



Finance Act 2006

2006 CHAPTER 25

PART 3

INCOME TAX, CORPORATION TAX AND CAPITAL GAINS TAX

CHAPTER 7

CHARGEABLE GAINS

Capital gains tax

74 Exception to “bed and breakfasting” rules etc

- (1) TCGA 1992 is amended as follows.
- (2) In section 106A (identification of securities: general rules for capital gains tax), after subsection (5) (acquisition of securities within 30 days after disposing of securities of same class) insert—
 - “(5A) Subsection (5) above shall not require securities to be identified with securities which the person making the disposal acquires at a time when—
 - (a) he is neither resident nor ordinarily resident in the United Kingdom, or
 - (b) he is resident or ordinarily resident in the United Kingdom but is Treaty non-resident.”.
- (3) In section 288 (interpretation), after subsection (7A) (meaning of “surrender” in application of Act to Scotland) insert—
 - “(7B) For the purposes of this Act, a person is Treaty non-resident at any time if, at that time, he falls to be regarded as resident in a territory outside the United Kingdom for the purposes of double taxation relief arrangements having effect at that time.”.

Changes to legislation: *There are currently no known outstanding effects for the Finance Act 2006, Section 74. (See end of Document for details)*

- (4) In consequence of the amendment made by subsection (3)—
 - (a) in section 10A (temporary non-residents), omit subsection (9A) (meaning of “Treaty non-resident”), and
 - (b) in section 83A (trustees both resident and non-resident in a year of assessment), omit subsection (5) (meaning of “Treaty non-resident”).
- (5) The amendment made by subsection (2) has effect in relation to any acquisition made at any time on or after 22nd March 2006.
- (6) The amendments made by subsections (3) and (4) have effect in relation to any time on or after 22nd March 2006.

Changes to legislation:

There are currently no known outstanding effects for the Finance Act 2006, Section 74.