

Treatment of income and gains of certain trading operations carried on in Custom House Docks Area from investments held outside the State. FA88 s36(4); FA97 s66(1) 451.—(1) In this section—

“the Area” has the same meaning as it has for the purposes of section 446;

“foreign life assurance business” means relevant trading operations within the meaning of section 446 consisting of life assurance business with policy holders and annuitants who at the time such business is contracted reside outside the State and, as regards any policy issued or contract made, as the case may be, with such policy holders or annuitants in the course of such business, such policy or contract does not provide for—

(a) the granting of any additional contractual rights, or

(b) an option to have another policy or contract substituted for it,

at a time when the policy holder or annuitant, as the case may be, resides in the State;

“foreign unit trust business” means relevant trading operations within the meaning of section 446 consisting of the management of the investments of one or more qualifying unit trusts;

“qualifying unit trust” means a unit trust scheme—

(a) which is a registered unit trust scheme within the meaning of the Unit Trusts Act, 1972 ,

(b) the business of which—

(i) is carried on in the Area, or

(ii) is not so carried on but is carried on in the State and would be carried on in the Area but for circumstances outside the control of the person or persons carrying on the business,

and

(c) as respects which all holders of units in the scheme are persons resident outside the State;

“tax” means income tax, corporation tax or capital gains tax, as may be appropriate.

(2) Notwithstanding any other provision of the Tax Acts, the rate at which any tax is chargeable (before any credit is allowed for foreign tax) in respect of income arising or chargeable gains accruing from securities or possessions in any place outside the State that are investments of a foreign life assurance business or investments managed by a foreign unit trust business shall not exceed 10 per cent.