

Offshore income gains accruing to persons resident or domiciled abroad. FA90 s68 746.—(1) Subject to subsection (2), section 579 shall apply in relation to its application to offshore income gains as if—

(a) for any reference to a chargeable gain there were substituted a reference to an offshore income gain,

(b) in subsection (2) of that section—

(i) for “the Capital Gains Tax Acts” there were substituted “the Tax Acts”, and

(ii) for “capital gains tax under section 31” there were substituted “income tax by virtue of section 745”,

and

(c) in subsection (5) of that section—

(i) for “any capital gains tax payable” there were substituted “any income tax or corporation tax payable”, and

(ii) for “for the purposes of income tax” there were substituted “for the purposes of income tax, corporation tax”.

(2) Where in any year of assessment—

(a) under section 579 (3), as it applies apart from subsection (1), a chargeable gain is to be attributed to a beneficiary, and

(b) under section 579 (3), as applied by subsection (1), an offshore income gain is also to be attributed to the beneficiary,

section 579 shall apply as if it required offshore income gains to be attributed before chargeable gains.

(3) Section 590 shall apply in relation to its application to offshore income gains as if—

(a) for any reference to a chargeable gain there were substituted a reference to an offshore income gain,

(b) for the reference in subsection (6) of that section to capital gains tax there were substituted a reference to income tax or corporation tax, and

(c) paragraphs (b) and (c) of subsection (4), and subsection (7), of that section were deleted.

(4) Section 917 shall apply in relation to offshore income gains as if—

(a) for “chargeable gains” there were substituted “offshore income gains”, and

(b) for “capital gains tax under section 579 or 590” there were substituted “income tax or corporation tax under section 579 or 590, as applied by section 746”.

(5) Subject to subsection (6), for the purpose of determining whether an individual ordinarily resident in the State has a liability for income tax in respect of an offshore income gain arising on a disposal to which this Chapter applies where the disposal is made by a person resident or domiciled out of the State—

(a) sections 806 and 807 shall apply as if the offshore income gain arising to the person resident or domiciled out of the State constituted income becoming payable to such person, and

(b) accordingly any reference in sections 806 and 807 to income of, or payable or arising to, such person shall include a reference to the offshore income gain arising to such person by reason of the disposal to which this Chapter applies.

(6) To the extent that an offshore income gain is treated by virtue of subsection (1) or (3) as having accrued to any person resident or ordinarily resident in the State, that gain shall not be deemed to be the income of any individual for the purposes of sections 806 and 807 or Part 31.