CHAPTER 15

Finance Act, 1950

ARRANGEMENT OF SECTIONS

PART I

CUSTOMS, EXCISE AND PURCHASE TAX

Hydrocarbon oils, etc.

Section
1. Hydrocarbon oils (rate of customs duty and rebate).
2. Hydrocarbon oils (excise).
3. Petrol substitutes (excise).
4. Power methylated spirits (rate of excise duty).
5. Minor amendments about hydrocarbon oils.

Other provisions about particular duties or articles

6. Beer (customs and excise).
7. Spirits (allowances on export, etc.).
8. Increase of quota for colonial certificated sugar.
9. Extension of special power to remove or reduce additional import duties on iron and steel goods.
10. Amendment as to relief from import duties of certain machinery.
11. Duty free importations for industrial research.
12. Amendment of powers to allow drawback.
13. Excise licences for tractors, etc.
14. Reduction of full rates of entertainments duty.
15. Reduction of entertainments duty in certain cases.
16. Extension of s. 1 (3) of Finance Act, 1935.
17. Pool betting duty.
18. Road vehicles and road vehicle chassis (purchase tax).
19. Extension of purchase tax exemption for war memorials.

General provisions

20. Supply of duty free goods to H.M. ships.
21. Repayment of customs duty where goods returned or destroyed by importer.

PART II

INCOME TAX

22. Charge of income tax for 1950-51.
23. Higher rates of income tax for 1949-50.
24. Increase in reduced rate relief and consequential alteration in marginal relief for small incomes.
25. Relaxation of conditions for grant of "age relief" under the Finance Act, 1925, s. 15 (2).
26. Surtax to be charged on consideration for certain restrictive covenants, etc.
27. Payments for wayleaves, etc., for electric lines.
28. Continuation of period for which mills, factories allowances may be given.
29. Contributions under Superannuation Act (Northern Ireland) 1949, not to qualify for income tax relief.
30. General rule as to income tax on husbands and wives.
31. Consequences, as respects personal allowances, of exercise of option by husband or wife for separate assessment.
32. Collection from wife of tax assessed on husband attributable to her income.
33. Right of husband to disclaim liability for tax on deceased wife's income.

Section
34. Construction of references to married women living with their husbands, and special provisions as to certain spouses geographically separated.
35. Repeal of certain provisions as to married women.

PART III

MISCELLANEOUS PROVISIONS AS TO INCOME TAX AND OTHER TAXES

36. Unilateral relief for double taxation.
37. Extension of charities relief to certain bodies as respects past periods.
38. Extension of charities relief to certain scientific research Associations.
39. Treatment for taxation purposes of enemy debts, etc., written off during the war.
40. Modification of last preceding section in the case of recoveries by assignees and in certain cases of subsidiary companies.
41. Remission in certain cases of interest on tax in arrear by reason of exchange restrictions.
42. Proceedings for penalties, etc.

PART IV

ESTATE DUTY

43. Disposition or determination of life interests, etc.
44. Collection of duty from trustees after disposition or determination of life interest, etc.
45. Parliamentary settled estates.
46. Dispositions in favour of relatives.
47. Amendment of s. 51 of Finance Act, 1940.
48. Objects of national, scientific, historic or artistic interest.

PART V

MISCELLANEOUS

49. Provisions as to permanent annual charge for the National Debt and as to the Old Sinking Fund.
50. Short title, construction, extent and repeals.

SCHEDULES:

First Schedule.—Hydrocarbon oils (excise): enactments applied.

Second Schedule.—Beer (rates of duty and drawback).

Third Schedule.—Section 4 (2) of the Vehicles (Excise) Act, 1949, as amended.

Fourth Schedule.—Entertainments: full rates of duty.

Fifth Schedule.—Purchase tax: supplementary provisions as to road vehicle chassis and road vehicles.

Part I.—Provisions dealing with tax in respect of road vehicle chassis.

Part II.—Provisions adjusting contractual rights in relation to purchase tax in respect of road vehicles.

Sixth Schedule.—Double taxation relief.

Seventh Schedule.—Section 43 (1) and (2) of the Finance Act, 1940.

Eighth Schedule.—Enactments repealed.

Part I.—Repeals having effect from beginning of 1951.

Part II.—Miscellaneous repeals.

An Act to grant certain duties and alter other duties, to make certain amendments of the law relating to purchase tax, to amend the law relating to other branches of the public revenue or to the National Debt, and to make further provision in connection with Finance. [28th July 1950.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom 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 hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King'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:—

PART I

CUSTOMS, EXCISE AND PURCHASE TAX

Hydrocarbon oils, etc.

Hydrocarbon oils (rate of customs duty and rebate).

1.—(1) The rate of the duty of customs charged under section two of the Finance Act, 1928, on hydrocarbon oils shall be eighteen pence a gallon (instead of being ninepence a gallon as provided by section one of the Finance Act, 1938).

(2) The rate of any rebate allowed under subsection (3) of the said section two on the delivery for home consumption of oils other than light oils within the meaning of that subsection shall be as follows:—

(*a*) in the case of the oils mentioned in the next following subsection, it shall be eighteen pence a gallon (instead of being ninepence a gallon as provided by section one of the Finance Act, 1947);

(*b*) in any other case it shall be seventeen pence a gallon (instead of being eightpence a gallon as provided by section one of the Finance Act, 1938).

