

Option for non-application of section 735. FA92 s36 736.—(1) Where the trustees of a unit trust scheme ), which apart from section 735 would be a collective investment undertaking for the purposes of section 734 and Schedule 18, have not later than the 1st day of November, 1992—

(a) paid the capital gains tax which would have been chargeable on them if—

(i) on the 31st day of March, 1992, they had disposed of all the assets of the unit trust scheme, and

(ii) the resulting chargeable gains were chargeable to tax at one-half of the rate at which they would have been chargeable under the Capital Gains Tax Acts apart from this subparagraph,

and

(b) given notice in writing to the Revenue Commissioners that they have paid that tax in accordance with paragraph (a),

then, notwithstanding section 735, the unit trust scheme (in this section referred to as “the relevant unit trust”) shall be deemed to be and to have been a collective investment undertaking for the purposes of section 734 and Schedule 18 with effect from the 1st day of April, 1992.

(2) (a) Where units in a relevant unit trust were held by a person on the 31st day of March, 1992, they shall be treated, for the purposes of computing chargeable gains accruing to the person on or after the 1st day of April, 1992, as having been acquired by the person on the 31st day of March, 1992.

(b) Section 731 (6) shall not apply to disposals on or after the 1st day of April, 1992, of units in a relevant unit trust.

(3) Where the consideration received for a disposal, or given for an acquisition, of an asset on the 31st day of March, 1992, is to be determined as a result of this section, it shall be deemed to be an amount equal to the market value of the asset on that day, and for this purpose “market value”, in relation to any asset, shall be construed in accordance with section 548.