



# Taxation (International and Other Provisions) Act 2010

## 2010 CHAPTER 8

### [<sup>F1</sup>PART 6A

#### HYBRID AND OTHER MISMATCHES

#### CHAPTER 2

#### KEY DEFINITIONS

#### *Hybrid entity etc*

#### [<sup>F1</sup>259BE Meaning of “hybrid entity”, “investor” and “investor jurisdiction”

- (1) For the purposes of this Part, an entity is “hybrid” if it meets conditions A and B.
- (2) Condition A is that the entity is regarded as being a person for tax purposes under the law of any territory.
- (3) Condition B is that—
  - (a) some or all of the entity's income or profits are treated (or would be if there were any) for the purposes of a tax charged under the law of any territory, as the income or profits of a person or persons other than the person mentioned in subsection (2), or
  - (b) under the law of a territory other than the one mentioned in subsection (2), the entity is not regarded as a distinct and separate person to an entity or entities that are distinct and separate persons under the law of the territory mentioned in that subsection.
- (4) For the purposes of this Part—
  - (a) where subsection (3)(a) applies, a person who is treated as having the income or profits of the hybrid entity is an “investor” in it,

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**Changes to legislation:** There are currently no known outstanding effects for the Taxation (International and Other Provisions) Act 2010, Section 259BE. (See end of Document for details)

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- (b) where subsection (3)(b) applies, an entity that—
  - (i) is regarded as a distinct and separate person to the hybrid entity under the law of the territory mentioned in subsection (2), but
  - (ii) is not regarded as a distinct and separate person to the hybrid entity under the law of another territory,is an “investor” in the hybrid entity, and
- (c) any territory under the law of which an investor is within the charge to a tax is an “investor jurisdiction” in relation to that investor.]

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#### **Textual Amendments**

- F1** Pt. 6A inserted (with effect in accordance with Sch. 10 paras. 18-21 of the amending Act) by [Finance Act 2016 \(c. 24\)](#), [Sch. 10 para. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Taxation (International and Other Provisions) Act 2010, Section 259BE.