(3) The oils (not being light oils) to which paragraph (*a*) of the last foregoing subsection applies are—

(*a*) fuel oils (that is to say, oils which contain in solution an amount of hard asphalt of not less than one half of one per cent.); and

(*b*) gas oils (that is to say, oils of which not more than fifty per cent. by volume distils at a temperature not exceeding two hundred and forty degrees centigrade,

and of which more than fifty per cent. by volume distils at a temperature not exceeding three hundred and forty degrees centigrade); and

(*c*) kerosene (that is to say, oils of which more than fifty per cent. by volume distils at a temperature not exceeding two hundred and forty degrees centigrade).

(4) The method of testing any oils for the purpose of the last foregoing subsection shall be such as the Commissioners may direct.

(5) For the purposes of section two of the Finance Act, 1935 (which disallows rebate on heavy oils used as road fuel), the rebate allowed on oils of any description shall not be treated as having been repaid unless it has been repaid at the rate for the time being in force for oils of that description.

(6) This section shall have effect as from six o'clock in the evening of the eighteenth day of April, nineteen hundred and fifty, but the last foregoing subsection shall not apply to any rebate repaid before that hour.

Hydrocarbon oils (excise).

2.—(1) Subject to the provisions of this section—

(*a*) there shall be charged on any hydrocarbon oils to which this section applies a duty of excise at the rate at which the duty of customs on hydrocarbon oils is for the time being chargeable under section two of the Finance Act, 1928, less ninepence a gallon or such other amount per gallon as may from time to time be directed by order of the Treasury: and

(*b*) in the case of oils other than light oils, there shall be allowed from that duty a rebate, at the rate for the time being in force for the duty, on any oils charged with the duty and not excluded from rebate by section two of the Finance Act, 1935 (which relates to oils used as road fuel).

(2) This section shall apply to hydrocarbon oils produced in the United Kingdom, if so produced on or after the relevant date or if stored on or after the relevant date in a refinery or on other premises in the United Kingdom used for the production of hydrocarbon oils or on premises containing any bonded storage for hydrocarbon oils:

Provided that it shall not apply—

(*a*) to oils on which a duty of customs is chargeable under section two of the Finance Act, 1928; or

(*b*) to any such oils as are exempted from that duty by subsection (5) of section six of the Finance Act, 1933 (which relates to solid or semi-solid substances).

PART I —*cont.*

(3) The duty under this section and any rebate from that duty shall be charged or allowed in the case of any oils when they are first (on or after the relevant date) either—

(*a*) delivered for home consumption from a refinery or from other premises used for the production of hydrocarbon oils or from premises containing any bonded storage for hydrocarbon oils; or

(*b*) removed to a refinery which it appears to the Commissioners is not primarily used for the production of hydrocarbon oils and which is for the time being specified in a direction given by the Commissioners for this purpose; or

(*c*) used in a refinery in such circumstances that an allowance is payable in respect thereof under subsection (4) of section eight of the Finance (No. 2) Act, 1945;

and shall be charged or allowed according to the quantity so delivered or removed or the quantity treated for the purposes of the said section eight as so used, as the case may be.

(4) In the enactments mentioned in the First Schedule to this Act references to the customs duty on hydrocarbon oils under section two of the Finance Act, 1928, to drawback of that duty and to rebate under subsection (3) of that section shall respectively include references to the duty under this section, to drawback thereof and to rebate under this section, and in section two of the Finance Act, 1935, after the words "bill of entry" in subsection (2) there shall be inserted the words "or home consumption warrant" and the words "in the case of imported oils" in subsection (4) shall be omitted.

(5) The Commissioners may by statutory instrument make regulations—

(*a*) for prohibiting the production of hydrocarbon oils or any description thereof except by a person holding a licence, and for requiring premises used for the production of any such oils to be entered with the Commissioners; and

(*b*) for fixing the date of expiration of any such licence; and

(*c*) for regulating (with a view to securing the collection of any duty under this section) the production, storage and warehousing of hydrocarbon oils or any description thereof. and the removal of any such oils to or from premises used for the production of any such oils; and

(*d*) for relieving from the duty under this section oils intended for exportation or shipment as stores; and

(*e*) generally for securing and collecting the duty under this section;

and may by the regulations apply to the duty and drawback under this section and to producers of hydrocarbon oils or any

description thereof any enactments relating to any duty or drawback of excise or customs and to persons carrying on any trade subject to the law of excise.

(6) If any person acts in contravention of, or fails to comply with, any regulations made under this section he shall be liable at the option of the Commissioners either to an excise penalty equal to three times the value of the goods in respect of which the offence was committed (including the full amount of the duty, if any, chargeable thereon) or to an excise penalty of one hundred pounds, and the goods in respect of which the offence was committed shall be forfeited.

(7) The power of the Treasury to make orders under subsection (1) of this section shall be exercisable by statutory instrument, which shall be laid before the Commons House of Parliament after being made and,—

(*a*) if it increases the rate of duty under this section, shall cease to have effect on the expiration of a period of twenty-eight days from the date on which it is made, unless at some time before the expiration of that period it has been approved by a resolution of that House (but without prejudice to anything previously done thereunder or to the making of a new order); and

(*b*) if it does not increase the rate of duty under this section, shall be subject to annulment in pursuance of a resolution of that House.

In reckoning any such period of twenty-eight days as aforesaid no account shall be taken of any time during which Parliament is dissolved or prorogued or during which the Commons House is adjourned for more than four days

(8) For the purposes of this section—

(*a*) references to the production of hydrocarbon oils include references to—

(i) the obtaining of one description of hydrocarbon oils from another description thereof; and

(ii) the subjecting of hydrocarbon oils to any process of purification or blending;

as well as references to the obtaining of hydrocarbon oils from other substances or from any natural source, and any reference to producers of hydrocarbon oils shall be construed accordingly;

(*b*) the expressions "hydrocarbon oils", "light oils" and "refinery" have the same meanings as in section two of the Finance Act, 1928.

