The SCHEDULE above referred to.

CHARGES FOR COVERED SWIMMING BATHS.

1ST CLASS.—Any sum not exceeding eightpence for each person.
2ND CLASS.—Any sum not exceeding fourpence for each person.
3RD CLASS.—Any sum not exceeding twopence for each person.

## CHAPTER 15.

An Act to grant certain Duties of Customs and Inland Revenue, to alter other Duties, and to amend the Laws relating to Customs and Inland Revenue. [27th May 1878.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties herein-after mentioned, and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** This Act may be cited as the Customs and Inland Revenue Act, 1878. Short title.

### PART I.

*Customs.*

**2.** The duties of Customs now chargeable upon tea shall continue to be levied and charged on and after the first day of August one thousand eight hundred and seventy-eight until the first day of August one thousand eight hundred and seventy-nine on the importation thereof into Great Britain or Ireland; (that is to say,) Import duties on tea.

Tea, the pound - - - - - - Sixpence.

**3.** In lieu and instead of the duties and drawbacks payable or allowable on tobacco under the Customs Tariff Act, 1876, there shall be charged on and after the fifth day of April one thousand eight hundred and seventy-eight upon tobacco imported into Great Britain or Ireland the following duties; (that is to say,) Duties and drawback on tobacco. 39 & 40 Vict. c. 35.

| | £ | s. | d. |
|---|---|---|---|
| Tobacco manufactured, viz.: | | | |
| Segars - - - - - - - the lb. | 0 | 5 | 4 |
| Cavendish or negrohead - - - - - the lb. | 0 | 4 | 10 |
| Snuff containing more than 13 lbs. of moisture in every 100 lbs. weight thereof - - - - - - the lb. | 0 | 4 | 1 |
| Snuff not containing more than 13 lbs. of moisture in every 100 lbs. weight thereof - - - - - - the lb. | 0 | 4 | 10 |
| Being cavendish or negrohead manufactured in bond - the lb. | 0 | 4 | 4 |
| Other manufactured tobacco - - - - the lb. | 0 | 4 | 4 |
| Tobacco unmanufactured, viz.: | | | |
| Containing 10 lbs. or more of moisture in every 100 lbs. weight thereof - - - - - - - the lb. | 0 | 3 | 6 |
| Containing less than 10 lbs. of moisture in every 100 lbs. weight thereof - - - - - - - the lb. | 0 | 3 | 10 |

And there shall be allowed upon tobacco exported from Great Britain or Ireland on and after the fifth day of June one thousand eight hundred and seventy-eight, on the expor-

tation thereof, or on the deposit thereof in a bonded warehouse to be used as ships stores, a drawback of three shillings and sevenpence for every pound weight thereof:

And notwithstanding the enactment by this Act of the duties and drawbacks hereby imposed and allowed instead of the duties and drawbacks imposed and allowed by the Manufactured Tobacco Act, 1863, and repeated in the Customs Tariff Act, 1876, all the enactments and provisions relating to tobacco which are contained in the said Acts and in any other Customs Acts now in force, shall, so far as the same are applicable, remain in force, except as to the amount of duties and drawbacks imposed and allowed by this Act, and the times at or from which the same are hereby made payable and allowable: Provided always, that any licensed manufacturer entitled under the Manufactured Tobacco Act, 1863, and this Act, to drawback on snuff on the exportation thereof under the provisions of the said Acts, may, if he see fit, on deposit thereof in the Queen's warehouse at such port or ports and under and subject to such regulations as the Commissioners of Customs may approve, and on receipt of the drawback allowed thereon, instead of exporting the same, abandon such snuff to the said Commissioners to be destroyed or otherwise disposed of by them.

26 & 27 Vict. c. 7.
39 & 40 Vict. c. 35.

Permission to abandon snuff on deposit in Queen's warehouse and receipt of drawback instead of exportation.
26 & 27 Vict. c. 7.

