



TD 2002/19W - Income tax: can a private company be taken to have paid a dividend under section 109D of the Income Tax Assessment Act 1936 ('the Act') in respect of a loan taken to have been made by the operation of section 109UB of the Act where the loan is made to another company?

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 This document has changed over time. This is a consolidated version of the ruling which was published on 6 July 2011



Notice of Withdrawal

Taxation Determination

Income tax: can a private company be taken to have paid a dividend under section 109D of the *Income Tax Assessment Act 1936* ('the Act') in respect of a loan taken to have been made by the operation of section 109UB of the Act where the loan is made to another company?

Taxation Determination TD 2002/19 is withdrawn with effect from today.

1. Taxation Determination TD 2002/19 outlines the Commissioner's view on the operation of section 109D of the *Income Tax Assessment Act 1936* (ITAA 1936) where there is a loan taken to have been made to another company pursuant to former section 109UB of the ITAA 1936.
2. Section 109UB of the ITAA 1936 is only applicable to certain loans made after 4pm (Australian Capital Territory time) 27 March 1998 and before 12 December 2002. Section 109UB has been repealed and replaced by Subdivision EA of Division 7A of Part III of the ITAA 1936 which applies to payments, loans or debts forgiven on or after 12 December 2002.
3. As the law has been amended, this Determination is no longer current. Accordingly, TD 2002/19 is withdrawn.

Commissioner of Taxation

6 July 2011

ATO references

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