(9) This section shall have effect as from the nineteenth day of April, nineteen hundred and fifty, and references in this section to the relevant date refer to that day.

PART I —*cont.*

Petrol substitutes (excise).

3.—(1) Subject to the provisions of this section, there shall be charged a duty of excise on any petrol substitute which is sent out from the premises of a person producing or dealing in petrol substitutes and was not acquired by him duty paid under this section.

(2) The rate of duty under this section shall be the same as that at which the duty of excise on hydrocarbon oils is for the time being chargeable under the last foregoing section.

(3) For the purposes of this section, the expression " petrol substitute " means any liquid intended to take the place of petrol as fuel for internal combustion piston engines, being neither a hydrocarbon oil (within the meaning of section two of the Finance Act, 1928) nor power methylated spirits.

(4) The Commissioners may by statutory instrument make regulations—

(*a*) for prohibiting the production of petrol substitutes, and dealing in petrol substitutes on which duty has not been paid, except by persons holding a licence and having made entry for the purpose ; and

(*b*) for fixing the date of expiration of any such licence ; and

(*c*) for regulating (with a view to securing the collection of any duty under this section) the production, dealing in, storage and warehousing of petrol substitutes and their removal to or from premises used therefor ; and

(*d*) generally for securing and collecting the duty under this section ;

and may by the regulations apply to that duty and to persons producing or dealing in petrol substitutes any enactments relating to any duty of excise or customs and to persons carrying on any trade subject to the law of excise.

(5) If any person—

(*a*) uses as fuel for an internal combustion piston engine any liquid which is neither a hydrocarbon oil (within the meaning of section two of the Finance Act, 1928) nor power methylated spirits and which he knows or has reasonable cause to believe not to be duty paid under this section ; or

(*b*) acts in contravention of, or fails to comply with, any regulations made under the last foregoing subsection ;

he shall be liable at the option of the Commissioners either to an excise penalty equal to three times the value of the goods in respect of which the offence was committed (including the full amount of the duty, if any, chargeable thereon) or to an excise penalty of one hundred pounds, and the goods in respect of which the offence is committed shall be forfeited.

PART I —*cont.*

(6) This section shall have effect as from the nineteenth day of April, nineteen hundred and fifty, but where any petrol substitute has before that date been sent out from the premises of a person producing or dealing in petrol substitutes it shall not be chargeable with duty under this section by reason of its being again sent out as aforesaid after that date nor shall paragraph (*a*) of subsection (5) of this section apply to it.

Power methylated spirits (rate of excise duty).

4.—(1) The rate of the duty of excise charged under section three of the Finance Act, 1938, on spirits used for making power methylated spirits shall be increased from ninepence a gallon to eighteen pence a gallon.

(2) This section shall have effect as from the nineteenth day of April, nineteen hundred and fifty.

Minor amendments about hydrocarbon oils.

5.—(1) For the purposes of the customs duty charged on hydrocarbon oils by section two of the Finance Act, 1928, and of the excise duty charged thereon by this Act, oils satisfying any of the requirements specified in the definition of light oils in subsection (3) of the said section two shall nevertheless be treated as not being light oils if they are of a description to which this subsection is for the time being applied by direction of the Treasury:

Provided that the Treasury shall not direct that this subsection shall apply to any description of oils unless they are satisfied that the description is one which should, according to its use, be classed with oils that are not light oils within that definition.

(2) The power of the Commissioners to make regulations under section three of the Finance Act, 1928, shall include power to make regulations prohibiting the incorporation of gas in hydrocarbon oils elsewhere than in a refinery; and it is hereby declared that (except in so far as the contrary intention appears)—

(*a*) any reference in that section to hydrocarbon oils applies to hydrocarbon oils whether or not imported or produced from imported materials; and

(*b*) any of the powers conferred by that section may be exercised either as respects all hydrocarbon oils or as respects any class of hydrocarbon oils, and in particular (but without prejudice to the generality of this provision) oils may be divided for the purpose into oils which have, and oils which have not, been imported or produced from imported oils, and (in the case of oils not so imported or produced) into oils which have, and oils which have not, been produced from imported materials.

Other provisions about particular duties or articles

Beer (customs and excise).

6.—(1) Section one of the Finance (No. 2) Act, 1939 (which imposes duties of excise and customs in respect of beer and

PART I —*cont.*

provides for drawbacks from those duties), shall have effect as if the Second Schedule to this Act were substituted for the First Schedule to that Act:

Provided that this section shall not apply to reduce any drawback in respect of beer as to which it is shown to the satisfaction of the Commissioners that duty was paid at the rate in force before the coming into force of this section.

(2) This section shall have effect as from the nineteenth day of April, nineteen hundred and fifty.

Spirits (allowances on export, etc.).

7. In section eleven of the Finance (No. 2) Act, 1945 (which abolished certain allowances in respect of spirits exported or otherwise disposed of), any saving for spirits warehoused or distilled before the beginning of the year nineteen hundred and forty-six shall cease to have effect as from the first day of May, nineteen hundred and fifty, and accordingly the proviso to that section is hereby repealed as from that date.

Increase of quota for colonial certificated sugar.

8. The maximum quantity of sugar in respect of which quota certificates may be issued under section one of the Finance Act, 1934 (which, inter alia, provides a special preference in respect of colonial sugar), shall, as respects the financial year ending with the thirty-first day of March, nineteen hundred and fifty-one and subsequent financial years, be five hundred and twenty-five thousand tons, instead of four hundred thousand tons (the quantity allowed under section two of the Finance Act, 1944).

