2</sup> . . . .

<sup>F3</sup>(2) . . . . .

- (3) In this section “holding”—
- (a) in relation to an open-ended investment company, means—
    - (i) except where sub-paragraph (ii) applies, shares in the company, and
    - (ii) in a case where under [<sup>F4</sup>section 615(3) of CTA 2010] part of an umbrella company is regarded as an open-ended investment company, rights in the separate pool in question,
  - (b) in relation to a unit trust scheme, means an entitlement to a share in the investments of the scheme, and
  - (c) in relation to an offshore fund, means—
    - (i) shares in any company by which the fund is constituted, or

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(ii) an entitlement to a share in the investments of the fund.

(4) In this section “relevant accounting period” means the accounting period referred to in section 490(1).

#### Textual Amendments

- F1** Words in s. 495(1) substituted (with effect in accordance with s. 27(7)-(9) of the amending Act) by [Finance Act 2014 \(c. 26\), s. 27\(6\)\(a\)\(i\)](#)
- F2** Words in s. 495(1) omitted (with effect in accordance with s. 27(7)-(9) of the amending Act) by virtue of [Finance Act 2014 \(c. 26\), s. 27\(6\)\(a\)\(ii\)](#)
- F3** S. 495(2) omitted (with effect in accordance with s. 27(7)-(9) of the amending Act) by virtue of [Finance Act 2014 \(c. 26\), s. 27\(6\)\(b\)](#)
- F4** Words in s. 495(3)(a)(ii) substituted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\), s. 1184\(1\), Sch. 1 para. 629](#) (with [Sch. 2](#))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 322(2A)(zb) inserted by [2016 c. 24 s. 73\(5\)](#)
- s. 934(1A)(1B) inserted by [2023 c. 30 Sch. 2 para. 12\(2\)](#)
- s. 962(3A) inserted by [2023 c. 30 Sch. 2 para. 12\(5\)\(b\)](#)
- s. 962A(3A) inserted by [2023 c. 30 Sch. 2 para. 12\(6\)\(b\)](#)
- s. 963(1A) inserted by [2023 c. 30 Sch. 2 para. 12\(7\)\(a\)](#)
- s. 1058B(5)(ea) inserted by [2023 c. 20 Sch. para. 57](#)
- s. 1094(2A)-(2C) inserted by [2012 c. 14 Sch. 3 para. 13\(3\)](#)
- s. 1106(4A)-(4C) inserted by [2012 c. 14 Sch. 3 para. 14\(3\)](#)
- s. 1138A applied by [S.I. 2024/348 reg. 3](#)