



TD 93/78W - Income tax: capital gains: under what circumstances will Divisions 10 and 11 of Part IIIA of the Income Tax Assessment Act 1936 apply to options or rights to acquire shares issued by a company to an existing shareholder?

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 This document has changed over time. This is a consolidated version of the ruling which was published on *5 April 2017*



Notice of Withdrawal

Taxation Determination

Income tax: capital gains: under what circumstances will Divisions 10 and 11 of Part IIIA of the *Income Tax Assessment Act 1936* apply to options or rights to acquire shares issued by a company to an existing shareholder?

Taxation Determination TD 93/78 is withdrawn with effect from today.

1. TD 93/78 deals with the application of Divisions 10 and 11 of Part IIIA of the *Income Tax Assessment Act 1936* (ITAA 1936). It specifies that Divisions 10 and 11 only apply when options or rights are issued pro-rata to all existing shareholders in that particular class of shares.
2. Divisions 10 and 11 of Part IIIA of the ITAA 1936 were replaced by Subdivision 130-B of the *Income Tax Assessment Act 1997*.
3. TD 93/78 has no ongoing relevance and is therefore withdrawn without replacement.

Commissioner of Taxation
5 April 2017

ATO references

NO: 1-9N72KXS
ISSN: 2205-6211

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