

Exemption of specified collective investment undertakings. FA 1989 s85(1) and (2); FA 2001 s224(2) and (4) (part) 75.—In this section—

“investment undertaking” has the meaning assigned to it by section 739B of the Taxes Consolidation Act 1997 ;

“specified collective investment undertaking” has the meaning assigned to it by section 734 of the Taxes Consolidation Act 1997 ;

“unit”, in relation to an investment undertaking, has the meaning assigned to it by section 739B of the Taxes Consolidation Act 1997 ;

“unit”, in relation to a specified collective investment undertaking, has the meaning assigned to it by section 734 of the Taxes Consolidation Act 1997 .

(2) Where any unit of an investment undertaking or of a specified collective investment undertaking is comprised in a gift or an inheritance, then such unit—

(a) is exempt from tax, and

(b) is not taken into account in computing tax on any gift or inheritance taken by the donee or successor,

if it is shown to the satisfaction of the Commissioners that—

(i) the unit is comprised in the gift or inheritance—

(I) at the date of the gift or at the date of the inheritance, and

(II) at the valuation date,

(ii) at the date of the disposition, the disponent is neither domiciled nor ordinarily resident in the State, and

(iii) at the date of the gift or at the date of the inheritance, the donee or successor is neither domiciled nor ordinarily resident in the State.

(3) Where—

(a) any unit of an investment undertaking or of a specified collective investment undertaking which is comprised in a gift or inheritance came into the beneficial ownership of the disponent or became subject to the disposition prior to 15 February 2001, and

(b) the conditions at subparagraphs (i) and (iii) of subsection (2) are complied with,

then that subsection shall apply to that unit of an investment undertaking or to that unit of a specified collective investment undertaking, as the case may be, comprised in a gift or inheritance, if at the date of the disposition, the proper law of the disposition was not the law of the State.