Extension of special power to remove or reduce additional import duties on iron and steel goods.

9. At the end of the First Schedule to the Finance Act, 1936 (which sets out the descriptions of iron and steel goods on which under section six of that Act additional import duty may be removed or reduced in the case of goods accompanied by a certificate of origin and a quota certificate), there shall be added the entry:—

"Tubes, pipes and pipe and tube fittings".

Amendment as to relief from import duties of certain machinery.

10.—(1) Section ten of the Finance Act, 1932 (which authorises the issue of licences for the importation of certain machinery without payment of all or any of the duties under the Import Duties Act, 1932), shall apply, with the necessary modifications of references to importation without payment of duty, to a case where a consignment of machinery is imported and the necessary application is made after the importation but before delivery of the consignment to the importer, as it applies to a case where it is proposed to import a consignment of machinery and the necessary application is made before the importation.

(2) Subject to such conditions as the Commissioners may impose for the protection of the revenue, any duty paid under the Import Duties Act, 1932, on the importation of any consign-

ment of machinery shall be repaid, if the Commissioners are satisfied that a licence in respect of the consignment has subsequently been issued under the said section ten by virtue of this section.

Duty free importations for industrial research.

11.—(1) Where the Board of Trade are satisfied that any goods imported or proposed to be imported after the coming into force of this section are intended and are reasonably required for the purpose of subjecting the goods, or any material or component in the goods, to examination or tests with a view to promoting or improving the manufacture in the United Kingdom of articles similar to those goods or to that material or component, as the case may be, the Board may if in view of all the circumstances of the case they deem it expedient so to do recommend the Treasury to direct that the next following subsection shall apply to the goods, and if on that recommendation the Treasury so direct the said subsection shall apply accordingly:

Provided that in giving any such direction the Treasury may themselves impose conditions for restricting the use or disposal of the goods and may authorise the Commissioners to impose conditions for the protection of the revenue and, where conditions are imposed by or under the direction given with respect to any goods, the said subsection shall apply to any of the goods only if and so long as those conditions are complied with and (where the Commissioners so require) security is given that they will be complied with.

(2) So long as this subsection applies to any goods, payment shall not be required of any of the following duties of customs which may be chargeable in respect of the importation of the goods, that is to say—

(*a*) the duties chargeable under Part I of the Import Duties Act, 1932;

(*b*) the duties chargeable on silk or artificial silk or articles made wholly or in part of silk or artificial silk;

(*c*) the duties chargeable under the Safeguarding of Industries Act, 1921:

Provided that where it is proposed to use or dispose of the goods in any manner for which the consent of the Treasury is required by the direction given with respect to the goods, the Treasury may consent to the goods being so used or disposed of subject to payment of the duty which would have been payable but for the direction or such part of that duty as the Treasury think appropriate in the circumstances.

(3) Subject to such conditions as the Commissioners may impose for the protection of the revenue, any of the said duties paid on the importation of any goods shall be repaid, if the Commissioners are satisfied that by virtue of a direction subsequently given under this section subsection (2) thereof applies to the goods.

PART I —*cont.*

(4) Where by virtue of a direction given under this section goods are imported without payment of duty or duty paid on their importation is repaid, and any conditions imposed by or under the direction are not complied with, then (without prejudice to any liability for duty) the goods shall be forfeited.

(5) The Board of Trade shall not make a recommendation under this section about any goods except on a written application made by the importer before delivery of the goods to him.

Amendment of powers to allow drawback.

12.—(1) A scheme under section nine of the Finance Act, 1932, for allowing, in the case of goods of any class or description, a drawback of import duties in respect of any material used in the manufacture of those goods may make provision as follows, that is to say:—

(*a*) instead of providing in accordance with paragraph (*b*) of subsection (2) of the said section nine for the allowance of drawback in respect either of the quantity of the relevant material actually contained in the goods or of such average quantity of material as is mentioned in that paragraph, the scheme may provide for the allowance of drawback in respect of the quantity of the relevant material actually contained in the goods together with such additional quantity as may be specified in the scheme as being the appropriate allowance for wastage in the manufacture of the goods;

(*b*) the scheme may specify a rate of drawback exceeding the limit imposed by paragraph (*c*) of the said subsection (2), if the rate specified is such as would not exceed that limit were the limit imposed by reference to the average amount of duty paid in respect, not of all duty-paid material of the relevant class or description, but of such of that material as is used, either by manufacturers generally or by any particular manufacturer, in the manufacture either of all goods of the relevant class or description or of such goods of that class or description as are manufactured for export;

(*c*) instead of specifying a rate of drawback for the relevant material in accordance with the said paragraph (*c*), the scheme may divide the material into two or more categories (by reference to the duty paid or otherwise) and specify a rate for each category as if it were a separate class or description of material for purposes of the scheme.

(2) Any additional quantity specified under paragraph (*a*) of the foregoing subsection as being the appropriate allowance for wastage shall be fixed as so much per cent. (by the same measure of quantity as is used in fixing the rate of drawback) of the quantity of the relevant material actually contained in the goods, and for the purposes of that paragraph the expression "the appropriate allowance" means the allowance

PART I —*cont.*

equivalent to the average rate of wastage of the relevant material, either by manufacturers generally or by any particular manufacturer, in the manufacture either of all goods of the relevant class or description or of such goods of that class or description as are manufactured for export.