And all duties which shall have been charged and paid on the entry of tobacco for home consumption at the rates herein-before specified on and after the said fifth day of April one thousand eight hundred and seventy-eight and prior to the passing of this Act shall be deemed to have been properly charged and paid.

Penalty on master for excessive deficiency of stores.

**4.** In the event of any ship having cleared for any foreign voyage from any port in the United Kingdom with stores on board returning to that or any other port in the United Kingdom, if any deficiency in such stores be discovered, which in the opinion of the Commissioners of Customs shall be deemed to be in excess of the quantity which might fairly have been consumed, having regard to the length of time between such departure and return as aforesaid, whether such ship shall have been driven into port by stress of weather, want of repair, or other cause, the master shall forfeit, besides the duties on such excess at the rate chargeable on the importation of goods, the subject of such excess, a penalty not exceeding twenty pounds, which penalty and duty shall be recoverable by information and summons before a justice of the peace.

Transhipments to British possessions.
39 & 40 Vict. c. 36.

**5.** So much of section one hundred and thirteen of the Customs Consolidation Act, 1876, as relates to transhipment goods shall be applicable only to transhipment goods cleared for any British possessions.

Clearance of ships in ballast.

**6.** If any ship shall depart in ballast from the United Kingdom for parts beyond the seas, not having any goods on board except stores borne upon the victualling bill, nor any goods reported inwards for exportation in such ship, the collector or other proper officer shall, on the application of the master, clear such ship in ballast; and the master of such ship shall answer to the collector or other proper officer such questions touching her departure and destination as shall be demanded of him; and ships having only passengers with their baggage on board, and ships laden only with chalk or slate, shall be deemed to be in ballast, and if any ship, whether laden or in ballast, shall depart without being duly cleared, the master shall forfeit one hundred pounds, and section one hundred and thirty-three of the Customs Consolidation Act, 1876, is hereby repealed.

Repeal of section 133 of 39 & 40 Vict. c. 36.

Repeal of so much of 34 & 35 Vict. c. 103. as relates to Customs.

**7.** So much of an Act passed in the thirty-fourth and thirty-fifth years of the reign of Her Majesty, chapter one hundred and three, intituled "An Act to amend the law relating "to the Customs and Inland Revenue," as relates to the Customs shall be and the same is hereby repealed.

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## Part II.

### *Taxes.*

Grant of duties of income tax.

**8.** There shall be charged, collected, and paid for the year commencing on the sixth day of April one thousand eight hundred and seventy-eight, in respect of all property,

profits, and gains mentioned or described as chargeable in the Act of the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, the following duties of income tax; (that is to say,)

For every twenty shillings of the annual value or amount of property, profits, and gains chargeable under Schedules (A.), (C.), (D.), or (E.) of the said Act, the duty of fivepence:

And for every twenty shillings of the annual value of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B.) of the said Act,—

In England the duty of twopence halfpenny;

In Scotland and Ireland respectively, the duty of one penny three farthings.

Provisions of Income Tax Acts to apply to duties hereby granted.

**9.** All such provisions contained in any Act relating to income tax as were in force on the fifth day of April one thousand eight hundred and seventy-eight shall have full force and effect with respect to the duties of income tax granted by this Act, so far as the same shall be consistent with the provisions of this Act; and for the purposes of this Act the year one thousand eight hundred and sixty-two mentioned in the forty-third section of the Act of the twenty-fifth and twenty-sixth years of Her Majesty's reign, chapter twenty-two, shall be read as and deemed to mean the year one thousand eight hundred and seventy-eight.

Provisions of Income Tax Acts to apply to duties to be granted for succeeding year.

32 & 33 Vict. c. 67.

