

Disclaimer. CATA 1976 s13 12.—(1) If—

(a) (i) a benefit under a will or an intestacy, or

(ii) an entitlement to an interest in settled property,

is disclaimed;

(b) a claim—

(i) under a purported will in respect of which a grant of representation ) was not issued, or

(ii) under an alleged intestacy where a will exists in respect of which such a grant was issued,

is waived; or

(c) a right under Part IX of the Succession Act 1965 , or any analogous right under the law of another territory, is renounced, disclaimed, elected against or lapses,

any liability to tax in respect of such benefit, entitlement, claim or right shall cease as if such benefit, entitlement, claim or right, as the case may be, had not existed.

(2) Notwithstanding anything contained in this Act—

(a) a disclaimer of a benefit under a will or intestacy or of an entitlement to an interest in settled property;

(b) the waiver of a claim—

(i) under a purported will in respect of which a grant of representation ) was not issued, or

(ii) under an alleged intestacy where a will exists in respect of which such a grant issued; or

(c) (i) the renunciation or disclaimer of,

(ii) the election against, or

(iii) the lapse of,

a right under Part IX of the Succession Act 1965 , or any analogous right under the law of another territory,

is not a disposition for the purposes of this Act.

(3) Subsection (1) shall not apply to the extent of the amount of any consideration in money or money's worth received for the disclaimer, renunciation, election or lapse or for the waiver of a claim; and the receipt of such consideration is deemed to be a gift or an inheritance, as the case may be, in respect of which no consideration was paid by the donee or successor and which was derived from the disponent who provided the property in relation to which the benefit, entitlement, claim or right referred to in subsection (1), arose.