(3) Where any such scheme as is mentioned in subsection (1) of this section provides different rates of drawback for different categories of the relevant material in accordance with paragraph (*c*) of that subsection and, in the manufacture of any goods in the case of which drawback is payable under the scheme, there has been used material of more than one of those categories, then (unless the scheme allows drawback only in respect of the quantity of material actually contained in the goods) the quantity of material in respect of which drawback is payable at each of the rates applicable in the case of those goods shall be arrived at as follows :—

(*a*) if the scheme allows drawback in respect of the quantity of the relevant material actually contained in the goods together with such additional quantity as is mentioned in paragraph (*a*) of subsection (1) of this section, the said additional quantity shall be deemed to be material of the same categories, and in the same proportions, as the relevant material actually contained in the goods (excluding any such material which is not duty paid);

(*b*) if the scheme allows drawback in respect of the average quantity of the relevant material used in manufacture as provided for by paragraph (*b*) of subsection (2) of the said section nine of the Finance Act, 1932, the quantity in respect of which drawback may be allowed at the rate applicable to any category shall be the quantity of duty-paid material of that category which is shown to the satisfaction of the Commissioners to have been used in the manufacture of the goods, but so that this paragraph shall not affect the total quantity of material in respect of which the drawback may be allowed and, where it would otherwise have that effect, the quantity in respect of which drawback would be payable at a lower rate shall be increased or reduced as the case may require, in preference to the quantity in respect of which it would be payable at a higher rate.

(4) In subsection (1) of this section the expression "import duties" means any of the following duties of customs, namely—

(*a*) the duties chargeable under Part I of the Import Duties Act, 1932;

(*b*) the duties chargeable under section one of the Ottawa Agreements Act, 1932;

PART 1 —*cont.*

(*c*) the new duties chargeable under section nine of the Finance Act, 1933, on silk or artificial silk or articles made wholly or in part of silk or artificial silk;

(*d*) the duties chargeable under the Safeguarding of Industries Act, 1921;

(*e*) the duties chargeable under the Beef and Veal Customs Duties Act, 1937;

and any reference in this section to section nine of the Finance Act, 1932, shall accordingly include that section as applied by subsequent enactments to the duties mentioned in paragraphs (*b*) to (*e*) of this subsection.

Excise licences for tractors, etc.

13.—(1) The Vehicles (Excise) Act, 1949, shall have effect as if subsection (2) of section four (which sets out the vehicles chargeable with duty at the rates provided for by that section) were amended as directed by the next following subsection of this section, and accordingly read as set out in the Third Schedule to this Act.

(2) The amendments to be made in the said subsection (2) are as follows—

(*a*) in sub-paragraph (ii) of paragraph (*a*) the words "in the occupation of the person in whose name the vehicle is registered under this Act" shall be omitted, and after the word "agricultural" there shall be inserted the words "or woodland";

(*b*) at the end of the said paragraph (*a*) there shall be added the following sub-paragraphs:—

"(iii) for hauling, within fifteen miles of a farm in the occupation of the person in whose name the vehicle is registered under this Act, agricultural or woodland produce of that farm, or agricultural or woodland produce of land occupied with that farm or fuel required for any purpose on that farm or for domestic purposes by persons employed on that farm by the occupier of the farm;

(iv) for hauling articles required for a farm by the person in whose name the vehicle is registered under this Act, being either the owner or occupier of the farm or a contractor engaged to do agricultural work on the farm by the owner or occupier of the farm or for hauling articles required by that person for land occupied by him with a farm;

(v) for hauling, within fifteen miles of a forestry estate in the occupation of the person in whose name the vehicle is registered under this Act, agricultural or woodland produce of that estate or fuel required for any purpose on that estate or for domestic purposes by persons employed on that estate by the

occupier of the estate, or for hauling articles required for such a forestry estate by the occupier of the estate;"

(*c*) paragraph (*e*) (which specifies the tractors and other vehicles for which the section provides rates of duty from twelve pounds upwards according to their weight) shall be omitted;

(*d*) in paragraph (*f*), for the words "the foregoing paragraphs" there shall be substituted the words "paragraphs (*a*) to (*d*)."

(3) The rate of duty chargeable under the Vehicles (Excise) Act, 1949, in respect of any such vehicle as is mentioned in paragraph (*a*), (*b*), (*c*) or (*d*) of subsection (2) of section four of that Act shall be two pounds, and accordingly in the fourth column of the Third Schedule to that Act for the words "5s. 0d.," wherever they occur, there shall be substituted the words "£2 0s. 0d."

(4) In subsection (2) of the said section four (and in this subsection)—

(*a*) any reference to a farm shall include a market garden;

(*b*) any reference to woodland produce includes the wood and other produce of trees which are not woodland trees;

(*c*) any reference to articles required for a farm, forestry estate or other land shall include articles which are or have been required for doing work on and for the purposes of the farm, forestry estate or other land, except that in the said subsection (2);

(i) the reference to articles required for a farm by a contractor engaged to do agricultural work on the farm shall include only articles required for the farm in connection with that work, and

(ii) the reference to articles required for land occupied with a farm shall include only articles required for the land in connection with the doing on the land of any agricultural or forestry work (including the getting and carrying away of any woodland produce):

(*d*) any reference to the owner of a farm includes any person having any estate or interest in land comprised in the farm.

(5) In section two of the Finance Act, 1935 (which disallows rebate on heavy oils used as road fuel for a vehicle as defined in that section), for the definition of "vehicle" in paragraph (*d*) of subsection (7) there shall be substituted the following definition:—

"(*d*) the expression 'vehicle' does not include any such vehicle as is mentioned in paragraph (*a*), (*b*), (*c*) or (*d*) of subsection (2) of section four of the Vehicles

PART I —*cont.*

(Excise) Act, 1949, as amended by the Finance Act, 1950 (or as would be mentioned in the said paragraph (*a*) as so amended if the references therein to the said Act of 1949 included references to the law as to the registration of mechanically propelled vehicles for the time being in force in Northern Ireland), or any vehicle being a road roller."

