

CORPORATION TAX

INCOME TAX

The Investment Manager (Investment Transactions) Regulations 2014

The Commissioners for Her Majesty's Revenue and Customs make the following Regulations in exercise of the powers conferred by sections 827(2) and 835S(4) of the Income Tax Act 2007(a) and section 1150 of the Corporation Tax Act 2010(b)

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Investment Manager (Investment Transactions) Regulations 2014 and come into force on 8 April 2014.

(2) These Regulations have effect in relation to transactions entered into on or after that date.

Investment transactions

2.—(1) Any transaction which falls within the meaning of investment transaction in the Investment Transactions (Tax) Regulations 2014(c) specified for the purposes of—

- (a) section 827 of the Income Tax Act 2007,
- (b) section 835S of the Income Tax Act 2007, and
- (c) section 1150 of the Corporation Tax Act 2010.

This is subject to paragraphs (2) to (5).

(2) References in the Investment Transactions (Tax) Regulations 2014 to “fund” are to be treated as references to “non-UK resident” (and the definition of “fund” in regulation 2(3) of those Regulations is to be ignored).

(3) References in the Investment Transactions (Tax) Regulations 2014 to “manager” are to be treated as references to “investment manager”.

(4) “Non-UK resident” has the meaning given in section 989 of the Income Tax Act 2007 or section 1119 of the Corporation Tax Act 2010, as the case may be.

(5) A transaction in a carbon emissions trading product within regulation 6 of the Investment Transactions (Tax) Regulations 2014 is not specified for the purposes in paragraph (1) if it gives rise to a chargeable gain within either—

- (a) section 10 of the Taxation of Chargeable Gains Act 1992 (non-resident with United Kingdom branch or agency)(d), or

(a) 2007 c. 3. Subsections (2) and (3) of section 827 were substituted by paragraph 5(2) of Part 2 of Schedule 16 to the Finance Act 2008 (c. 9). The Taxation (International and Other Provisions) Act 2010 (c. 8), Schedule 6, Part 1, paragraph 17 inserted section 835S as part of a new Chapter 2B of Part 14 of the Income Tax Act 2007. This is the first exercise of the power conferred by section 835S(4).

(b) 2010 c. 4. This is the first exercise of the power conferred by section 1150.

(c) S.I. 2014/685. Investment transaction is defined in regulation 2(2) of those Regulations, also see regulations 3 to 6.

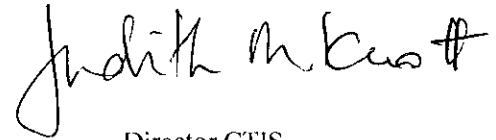
(d) 1992 c. 12. Section 10 was amended by paragraph 2(2) of Schedule 27 and Schedule 43 to the Finance Act 2003 (c. 14), paragraph 41 of Schedule 8 of the Taxation (International and Other Provisions) Act 2010 and paragraph 76 of Schedule 46 to the Finance Act 2013 (c. 29).

(b) section 10B of that Act (non-resident company with United Kingdom permanent establishment)(a).

Revocation

3. The Investment Manager (Specified Transactions) Regulations 2009(b) are revoked.

18 March 2014



Director CTIS

(a) Section 10B was inserted by section 149(4) of the Finance Act 2003 and amended by paragraph 360 of Schedule 1 to the Corporation Tax Act 2009 (c. 4), paragraph 42 of Schedule 8 to the Taxation (International and Other Provisions) Act 2010 and paragraph 73 of Schedule 16 to the Finance Act 2012.
(b) These Regulations were made in May 2009.