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No. 7898

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
SWEDEN**

Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to duties on the estates of deceased persons. Signed at Stockholm, on 14 October 1964

Official texts: English and Swedish.

Registered by the United Kingdom of Great Britain and Northern Ireland on 18 August 1965.

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
SUÈDE**

Convention tendant à éviter la double imposition et à prévenir l'évasion fiscale en matière d'impôts sur les successions. Signée à Stockholm, le 14 octobre 1964

Textes officiels anglais et suédois.

Enregistrée par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 18 août 1965.

No. 7898. CONVENTION¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE KINGDOM OF SWEDEN FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO DUTIES ON THE ESTATES OF DECEASED PERSONS. SIGNED AT STOCKHOLM, ON 14 OCTOBER 1964

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Kingdom of Sweden;

Desiring to conclude a Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to duties on the estates of deceased persons;

Have agreed as follows :

Article I

(1) The duties which are the subject of the present Convention are :

(a) in the United Kingdom of Great Britain and Northern Ireland :
the estate duty imposed in Great Britain;

(b) in Sweden :
the succession duty imposed in Sweden.

(2) The present Convention shall also apply to any other duties of a substantially similar character to the duties referred to in paragraph (1) above which may be imposed in Great Britain or Sweden subsequently to the date of signature of the present Convention.

Article II

(1) In the present Convention, unless the context otherwise requires :

(a) the term " United Kingdom " means Great Britain and Northern Ireland;

(b) the term " Great Britain " means England, Wales and Scotland, and does not include the Channel Islands and the Isle of Man;

¹ Came into force on 10 March 1965, the date of the exchange of the instruments of ratification which took place at London, in accordance with article XI (3).

- (c) the term “ territory ”, when used in relation to one or the other Contracting Party, means Great Britain or Sweden, as the context requires;
- (d) the term “ duty ” means the estate duty imposed in Great Britain or the succession duty imposed in Sweden, as the context requires.

(2) (a) For the purposes of the present Convention, the question whether a deceased person was domiciled at the time of his death in any part of the territory of one of the Contracting Parties shall be determined in accordance with the law in force in that territory.

(b) Where by reason of the provisions of sub-paragraph (a) above a deceased person is deemed to be domiciled in the territory of each of the Contracting Parties, then this case shall be solved in accordance with the following rules :

- (i) he shall be deemed to be domiciled in the territory of the Contracting Party in which he had a permanent home available to him at the time of his death; if he had a permanent home available to him in the territory of each of the Contracting Parties, he shall be deemed to be domiciled in the territory of the Contracting Party with which his personal and economic relations were closest (centre of vital interests);
- (ii) if the Contracting Party in whose territory he had his centre of vital interests cannot be determined, or if he had not a permanent home available to him in the territory of either Contracting Party, he shall be deemed to be domiciled in the territory of the Contracting Party in which he had an habitual abode;
- (iii) if he had an habitual abode in the territory of each of the Contracting Parties, or in the territory of neither, he shall be deemed to be domiciled in that of which he was a national;
- (iv) if he was a national of both territories or of neither of them, the taxation authorities of the Contracting Parties shall determine the question by mutual agreement.

(3) In the application of the provisions of the present Convention by either Contracting Party any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the law in force in the territory of that Party relating to the duties which are the subject of the Convention.

Article III

(1) Where a person was at the time of his death domiciled in any part of the territory of one of the Contracting Parties, the situs of any property shall for the purposes of the imposition of duty and for the purposes of Article V and of the credit to be allowed under Article VI be determined exclusively in accordance with the rules in Article IV.

(2) Paragraph (1) of this Article shall apply if, and only if, apart from the said Article IV :

- (a) duty would be imposed on the property under the law of the territory of each of the Contracting Parties; or
- (b) duty would be imposed on the property under the law of the territory of one of the Contracting Parties and would, but for some specific exemption, also be imposed thereon under the law of the territory of the other Contracting Party.

(3) Paragraph (1) of this Article shall not apply if by reason of its application duty would be imposed in the territory of one of the Contracting Parties on property on which, apart from the said paragraph, duty would not be imposed in that territory.

Article IV

The rules referred to in paragraph (1) of Article III are :

- (a) rights or interests (otherwise than by way of security) in or over immovable property shall be deemed to be situated at the place where such property is located;
- (b) rights or interests (otherwise than by way of security) in or over tangible movable property, other than such property for which specific provision is hereinafter made, and in or over bank or currency notes, other forms of currency recognised as legal tender in the place of issue, negotiable bills of exchange and negotiable promissory notes, shall be deemed to be situated at the place where such property, notes, currency or documents are located at the time of death or, if *in transitu*, at the place of destination;
- (c) debts, secured or unsecured, including securities issued by any Government, municipality or public authority, and debentures and debenture stock issued by any company, but excluding the forms of indebtedness for which specific provision is made herein, shall be deemed to be situated at the place where the deceased person was domiciled at the time of his death;
- (d) shares or stock in a company (including shares or stock held by a nominee, whether the beneficial ownership is evidenced by scrip certificates or otherwise) shall be deemed to be situated at the place in or under the law of which the company was incorporated;
- (e) moneys payable under a policy of assurance or insurance shall be deemed to be situated at the place where the deceased person was domiciled at the time of his death;
- (f) ships and aircraft and shares thereof shall be deemed to be situated at the place of registration of the ship or aircraft;