(6) The foregoing provisions of this section shall have effect only as from the beginning of the year nineteen hundred and fifty-one, but the Vehicles (Excise) Act, 1949, and section two of the Finance Act, 1935, shall have, and be deemed to have had, effect as if the periods respectively mentioned—

(*a*) in sub-paragraph (1) of paragraph 1 of the Sixth Schedule to the said Act of 1949 (which paragraph makes a temporary extension of the class of agricultural tractors etc. qualifying for a five shilling licence and for oil rebate in Great Britain); and

(*b*) in subsection (4) of section eight of the Finance Act, 1943 (which section has the same effect as respects oil rebate in Northern Ireland);

ended with the end of the year nineteen hundred and fifty instead of with the end of June in that year.

Reduction of full rates of entertainments duty.

14.—(1) Section six of the Finance Act, 1943, shall have effect as if for the rates of duty set out in Part II of the Fifth Schedule to that Act (which sets out the full rates of entertainments duty) there were substituted the rates of duty set out in the Fourth Schedule to this Act.

(2) This section shall have effect as respects payments for admission to entertainments held on or after the appointed day, and where entertainments duty has been charged on any payment made before that day, and by virtue of this section the duty should have been charged at a lower rate than that at which it was in fact charged, the person by whom the duty was paid shall be entitled to repayment of the amount of the overcharge.

(3) In this section the expression " the appointed day " means such day as the Treasury may appoint by order made by statutory instrument.

Reduction of entertainments duty in certain cases.

15.—(1) Where an entertainment held after the fifth day of August, nineteen hundred and fifty, would apart from this section be chargeable with entertainments duty at the full rates, but the Commissioners on an application made in such manner as they may direct are satisfied that the entertainment is one to which this section applies, then the entertainments duty chargeable in the case of any payment for admission to the entertainment shall be two-thirds of the duty chargeable in the case of a payment of the same gross amount at the full rate plus one-third of the duty so chargeable at the reduced rate.

PART I —*cont.*

(2) This section applies to any entertainment in the case of which not less than one quarter of the total time taken by the entertainment is taken solely by items such that, had the entertainment consisted only of those items, it would have been chargeable at the reduced rates and that such other conditions (if any) as may be prescribed are satisfied, and which apart from those items consists wholly or mainly of the exhibition of a cinematograph film.

(3) In this section the following expressions have the following meanings respectively:—

(*a*) "full rate" means the rate of entertainments duty according to the scale applicable in cases falling neither within this section nor within subsection (3) of section one of the Finance Act, 1935 (which relates to stage plays etc.) and "reduced rate" means the rate according to the scale applicable in cases which fall within the said subsection (3);

(*b*) "gross amount" means amount inclusive of entertainments duty;

(*c*) "prescribed" means prescribed by regulations made by the Commissioners by statutory instrument.

(4) Where entertainments duty has been charged on any payment made before the passing of this Act, and by virtue of this section the duty should have been charged at a lower rate than that at which it was in fact charged, the person by whom the duty was paid shall be entitled to repayment of the amount of the overcharge.

Extension of s. 1 (3) of Finance Act 1935.

16.—(1) In subsection (3) of section one of the Finance Act, 1935 (which provides for reduced rates of entertainments duty in the case of stage plays, &c.), after the words "variety entertainment," there shall be inserted the words "a puppet or marionette show,".

(2) The entertainments chargeable with entertainments duty at reduced rates by virtue of the said subsection (3) shall include any entertainment which would be exempt from entertainments duty by virtue of section eleven of the Finance Act, 1923 (which relates to exhibitions provided by non-profit-making societies), but for the fact that it consists partly of items not falling within paragraph (*b*) of subsection (1) of that section, if those items are items which fall within the said subsection (3) and in which all the performers whose words or actions constitute the item are actually present and performing.

(3) This section shall apply to entertainments held after the fifth day of August, nineteen hundred and fifty; and where entertainments duty has been charged on any payment made before

PART I —*cont.*

the passing of this Act, and by virtue of this section the duty should have been charged at a lower rate than that at which it was in fact charged, the person by whom the duty was paid shall be entitled to repayment of the amount of the overcharge.

Pool betting duty.

17.—(1) Without prejudice to subsection (5) of section six of the Finance (No. 2) Act, 1947, or to subsection (2) of section fourteen of the Finance Act, 1948 (which define pool betting for the purposes of the pool betting duty), bets shall be deemed for the purposes of the said section six and of the Fifth Schedule to the said Act of 1947 to be made by way of pool betting whenever a number of persons make bets on the basis that the winners or their winnings shall, to any extent, be at the discretion of the promoter or some other person; and for the purpose of this section any reference in the enactments relating to the said duty to winnings or to the payment of winnings shall be taken to apply notwithstanding that the winnings take the form wholly or partly of a benefit which is not pecuniary.

(2) Where a person carries on the business of receiving or negotiating bets, and there is or has been issued in connection with that business any advertisement or other publication calculated to encourage in persons making bets of any description with or through him a belief that the bets are made on the basis aforesaid, then any bets of that description subsequently made with or through him in the course of that business shall be deemed for the purposes of this section to be made on that basis.

(3) This section shall have effect as respects bets made at any time by reference to any event taking place on or after the first day of August, nineteen hundred and fifty; and paragraph 2 of the Fifth Schedule to the Finance (No. 2) Act, 1947 (which provides for the regulation of pool betting businesses for the purposes of the duty), shall have effect in relation to a person to whom it applies by virtue only of this section with the substitution for references to the twenty-eighth day of December, nineteen hundred and forty-seven, and the fourth day of January, nineteen hundred and forty-eight, respectively of references to the first day and the eighth day of August, nineteen hundred and fifty.

