



TD 2004/86W - Income tax: if a shareholder borrows from a private company under a clause in the company's constitution setting out the terms on which such loans are to be made, is there a 'written agreement' for the purposes of paragraph 109N(1)(a) of Division 7A of the Income Tax Assessment Act 1936?

 This cover sheet is provided for information only. It does not form part of *TD 2004/86W - Income tax: if a shareholder borrows from a private company under a clause in the company's constitution setting out the terms on which such loans are to be made, is there a 'written agreement' for the purposes of paragraph 109N(1)(a) of Division 7A of the Income Tax Assessment Act 1936?*

 This document has changed over time. This is a consolidated version of the ruling which was published on *14 November 2007*



Notice of Withdrawal

Taxation Determination

Income tax: if a shareholder borrows from a private company under a clause in the company's constitution setting out the terms on which such loans are to be made, is there a 'written agreement' for the purposes of paragraph 109N(1)(a) of Division 7A of the *Income Tax Assessment Act 1936*?

Taxation Determination TD 2004/86 is withdrawn with effect from today.

1. Taxation Determination TD 2004/86 explained that if a shareholder borrows from a private company under a clause in the company's constitution setting out the terms on which such loans are to be made, there is a 'written agreement' for the purposes of paragraph 109N(1)(a) of Division 7A of the *Income Tax Assessment Act 1936*.
2. The arrangements dealt with in TD 2004/86 are now covered by draft Taxation Determination TD 2007/D19, which issued today as part of the Division 7A law clarification program. There has been no change in our view.

Commissioner of Taxation

14 November 2007

ATO references

NO: 2006/20258

ISSN: 1038-8982

ATOlaw topic: Income Tax ~~ Tax integrity measures ~~ private company distributions