
STATUTORY INSTRUMENTS

2009 No. 3001

The Offshore Funds (Tax) Regulations 2009

PART 2

THE TREATMENT OF PARTICIPANTS IN NON-REPORTING FUNDS

CHAPTER 4

DISPOSALS OF INTERESTS IN NON-REPORTING FUNDS

Further provisions

Application of section 136 of TCGA 1992

36.—(1) Section 136 of TCGA 1992⁽¹⁾ (scheme of reconstruction involving issue of securities treated as exchange not involving disposal) does not apply for the purposes of this Part to the extent that—

- (a) the interest in the entity that is company A for the purposes of that section that is exchanged is an interest in a non-reporting fund, and
- (b) the interest in the entity that is company B for those purposes that is exchanged is not an interest in such a fund.

(2) In a case where section 136 of TCGA 1992 would apply apart from paragraph (1), the deemed exchange in question shall for the purposes of this Part constitute a disposal of interests in the non-reporting fund for a consideration equal to their market value at the time of the deemed exchange.

⁽¹⁾ Section 136 was substituted by paragraph 2 of Schedule 9 to the Finance Act 2002.