Road vehicles and road vehicle chassis (purchase tax).

18.—(1) As from the nineteenth day of April, nineteen hundred and fifty, the enactments relating to purchase tax shall have, and be deemed to have had, effect as if in Group 35 in Part I of the Eighth Schedule to the Finance Act, 1948, there were omitted the whole of sub-paragraphs (i) to (iii) of paragraph (*a*), with the exception of the word "First" in the second column, where last occurring.

PART I —*cont.*

(2) As from the first day of July, nineteen hundred and fifty, the said enactments shall have, and be deemed to have had, effect as if there were added—

(*a*) as a new paragraph (*d*) in the said Group 35 the entry:—

"(*d*) Road vehicle chassis, mechanically propelled ... ... First";

(*b*) as a new paragraph 5 in the Fourth Schedule to the Finance Act, 1946 (which sets out the classes of goods relevant to the provisions about the application of chargeable processes), the entry:—

"5. Road vehicle chassis, mechanically propelled."

(3) For the purposes of the said enactments a chassis designed for a mechanically propelled vehicle shall be deemed to be mechanically propelled, whether or not complete with an engine and other parts and accessories required for the purpose, and the expression "road vehicle chassis" shall include so much of a chassis-less road vehicle as may be determined by the Commissioners to be in effect chassis, and references to a vehicle's chassis shall be construed accordingly.

(4) The Fifth Schedule to this Act shall have effect for the purpose of the purchase tax in respect of road vehicle chassis, and for the purpose of adjusting contractual rights in certain cases in relation to purchase tax in respect of road vehicles.

(5) Subsection (2) of this section may be varied or revoked—

(*a*) in so far as it amends the Eighth Schedule to the Finance Act, 1948, by an order of the Treasury under section twenty-one of that Act;

(*b*) in so far as it amends the Fourth Schedule to the Finance Act, 1946, by an order of the Treasury under section sixteeen of that Act:

as if it had been contained in such an order, and an order varying or revoking the said subsection (2) or the said Group 35 may, in connection therewith, vary or revoke any provision of subsection (3) of this section or of Part I of the Fifth Schedule to this Act.

Extension of purchase tax exemption for war memorials.

19. Subject to such conditions as they may impose for the protection of the revenue, the Commissioners, upon an application in that behalf made to them whether before or after the coming into force of this section, may remit purchase tax chargeable in respect of an article of furniture, plate or textile material or an ornament, if they are satisfied that the purchase, importation or other act by virtue of which the tax is chargeable was made or done for the purpose of placing the article or ornament in a place of religious worship as a war memorial and that it will be retained therein.

PART I —*cont.*

General provisions

Supply of duty free goods to H.M. ships.

20.—(1) The Treasury may by regulations provide that, subject to any prescribed conditions, goods of any description specified in the regulations which are supplied either—

(*a*) to any ship of the Royal Navy in commission of a description so specified, for the use of persons serving in that ship (being persons borne on the books of that or some other ship of the Royal Navy or a naval establishment); or

(*b*) to the Admiralty, for the use of persons serving in ships of the Royal Navy or naval establishments;

shall for all or any purposes of any customs or excise duty or drawback in respect of those goods be treated as exported, and a person supplying or intending to supply goods as aforesaid shall be treated accordingly as exporting or intending to export them; and on the coming into force of the first regulations under this section, sections one hundred and twenty-one to one hundred and twenty-five of the Customs Consolidation Act, 1876 (which provide for the supply of wines and tobacco free of duty to persons serving in the navy), shall cease to have effect.

(2) Regulations made under this section with respect to goods of any description may regulate or provide for regulating the quantity allowed to any ship or establishment, the manner in which they are to be obtained and their use or distribution.

(3) The regulations may contain such other incidental or supplementary provisions as appear to the Treasury to be necessary for the purposes of this section (including any adaptations of the enactments relating to customs or excise, and any transitional provisions consequential on the repeal of sections one hundred and twenty-one to one hundred and twenty-five of the Customs Consolidation Act, 1876), and may make different provision in relation to different cases, and in particular in relation to different classes or descriptions of goods or of ships or establishments.

(4) In this section the expression "prescribed" means prescribed by regulations under this section or, in pursuance of any such regulations, by the Commissioners after consultation with the Admiralty.

(5) The power of the Treasury to make regulations under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament, and before making any such regulations the Treasury shall consult with the Admiralty and with the Commissioners.

(6) Subsection (1) of section eleven of the Finance Act, 1944 (which applies for purchase tax purposes enactments relating to Customs generally), shall not apply to this section.

PART I —*cont.*

Repayment of customs duty where goods returned or destroyed by importer.

21.—(1) Subject to such conditions as the Commissioners may prescribe for the protection of the revenue, where it is shown to the satisfaction of the Commissioners—

(*a*) that goods were imported into the United Kingdom in pursuance of a contract of sale, and that the description, quality, state or condition of the goods was not in accordance with the contract or that the goods were damaged in transit; and

(*b*) that the importer, with the consent of the seller, either—

(i) returned the goods unused to the seller and for that purpose entered the goods before shipment; or

(ii) destroyed the goods unused;

the importer shall be entitled to obtain from the Commissioners repayment of any duty of customs paid on the importation of the goods.

(2) Nothing in this section shall apply to goods imported on approval or on "sale or return" or other similar terms.

PART II

INCOME TAX

Charge of income tax for 1950-51.

