

TD 21 - Capital Gains: What is the date of disposal of shares when a company is liquidated?

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CGT Determination Number 21

Capital Gains: What is the date of disposal of shares when a company is liquidated?

Determination

1. When a company is liquidated (or wound up), the members of the company are taken to have disposed of their shares when the company is dissolved.
2. Where a company is wound up by an order of a Court, and the liquidator has obtained from the Court an order that the company be dissolved, the company is dissolved from the date of the order (Corporations Act 1989, section 481).
3. Where a company is wound up voluntarily, the company is dissolved three months after the lodging of the return of the final meeting of members and/or creditors, or on such other date as the Court may order (Corporations Act, section 509).

COMMISSIONER OF TAXATION

31 October 1991

Subject Ref: Disposal of shares

Liquidation of company

Legislative Ref:

ATO Ref: CGT Cell

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