

TD 34 - Capital Gains: What is meant by the term "statutory licence" in section 160ZZPE?

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⚠ This ruling contains references to repealed provisions, some of which may have been rewritten. The ruling still has effect. Paragraph 32 in [TR 2006/10](#) provides further guidance on the status and binding effect of public rulings where the law has been repealed or repealed and rewritten. The legislative references at the end of the ruling indicate the repealed provisions and, where applicable, the rewritten provisions.

⚠ This document has changed over time. This is a consolidated version of the ruling which was published on *29 November 2006*

CGT Cell Determinations do not have the force of law, but can be relied upon as being the considered view of the ATO. Unless otherwise stated, the view expressed may be applied to transactions entered into both before and after the date of issue of the Determination.

CGT Determination Number 34

Capital Gains: What is meant by the term "statutory licence" in section 160ZZPE?

Determination

1. Under section 160ZZPE, roll-over relief is available in certain cases where a statutory licence expires or is surrendered.
2. The term 'statutory licence' refers to an authority, licence or permit granted by or on behalf of a government or government authority that allows the person to whom it has been granted to do something which would otherwise not be allowable.
3. This definition covers the wide range of rights which were originally granted by government bodies as part of the management of certain industries and could include radio and television broadcasting licences, marine radio licences, taxi licences, import and export quotas, fishing permits or quotas, oyster farming licences, milk quotas, wool quotas and liquor licences. This list is by no means exhaustive.
4. The definition of statutory licence specifically excludes leases and certain mining and prospecting rights.

COMMISSIONER OF TAXATION

19 December 1991

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