**10.** In order to ensure the collection in due time of any duties of income tax which may be granted for the year commencing on the sixth day of April one thousand eight hundred and seventy-nine, all such provisions contained in any Act relating to the duties of income tax as are in force on the fifth day of April one thousand eight hundred and seventy-nine shall have full force and effect with respect to the duties of income tax which may be so granted, in the same manner as if the said duties had been actually granted, and the said provisions had been applied thereto, by an Act of Parliament passed on that day; and the surveyors of taxes acting in the metropolis as defined by the Valuation (Metropolis) Act, 1869, shall be the assessors for the duties to be granted and payable under Schedules (A.) and (B.) of the said Act of the sixteenth and seventeenth years of the reign of Her Majesty, chapter thirty-four, upon any property in the said metropolis, and shall also be the assessors for the duties on inhabited houses in the said metropolis; and in lieu of the poundage granted by the several Acts in that behalf to be divided between the assessors and collectors for such duties respectively in the said metropolis, there shall be paid a poundage of three halfpence to the said collectors thereof.

Assessment of income tax under Schedules (A.) and (B.) and of the inhabited house duties for the year 1878–79.

32 & 33 Vict. c. 67.

**11.** With respect to the assessment of the duties of income tax hereby granted under Schedules (A.) and (B.) in respect of property elsewhere than in the metropolis, as defined by the Valuation (Metropolis) Act, 1869, and of the duties on inhabited houses elsewhere than in the said metropolis, for the year commencing, as respects England, on the sixth day of April, and as respects Scotland, on the twenty-fifth day of May, one thousand eight hundred and seventy-eight, the following provisions shall have effect:

(1.) The inspectors or surveyors of taxes shall be the assessors for the said duties, and in lieu of the poundage by law granted to be divided between the assessors and collectors in regard to such duties there shall be paid a poundage of three halfpence to the collectors thereof:

(2.) The sum charged as the annual value of any property in the assessment of income tax thereon for the year which commenced on the sixth day of April one thousand eight hundred and seventy-seven, and the sum charged as the annual value of every inhabited house in the assessment made thereon for the same year, as respects England, and as respects Scotland, for the year which commenced on the twenty-fifth day of May one thousand eight hundred and seventy-seven, shall be taken as the annual value of such property or of such inhabited house for the assessment, and charge thereon of the duties of income tax hereby granted, or of the duties on inhabited houses, to all intents and purposes as if such sum had been estimated to be the annual value in conformity with the provisions in that behalf contained in the Acts relating to income tax and the duties on inhabited houses respectively:

(3.) The Commissioners executing the said Acts shall for each place within their district cause duplicates of the assessments to be made out and delivered to the collectors, together with the warrants for collecting the same:

(4.) The Commissioners executing the said Acts in England shall for each place within their district appoint such persons, being inhabitants of the place, as they shall think fit, to be collectors of the duties, in like manner as if such persons had been presented to them by assessors in conformity with the said Acts.

**Provision as to deduction for depreciation of machinery or plant.**

**12.** Notwithstanding any provision to the contrary contained in any Act relating to income tax, the Commissioners for general or special purposes shall, in assessing the profits or gains of any trade, manufacture, adventure, or concern in the nature of trade, chargeable under Schedule (D.), or the profits of any concern chargeable by reference to the rules of that schedule, allow such deduction as they may think just and reasonable as representing the diminished value by reason of wear and tear during the year of any machinery or plant used for the purposes of the concern, and belonging to the person or company by whom the concern is carried on; and for the purpose of this provision, where machinery or plant is let to the person or company by whom the concern is carried on upon such terms that the person or company is bound to maintain the machinery or plant, and deliver over the same in good condition at the end of the term of the lease, such machinery or plant shall be deemed to belong to such person or company.

And where any machinery or plant is let upon such terms that the burden of maintaining and restoring the same falls upon the lessor, he shall be entitled on claim made to the Commissioners for general or special purposes, in the manner prescribed by section sixty-one of the Act of the fifth and sixth years of Her Majesty's reign, chapter thirty-five, to have repaid to him such a portion of the sum which may have been assessed and charged in respect of the machinery or plant, and deducted by the lessee on payment of the rent, as shall represent the income tax upon such an amount as the said Commissioners may think just and reasonable, as representing the diminished value by reason of wear and tear of such machinery or plant during the year: Provided that no such claim shall be allowed unless it shall be made within twelve calendar months after the expiration of the year of assessment.

