

SCHEDULES

SCHEDULE 21

TAXABLE PROPERTY HELD BY INVESTMENT-REGULATED PENSION SCHEMES

10 After section 273 insert—

“273ZA Income and gains from taxable property

- (1) The Treasury may make regulations in relation to cases where—
 - (a) an investment-regulated pension scheme holds an interest in taxable property,
 - (b) the pension scheme is non-UK resident, and
 - (c) the property is not located in the United Kingdom.
- (2) The regulations may make provision for a member of the pension scheme for the purposes of whose arrangement the interest is held to be liable to the scheme sanction charge so far as relating to a scheme chargeable payment treated as made by the pension scheme—
 - (a) under section 185A (income from taxable property) by virtue of the pension scheme holding the interest in the property, or
 - (b) under section 185F (gains from taxable property) by virtue of a gain treated as accruing to the pension scheme in respect of the interest in the property.
- (3) The regulations may make provision—
 - (a) for the member to be liable to all of the scheme sanction charge arising by virtue of the scheme chargeable payment or to the charge to such extent as the regulations may provide,
 - (b) for the charge to be apportioned between members of the pension scheme where the interest in the property is held for the purposes of more than one arrangement under the pension scheme, and
 - (c) for the scheme administrator not to be liable to the scheme sanction charge or not to be liable to the charge to such extent as the regulations may provide.
- (4) The regulations may make provision for cases where—
 - (a) a member of a pension scheme would otherwise be liable to the scheme sanction charge arising by virtue of a scheme chargeable payment treated as made by the pension scheme under section 185F in a tax year,
 - (b) the member does not meet such conditions as to residence in the tax year as the regulations may prescribe,
 - (c) the member meets those conditions in a subsequent tax year, and
 - (d) such other conditions as the regulations may prescribe are met.
- (5) The regulations may make provision for the member—

Status: This is the original version (as it was originally enacted).

- (a) not to be liable to the scheme sanction charge in the tax year in which the scheme chargeable payment is treated as made, but
 - (b) to be liable in a subsequent tax year to such extent as the regulations may provide to the scheme sanction charge arising by virtue of the payment.
- (6) The regulations may—
- (a) amend this Part (apart from this section),
 - (b) include provision having effect in relation to times before they are made,
 - (c) contain transitional provisions and savings, and
 - (d) make different provision for different cases.
- (7) For the purposes of this section a pension scheme is non-UK resident if it is established in a country or territory outside the United Kingdom.”