



Inheritance Tax Act 1984

1984 CHAPTER 51

PART I

GENERAL

Rates

[^{F1}8J Meaning of “inherited”

- (1) This section explains for the purposes of sections 8E [^{F2}, 8F, 8FA, 8FB and 8M] whether a person (“B”) inherits, from a person who has died (“D”), property which forms part of D’s estate immediately before D’s death.
- (2) B inherits the property if there is a disposition of it (whether effected by will, under the law relating to intestacy or otherwise) to B.
- (3) Subsection (2) does not apply if—
 - (a) the property becomes comprised in a settlement on D’s death, or
 - (b) immediately before D’s death, the property was settled property in which D was beneficially entitled to an interest in possession.
- (4) Where the property becomes comprised in a settlement on D’s death, B inherits the property if—
 - (a) B becomes beneficially entitled on D’s death to an interest in possession in the property, and that interest in possession is an immediate post-death interest or a disabled person’s interest, or
 - (b) the property becomes, on D’s death, settled property—
 - (i) to which section 71A or 71D applies, and
 - (ii) held on trusts for the benefit of B.
- (5) Where, immediately before D’s death, the property was settled property in which D was beneficially entitled to an interest in possession, B inherits the property if B becomes beneficially entitled to it on D’s death.

Changes to legislation: There are currently no known outstanding effects for the Inheritance Tax Act 1984, Section 8J. (See end of Document for details)

- (6) Where the property forms part of D's estate immediately before D's death as a result of the operation of section 102(3) of the Finance Act 1986 (gifts with reservation) in relation to a disposal of the property made by D by way of ^{F3}gift—
- (a) subsections (2) to (5) do not apply, and
 - (b) B inherits the property if the property originally comprised in the gift became comprised in B's estate on the making of the disposal.]]

Textual Amendments

- F1** Ss. 8D-8M inserted (18.11.2015) by [Finance \(No. 2\) Act 2015 \(c. 33\), s. 9\(4\)](#)
- F2** Words in s. 8J(1) substituted (15.9.2016) by [Finance Act 2016 \(c. 24\), Sch. 15 para. 9](#)
- F3** Words in s. 8J(6) substituted (with application in accordance with s. 66(6) of the amending Act) by [Finance Act 2019 \(c. 1\), s. 66\(5\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Inheritance Tax Act 1984, Section 8J.