**Amendment of the law as to inhabited house duties.**

**13.** With respect to the duties on inhabited houses for the year commencing, as respects England, on the sixth day of April, and as respects Scotland, on the 25th day of May, one thousand eight hundred and seventy-eight, and for any subsequent year, the following provisions shall have effect:

(1.) Where any house, being one property, shall be divided into, and let in, different tenements, and any of such tenements are occupied solely for the purposes of any trade or business, or of any profession or calling by which the occupier seeks a livelihood or profit, or are unoccupied, the person chargeable as occupier of the house shall be at liberty to give notice in writing, at any time during the year of assessment, to the surveyor of taxes for the parish or place in which the house is situate, stating therein the facts; and after the receipt of such notice by the surveyor, the Commissioners acting in the execution of the Acts relating to the inhabited house duties shall, upon proof of the facts to their satisfaction, grant relief from the amount of duty charged in the assessment, so as to confine the same to the duty on the value according to which the house should, in their opinion, have been assessed, if it had been a house comprising only the tenements other than such as are occupied as aforesaid, or are unoccupied:

(2.) Every house or tenement which is occupied solely for the purposes of any trade or business, or of any profession or calling by which the occupier seeks a livelihood or profit, shall be exempted from the duties by the said Commissioners upon proof of the facts to their satisfaction, and this exemption shall take effect although a servant or other person may dwell in such house or tenement for the protection thereof:

(3.) Section eleven of the Act of the thirty-second and thirty-third years of Her Majesty's reign, chapter fourteen, shall be and is hereby repealed.

Amount fixed by the Treasury to be paid to clerks to Commissioners in lieu of allowances in certain cases.

**14.** Where the allowances to which any clerk to Commissioners of Income Tax is entitled by virtue of the Acts relating to income tax, and the Acts relating to the inhabited house duties, or those allowances, together with the allowance to which he is entitled by virtue of the Acts relating to land tax, if he be also clerk to the Commissioners of Land Tax, would exceed the sum of twelve hundred pounds, it shall be lawful for the Commissioners of Her Majesty's Treasury to substitute for those allowances such an amount, not being less than the sum of twelve hundred pounds, exclusive of necessary office expenses, as to them shall seem fit; and the clerk shall be entitled to claim and receive in respect of such allowances such sum only as shall be specified in a certificate of the Commissioners of Inland Revenue.

Appeal from High Court of Justice in cases stated under 37 & 38 Vict. c. 16.

**15.** After the passing of this Act an appeal shall lie from the decision of the Exchequer Division of the High Court of Justice, or of any judge thereof, upon any case stated under the provisions in that behalf contained in the Customs and Inland Revenue Act, 1874, to Her Majesty's Court of Appeal, and from thence to the House of Lords, and from the decision of the Court of Session, as the Court of Exchequer in Scotland, upon any case so stated, to the House of Lords.

Serjeants Inn transferred to city of London for purposes of taxes.

**16.** Whereas by section two of the Act of the thirty-eighth year of the reign of King George the Third, chapter five, the place called Serjeants Inn in Chancery Lane is charged with a separate and distinct quota of land tax, and the amount of such quota has been raised annually by members of that Inn acting as Commissioners of Land Tax, who have also acted as Commissioners for the purposes of the duties on inhabited houses and the duties of income tax under the provisions of the Acts relating to these duties respectively; and whereas the said place has been sold by the members of the Inn, and it is necessary to authorise the execution of the said Acts by the Commissioners acting for the city of London, in which the said place is locally situate: Be it enacted, that from and after the passing of this Act the said place shall, in all matters connected with the assessment and collection of the land tax and the said duties respectively, be under and subject to the jurisdiction of the Commissioners for putting in execution the Acts relating to the land tax and to the said duties respectively for the city of London: Provided always, that the amount of the quota of land tax at present charged upon the said place shall continue to be assessed and collected subject to redemption under the provisions of the Acts passed in that behalf.

