TD 93/D284 - Income tax: capital gains: what is meant by the term 'original beneficial owner' as used in subsection 160ZZI(3) of the Income Tax Assessment Act 1936 (the Act)?

This document has been finalised by TD 94/31.

Draft Taxation Determinations (TDs) represent the preliminary, though considered, views of the ATO. Draft TDs may not be relied on; only final TDs are authoritative statements of the ATO.

Draft Taxation Determination

Income tax: capital gains: what is meant by the term "original beneficial owner" as used in subsection 160ZZI(3) of the *Income Tax Assessment Act 1936* (the Act)?

1. The term "original beneficial owner" is not defined in the Act. In the context of section 160ZZI, an "original beneficial owner" of the rights under a policy of life assurance is the person who:-

(i) *first* takes out the policy, and

(ii) holds the policy in his or her own right and for his or her own benefit.

Note: TD 93/D285 deals separately with trustees of a trust estate taking out policies of life assurance.

Commissioner of Taxation
16/12/93

FOI INDEX DETAIL: Reference No.
Related Determinations: TD 93/D285; TD 93/D286; TD 93/D287; TD 93/D288
Subject Ref: exemption; life assurance policy; original beneficial owner; capital gains tax
Legislative Ref: ITAA 160ZZI(3)
ATO Ref: CGTDET90

ISSN 1038 - 8982