



# Capital Transfer Tax Act 1984

## 1984 CHAPTER 51

### PART III

#### SETTLED PROPERTY

### CHAPTER III

#### SETTLEMENTS WITHOUT INTERESTS IN POSSESSION

#### *Interpretation*

#### **58 Relevant property**

- (1) In this Chapter "relevant property" means settled property in which no qualifying interest in possession subsists, other than—
  - (a) property held for charitable purposes only, whether for a limited time or otherwise;
  - (b) property to which section 71, 73, 74 or 86 below applies;
  - (c) property held on trusts which comply with the requirements mentioned in paragraph 3(1) of Schedule 4 to this Act, and in respect of which a direction given under paragraph 1 of that Schedule has effect;
  - (d) property which is part of or held for the purposes of a fund or scheme to which section 151 below applies;
  - (e) property comprised in a trade or professional compensation fund; and
  - (f) excluded property.
- (2) The reference in subsection (1)(d) above to property which is part of or held for the purposes of a fund or scheme does not include a reference to a benefit which, having become payable under the fund or scheme, becomes comprised in a settlement.
- (3) In subsection (1)(e) above " trade or professional compensation fund " means a fund which is maintained or administered by a representative association of persons

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*Status: This is the original version (as it was originally enacted).*

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carrying on a trade or profession and the only or main objects of which are compensation for or relief of losses or hardship that, through the default or alleged default of persons carrying on the trade or profession or of their agents or servants, are incurred or likely to be incurred by others.

## **59 Qualifying interest in possession**

- (1) In this Chapter "qualifying interest in possession" means an interest in possession to which an individual, or where subsection (2) below applies a company, is beneficially entitled.
- (2) This subsection applies where—
  - (a) the business of the company consists wholly or mainly in the acquisition of interests in settled property, and
  - (b) the company has acquired the interest for full consideration in money or money's worth from an individual who was beneficially entitled to it.
- (3) Where the acquisition mentioned in paragraph (b) of subsection (2) above was before 14th March 1975—
  - (a) the condition set out in paragraph (a) of that subsection shall be treated as satisfied if the business of the company was at the time of the acquisition such as is described in that paragraph, and
  - (b) that condition need not be satisfied if the company is authorised to carry on long-term business under section 3 or 4 of the Insurance Companies Act 1982.

## **60 Commencement of settlement**

In this Chapter references to the commencement of a settlement are references to the time when property first becomes comprised in it.

## **61 Ten-year anniversary**

- (1) In this Chapter "ten-year anniversary" in relation to a settlement means the tenth anniversary of the date on which the settlement commenced and subsequent anniversaries at ten-yearly intervals, but subject to subsections (2) to (4) below.
- (2) The ten-year anniversaries of a settlement treated as made under section 80 below shall be the dates that are (or would but for that section be) the ten-year anniversaries of the settlement first mentioned in that section.
- (3) No date falling before 1st April 1983 shall be a ten-year anniversary.
- (4) Where—
  - (a) the first ten-year anniversary of a settlement would apart from this subsection fall during the year ending with 31st March 1984. and
  - (b) during that year an event occurs in respect of the settlement which could not have occurred except as the result of some proceedings before a court, and
  - (c) the event is one on which tax was chargeable under Chapter II of Part IV of the Finance Act 1982 (or, apart from Part II of Schedule 15 to that Act, would have been so chargeable),

the first ten-year anniversary shall be taken to be 1st April 1984 (but without affecting the dates of later anniversaries).

## **62 Related settlements**

- (1) For the purposes of this Chapter two settlements are related if and only if—
  - (a) the settlor is the same in each case, and
  - (b) they commenced on the same day,but subject to subsection (2) below.
- (2) Two settlements are not related for the purposes of this Chapter if all the property comprised in one or both of them was immediately after the settlement commenced held for charitable purposes only without limit of time (defined by a date or otherwise).

## **63 Minor interpretative provisions**

In this Chapter, unless the context otherwise requires—

- " payment " includes a transfer of assets other than money ;
- " quarter " means period of three months.