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## Part III.

### *Excise.*

### Dog Licenses.

Increase of duty imposed by 30 & 31 Vict. c. 5.

**17.** On after the first day of June one thousand eight hundred and seventy-eight, in lieu of the annual duty of five shillings chargeable under the Act of the thirtieth and thirty-first years of Her Majesty's reign, chapter five, in respect of every dog, there shall be granted and charged the annual duty of seven shillings and sixpence, and the said Act shall be read as if the amount of annual duty thereby granted and charged was seven shillings and sixpence: Provided that licenses taken out under the said Act prior to the said first day of June shall remain in full force and effect as if this Act had not been passed.

Repeal of 32 & 33 Vict. c. 14. s. 38.

**18.** Section thirty-eight of the Act of the thirty-second and thirty-third years of Her Majesty's reign, chapter fourteen, shall be and is hereby repealed.

Upon whom proof of age of dog shall lie.

**19.** Upon the hearing of any information for a penalty for keeping a dog without a license, the proof of the age of the dog shall lie upon the defendant.

Provision as to hound whelps.

**20.** Where an owner or a master of hounds has taken out proper licenses for all the hounds entered in any pack kept by him, it shall not be necessary for him to take out a license in respect of any hound under the age of twelve months which has never been entered in, or used with, any pack of hounds.

Provision as to dogs used by blind persons.

**21.** Nothing in the said Act of the thirtieth and thirty-first years of Her Majesty's reign, chapter five, or in this part of this Act, shall render a license necessary in the case of a dog kept and used solely by a blind person for his or her guidance, or render such person liable to any penalty in respect of a dog so kept and used.

Mode of obtaining exemption in the case of shepherds dogs.

**22.** In the case of dogs kept and used solely for the purpose of tending sheep or cattle on a farm, or in the exercise of the calling or occupation of a shepherd, exemption from duty may be obtained by the owners of such dogs in the following manner:

(1.) The Commissioners of Inland Revenue shall cause such forms of declaration to be prepared as may be required for carrying out the purposes of this section:

(2.) The owner, whether a farmer or a shepherd, may fill up and sign a declaration in the prescribed form, wherein shall be stated the number of dogs kept by him solely for use in tending sheep or cattle, or in the exercise of the calling or occupation of a shepherd, and such further particulars as the said Commissioners may by the form of declaration require to be therein stated, and upon delivering the declaration so filled up and signed by him to the person named therein as the person to whom the same is to be delivered, he shall be entitled to receive a certificate of exemption from duty in respect of the dog or dogs, not exceeding two in number, kept by him solely for use in tending sheep or cattle, or in the exercise of the calling or occupation of a shepherd, and such certificate shall be dated on the day on which the same shall be issued, and shall terminate on the thirty-first day of December following:

(3.) Where the occupier of a sheep farm owns more than four hundred sheep, which feed on common or unenclosed land, so that more than two dogs are required to be kept by him for the purpose of tending sheep, and such facts are stated in the declaration delivered by him, he shall be entitled to receive a certificate of exemption in respect of a third dog kept by him solely for such purpose, and if the number of his sheep amounts to one thousand, then in respect of a fourth dog so kept, and in respect of an additional dog so kept for every full number of five hundred sheep so owned by him over and above the number of one thousand: Provided that he shall not be exempted in respect of more than eight dogs kept on the farm:

(4.) Any person who shall deliver a declaration, wherein the particulars required to be therein set forth shall not be truly stated, shall forfeit the sum of twenty pounds; and any person to whom a certificate of exemption may have been issued, who shall not produce and deliver such certificate to be examined and read by any officer of Inland Revenue or Police, within a reasonable time after such officer shall request the production of the same, shall forfeit the sum of five pounds; and such penalties shall be Excise penalties.

Provision as to penalties.

