TD 94/32W - Income tax: capital gains: where no amount of money or other consideration is given for the acquisition of any of the rights, or an interest in any of the rights, under a policy of life assurance, and the person acquiring such rights is not the original beneficial owner, will subsection 160ZH(9) of the Income Tax Assessment Act 1936 deem market value consideration in subsection 160ZZI(3)?

This cover sheet is provided for information only. It does not form part of *TD 94/32W - Income tax: capital gains: where no amount of money or other consideration is given for the acquisition of any of the rights, or an interest in any of the rights, under a policy of life assurance, and the person acquiring such rights is not the original beneficial owner, will subsection 160ZH(9) of the Income Tax Assessment Act 1936 deem market value consideration in subsection 160ZZI(3)?*

This document has changed over time. This is a consolidated version of the ruling which was published on *25 January 2017*

Notice of Withdrawal

Taxation Determination

Income tax: capital gains: where no amount of money or other consideration is given for the acquisition of any of the rights, or an interest in any of the rights, under a policy of life assurance, and the person acquiring such rights is not the original beneficial owner, will subsection 160ZH(9) of the *Income Tax Assessment Act 1936* deem market value consideration in subsection 160ZZI(3)?

Taxation Determination TD 94/32 is withdrawn with effect from today.

1. TD 94/32 addresses the question of whether the transfer of any rights, or an interest in any rights, under a life insurance policy to a person other than the original beneficial owner for no amount of money or other consideration will invoke the operation of subsection 160ZH(9) of the *Income Tax Assessment Act 1936* (ITAA 1936), which deems consideration to be the market value, for the purposes of subsection 160ZZI(3) of the ITAA 1936.

2. The question in TD 94/32 is now addressed in Example 2 of subsection 118-300(1) of the *Income Tax Assessment Act 1997*.

3. Accordingly, TD 94/32 is no longer current and is therefore withdrawn.

Commissioner of Taxation
25 January 2017

ATO references
NO: 1-9N72KXS
ISSN: 2205-6211

© AUSTRALIAN TAXATION OFFICE FOR THE COMMONWEALTH OF AUSTRALIA

You are free to copy, adapt, modify, transmit and distribute this material as you wish (but not in any way that suggests the ATO or the Commonwealth endorses you or any of your services or products).