



Taxation (International and Other Provisions) Act 2010

2010 CHAPTER 8

[^{F1}PART 9A

CONTROLLED FOREIGN COMPANIES

CHAPTER 15

RELEVANT INTERESTS IN A CFC

[^{F1}Introduction

Textual Amendments

F1 Pt. 9A inserted (17.7.2012) by [Finance Act 2012 \(c. 14\)](#), [Sch. 20 para. 1](#) (with [ss. 56-58](#))

3710A Application of Chapter

This Chapter applies for the purpose of determining the persons who have “relevant interests” in a CFC for the purposes of step 1 in section 371BC(1).

3710B Provision about interpretation

- (1) This section applies for the purposes of this Chapter.
- (2) A person's interest in a company is an “indirect” interest so far as the person has the interest by virtue of having an interest in another company; and references to a “direct” interest in a company are to be read accordingly.

Changes to legislation: There are currently no known outstanding effects for the Taxation (International and Other Provisions) Act 2010, Cross Heading: Introduction. (See end of Document for details)

- (3) An interest held by an open-ended investment company within the meaning of Chapter 2 of Part 13 of CTA 2010 (see sections 613 and 615) is treated as held by the company's shareholders in proportion to their shareholdings.
- (4) An interest held by the trustees of an authorised unit trust is treated as held by the persons who have rights under the trust in proportion to their rights.
- (5) An interest held by a bare trustee or nominee (including by virtue of subsection (3) or (4)) is treated as held by the person or persons for whom the bare trustee or nominee holds the interest.
- (6) “Bare trustee” means a person acting as trustee for—
 - (a) a person absolutely entitled as against the trustee,
 - (b) two or more persons who are so entitled,
 - (c) a person who would be so entitled but for being a minor or otherwise lacking legal capacity, or
 - (d) two or more persons who would be so entitled but for all or any of them being a minor or otherwise lacking legal capacity.
- (7) Subsection (8) applies in a case not covered by subsection (5) if—
 - (a) an interest is held in a fiduciary or representative capacity (including by virtue of subsection (3) or (4)), and
 - (b) there are one or more identifiable beneficiaries.
- (8) The interest is taken to be held by that beneficiary or, as the case may be, apportioned between those beneficiaries on a just and reasonable basis.]

Changes to legislation:

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