**23.** Notwithstanding the provisions in the Excise Acts relating to the recovery and application of Excise penalties, any penalty imposed by the said Act of the thirtieth and thirty-first years of Her Majesty's reign, chapter five, or this part of this Act, may be either sued for and applied in the manner prescribed by such provisions, or recovered and enforced upon information of a police constable before a court of summary jurisdiction, subject in the latter case to the following provisions:

(1.) The court of summary jurisdiction shall have power to award costs, and to mitigate the penalty to such an amount as the court may in its discretion think fit:

(2.) The penalty, when recovered, shall, notwithstanding anything in the Acts relating to the metropolitan police courts, or any other Act, as to one half be paid to the Commissioners of Inland Revenue, and applied in the manner in which Excise penalties are by law applicable, and as to the other half be paid and applied in England and Wales for the benefit of the superannuation fund of the police force to which the police constable who instituted the prosecution belonged, and in Scotland to the treasurer of the police assessment of the county or burgh to the police force of which such police constable belonged.

*Miscellaneous.*

Warehousing of British compounded spirits of a strength exceeding eleven degrees over proof.

**24.** Subject to any regulations which may be from time to time made by the Commissioners of Customs and the Commissioners of Inland Revenue respectively, British compounded spirits of a strength exceeding eleven degrees over hydrometer proof may be warehoused for exportation or for ships stores by a rectifier or compounder in any Customs or Excise warehouse under the provisions of the Act of the twenty-eighth and twenty-ninth years of Her Majesty's reign, chapter ninety-eight.

When such spirits have been so warehoused they shall not be delivered out otherwise than for exportation or for ships stores directly from the warehouse on board the vessel in which the same are to be exported or used as stores.

Restriction of use of alkaline salts in the manufacture of snuff.

**25.** Whereas it is expedient to prohibit the use of certain salts in the manufacture of snuff, and to limit the amount of certain other salts which may be used in such manufacture: Be it enacted, that from and after the first day of October one thousand eight hundred and seventy-eight, the first, third, and fourth sections of the Act of the fifth and sixth years of Her Majesty's reign, chapter ninety-three, shall, as respects the term "salt," and the term "alkaline salts," be construed to mean and include only the carbonates, chlorides, and sulphates of potassium and sodium, and the carbonate of ammonium.

If, after the said first day of October, any person, being a manufacturer of, dealer in, or retailer of tobacco or snuff, shall have in his custody or possession, or shall sell, or offer for sale, any snuff which, after having been dried at a temperature of two hundred and twelve degrees as denoted by Fahrenheit's thermometer, shall be found to contain a percentage of more than twenty-six per centum of the carbonates, chlorides, and sulphates of potassium, sodium, and ammonium, he shall forfeit fifty pounds and also the said snuff; and in calculating the said percentage the salts of potassium, sodium, and ammonium of every description naturally present in the tobacco shall be included.

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## PART IV.

*Stamps.*

Interpretation of 33 & 34 Vict. c. 97. as to contract note.

**26.** Whereas doubts have arisen as to the application of the charge of stamp duty under the title "Contract Note" in the schedule to the Stamp Act, 1870, and there is a variance of practice upon Stock Exchanges in the United Kingdom as to instruments bearing the stamp duty, and it is expedient to define more precisely the instrument which is to be deemed chargeable under the said title: Be it enacted, that the term "Contract Note," wherever used in the Stamp Act, 1870, shall for the purposes of that Act mean exclusively an advice note sent by a broker or agent to his principal, and shall not include any memorandum or contract between brokers or agents for or in relation to the sale or purchase of any stock or marketable security, and no such memorandum or contract shall be chargeable with any stamp duty.

Repeal of duty on certain ecclesiastical licenses.

**27.** After the passing of this Act a license by any ecclesiastical authority in any part of the United Kingdom for licensing or authorising any matter relating to a consecrated building or ground, or any thing to be constructed, set up, taken down, or altered therein, or to be removed therefrom, shall be exempt from stamp duty.