

§ 1.851-1

Section 1.883-4 is also issued under 26 U.S.C. 883.

Section 1.883-5 is also issued under 26 U.S.C. 883.

Section 1.884-0 also issued under 26 U.S.C. 884 (g).

Section 1.884-1 also issued under 26 U.S.C. 884.

Section 1.884-1 also issued under 26 U.S.C. 884 (g).

Section 1.884-1 (d) also issued under 26 U.S.C. 884 (c) (2) (A).

Section 1.884-1 (d) (13) (i) also issued under 26 U.S.C. 884 (c) (2).

Section 1.884-1 (e) also issued under 26 U.S.C. 884 (c) (2) (B).

Section 1.884-2 also issued under 26 U.S.C. 884 (g).

Section 1.884-2T also issued under 26 U.S.C. 884 (g).

Section 1.884-4 also issued under 26 U.S.C. 884 (g).

Section 1.884-5 also issued under 26 U.S.C. 884 (g).

Section 1.884-5 (e) and (f) also issued under 26 U.S.C. 884 (e) (4) (C).

Section 1.892-1T also issued under 26 U.S.C. 892 (c).

Section 1.892-2T also issued under 26 U.S.C. 892 (c).

Section 1.892-3T also issued under 26 U.S.C. 892 (c).

Section 1.892-4T also issued under 26 U.S.C. 892 (c).

Section 1.892-5 also issued under 26 U.S.C. 892 (c).

Section 1.892-5T also issued under 26 U.S.C. 892 (c).

Section 1.892-6T also issued under 26 U.S.C. 892 (c).

Section 1.892-7T also issued under 26 U.S.C. 892 (c).

Section 1.894-1 also issued under 26 U.S.C. 894 and 7701 (1).

Sections 1.897-5T, 1.897-6T and 1.897-7T also issued under 26 U.S.C. 897 (d), (e), (g) and (j) and 26 U.S.C. 367 (e) (2).

Sections 1.902-1 and 902-2 also issued under 26 U.S.C. 902 (c) (7).

Section 1.904-4 also issued under 26 U.S.C. 904 (d) (6).

Section 1.904-5 also issued under 26 U.S.C. 904 (d) (6).

Section 1.904-6 also issued under 26 U.S.C. 904 (d) (6).

Section 1.904-7 also issued under 26 U.S.C. 904 (d) (6).

Section 1.904 (b) -1 also issued under 26 U.S.C. 1 (h) (11) (C) (iv) and 904 (b) (2) (C).

Section 1.904 (b) -2 also issued under 26 U.S.C. 1 (h) (11) (C) (iv) and 904 (b) (2) (C).

Section 1.904 (f) - (2) also issued under 26 U.S.C. 904 (f) (3) (b).

Section 1.904 (g) -3T also issued under 26 U.S.C. 904 (g) (4).

Section 1.904 (i) -1 also issued under 26 U.S.C. 904 (i).

26 CFR Ch. I (4-1-14 Edition)

Sections 1.905-3T and 1.905-4T also issued under 26 U.S.C. 989 (c) (4).

Section 1.907 (b) -1 is also issued under 26 U.S.C. 907 (b).

Section 1.907 (b) -1T also issued under 26 U.S.C. 907 (b).

SOURCE: T.D. 6500, 25 FR 11910, Nov. 26, 1960; 25 FR 14021, Dec. 31, 1960, unless otherwise noted.

REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS

§ 1.851-1 Definition of regulated investment company.

(a) *In general.* The term “regulated investment company” is defined to mean any domestic corporation (other than a personal holding company as defined in section 542) which meets (1) the requirements of section 851(a) and paragraph (b) of this section, and (2) the limitations of section 851(b) and § 1.851-2. As to the definition of the term “corporation”, see section 7701(a)(3).

(b) *Requirement.* To qualify as a regulated investment company, a corporation must be:

(1) Registered at all times during the taxable year, under the Investment Company Act of 1940, as amended (15 U.S.C. 80a-1 to 80b-2), either as a management company or a unit investment trust, or

(2) A common trust fund or similar fund excluded by section 3(c)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)) from the definition of “investment company” and not included in the definition of “common trust fund” by section 584(a).

§ 1.851-2 Limitations.

(a) *Election to be a regulated investment company.* Under the provisions of section 851(b)(1), a corporation, even though it satisfies the other requirements of part I, subchapter M, chapter 1 of the Code, for the taxable year, will not be considered a regulated investment company for such year, within the meaning of such part I, unless it elects to be a regulated investment company for such taxable year, or has made such an election for a previous taxable year which began after December 31, 1941. The election shall be made by the taxpayer by computing taxable