

Other relief from double taxation. CATA 1976 s67(1) to (3) and (5) 107.—(1) (a) In this section—

“foreign tax” means any tax which is chargeable under the laws of any territory outside the State and is of a character similar to estate duty, gift tax or inheritance tax;

“event” means—

(i) a death, or

(ii) any other event,

by reference to which the date of the gift or the date of the inheritance is determined.

(b) For the purposes of this section, a reference to property situate in a territory outside the State is a reference to property situate in that territory at the date of the gift or the date of the inheritance, as the case may be, or to property representing such property.

(2) Where the Commissioners are satisfied that a taxable gift or taxable inheritance, taken under a disposition by a donee or successor on the happening of any event, is reduced by the payment of foreign tax which is chargeable in connection with the same event under the same disposition in respect of property which is situate in the territory outside the State in which that foreign tax is chargeable, they shall allow a credit in respect of that foreign tax against the gift tax or inheritance tax payable by that donee or successor on that taxable gift or taxable inheritance; but such credit shall not exceed—

(a) the amount of the gift tax or inheritance tax payable in respect of the same property by reason of such property being comprised in any taxable gift or taxable inheritance taken under that disposition on the happening of that event, or

(b) the amount of that foreign tax,

whichever is the lesser.

(3) This section is subject to any arrangement to which the force of law is given under section 106 and, if any such arrangement provides for the allowance of the amount of a tax payable in a territory outside the State as a credit against gift tax or inheritance tax, the provisions of the arrangement shall apply in relation to the tax payable in that territory in lieu of the provisions of subsection (2).

(4) Where the foreign tax in respect of property comprised in a taxable gift or a taxable inheritance taken under a disposition on the happening of an event is, under the terms of the disposition, directed to be paid out of a taxable gift or a taxable inheritance (taken under that disposition on the happening of the same event) other than the taxable gift or taxable inheritance out of which it would be payable in the absence of such a direction, then, for the purposes of subsection (2), the taxable gift or taxable inheritance out of which the foreign tax would be payable in the absence of such a direction, and no other

taxable gift or taxable inheritance, is treated as reduced by the payment of the foreign tax.