Draft Order laid before Parliament under section 397BA of the Finance Act 2009, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2009 No. 0000

INCOME TAX

The Tax Credits (Excluded Companies) Regulations 2009

Made - - - -	*2009*
Coming into force - -	*2009*

The Treasury make the following Regulations in exercise of the powers conferred by sections 397BA(3)(b) and (7)(**a**) of the Income Tax (Trading and Other Income) Act 2005(**b**).

In accordance with section 397BA(8) of that Act, a draft of this instrument was laid before the House of Commons and approved by a resolution of that House.

Citation, commencement and effect

1. These Regulations may be cited as the Tax Credits (Excluded Companies) Regulations 2009 and shall have effect from 22nd April 2009 for the tax year 2009-2010 and subsequent tax years.

Excluded companies

2.—(1) A territory which satisfies section 397BA(2)(a) and (b) of the Income Tax (Trading and Other Income) Act 2005 is nevertheless not a qualifying territory for the purposes of section 397AA(**c**) of that Act in relation to the company which makes the relevant distribution if that company is an excluded company.

(2) For the purposes of this regulation, an excluded company is one which is excluded from one or more of the benefits of any double taxation relief arrangements for the time being in force in relation to that territory.

name
name
Date Two of the Lords Commissioners to Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

From 22nd April 2009, an individual who owns a ten percent or greater shareholding in, and who is in receipt of dividends from, a non-UK resident company (within the meaning of the Income

(**a**) Section 397BA was inserted by section 40 and paragraphs 1 and 5 as read with paragraph 14, of Schedule 19 to the Finance Act 2009 (c. 10).
(**b**) 2005 c. 5.
(**c**) Section 397AA was inserted by section 40 and paragraphs 1 and 3 as read with paragraph 14, of Schedule 19 to the Finance Act 2009.