22.—(1) Income tax for the year 1950-51 shall be charged at the standard rate of nine shillings in the pound, and, in the case of an individual whose total income exceeds two thousand pounds, at such higher rates in respect of the excess over two thousand pounds as Parliament may hereafter determine.

(2) All such enactments as had effect with respect to the income tax charged for the year 1949-50 shall have effect with respect to the income tax charged for the year 1950-51.

Higher rates of income tax for 1949-50.

23. Income tax for the year 1949-50 shall be charged, in the case of an individual whose total income exceeded two thousand pounds, at the same higher rates in respect of the excess over two thousand pounds as were charged for the year 1948-49.

Increase in reduced rate relief and consequential alteration in marginal relief for small incomes.

24.—(1) In subsection (2) of section forty of the Finance Act, 1927 (which, as amended by section seventeen of the Finance (No. 2) Act, 1945, and section twenty-eight of the Finance Act, 1948, provides for the relief from income tax commonly known as the reduced rate relief), the words "thirteen-eighteenths" shall throughout be substituted for the words "two-thirds" and the words "four-ninths" shall throughout be substituted for the words "one-third".

(2) In subsection (2) of section nineteen of the Finance Act, 1935 (which, as amended by subsequent enactments, limits the tax on incomes exceeding one hundred and thirty-five pounds but less than one hundred and sixty pounds to three-tenths of the excess), the words "one-quarter" shall be substituted for the words "three-tenths".

PART II —*cont.*

(3) The additional relief afforded by this section for the year 1950-51 shall not be deemed to have affected the amount of tax deductible or repayable before the eighth day of June, nineteen hundred and fifty.

Relaxation of conditions for grant of "age relief" under Finance Act, 1925, s. 15 (2).

25. In subsection (2) of section fifteen of the Finance Act, 1925 (which provides, in certain cases, for a relief from income tax for a person who proves that, at the commencement of the year of assessment, he or his wife living with him had attained the age of sixty-five years), for the words "at the commencement of the year of assessment," there shall be substituted the words "at any time during the year of assessment."

Surtax to be charged on consideration for certain restrictive covenants, etc.

26.—(1) Where—

(*a*) an individual who holds, has held or is about to hold an office or employment gives, in connection with his holding thereof, an undertaking (whether absolute or qualified and whether legally valid or not) the tenor or effect of which is to restrict him as to his conduct or activities; and

(*b*) in respect of the giving of that undertaking by him, or of the total or partial fulfilment of that undertaking by him, any sum is paid either to him or to any other person; and

(*c*) apart from this section, the sum paid would neither fall to be treated as income of any person for the purposes of income tax for any year of assessment nor fall to be taken into account as a receipt in computing, for the purposes of income tax for any year of assessment, the amount of any income of, or loss incurred by, any person,

the same results shall follow in relation to surtax for the year of assessment in which the said sum is paid as would have followed if the said sum had been paid to the said individual (and not to any other person) as and for the net amount of an annual payment to which the said individual was entitled, being an annual payment chargeable to income tax from the gross amount of which tax at the standard rate for that year had been duly deducted under Rule 19 or Rule 21 of the General Rules:

Provided that where the individual has died before the payment of the said sum, so much of the preceding provisions of this subsection as relates to the results which are to follow from the matters specified in paragraphs (*a*) to (*c*) of this subsection shall have effect as if the said sum had been paid immediately before the death.

(2) Where valuable consideration otherwise than in the form of money is given in respect of the giving of, or of the total or partial fulfilment of, any undertaking, the preceding provisions of this section shall apply as if a sum had instead been paid equal to the value of that consideration.

(3) The preceding provisions of this section shall apply to surtax for the year 1949-50 or any subsequent year of assessment, and, in relation to surtax for any of the said years, shall be deemed always to have had effect, and all such assessments and additional assessments shall be made as are necessary to give effect to the provisions of this subsection:

Provided that—

(*a*) the said preceding provisions shall not apply to any sums paid or consideration given if either—

(i) the undertaking in question was given on or before the sixth day of April, nineteen hundred and forty-eight; or

(ii) the sum or consideration is or was paid or given at or after the time of the retirement of the individual in question from the service of the person under whom the office or employment in question was held and is or was so paid or given in pursuance of a provision in that behalf which expressly provides for the payment or giving thereof at or after that time and is embodied in a contract made in writing on or before the eighteenth day of April, nineteen hundred and fifty, or reduced to writing on or before that date; or

(iii) the sum or consideration is or was paid or given in pursuance of an express provision in that behalf embodied in a contract made in writing on or before the eighteenth day of April, nineteen hundred and fifty, or reduced to writing on or before that date, being a contract the main purpose of which was to provide for the transfer of a trade or part of a trade or for the transfer of the controlling interest in any body corporate; and

(*b*) no person shall be liable to any penalty by reason that, in any return or particulars of income made or furnished before the passing of this Act, any amount has not been included which ought to have been included in view of the said preceding provisions.

For the purposes of this subsection, a director of a company shall be deemed to be in the service of that company and to hold his office as such under that company.

(4) Where any sum is paid or valuable consideration given to any person in any year of assessment in respect of the giving of, or of the total or partial fulfilment of, an undertaking given after the sixth day of April, nineteen hundred and forty-eight, and satisfying the conditions specified in paragraph (*a*) of subsection (1) of this section (not being a sum from which tax is duly deducted under any provision of the Income Tax Acts), it shall, subject to the provisions of this subsection, be the duty of the

PART II —*cont.*

person paying over the sum or giving the consideration to deliver particulars thereof in writing to the surveyor not later than one month after the end of that year, identifying the recipient of the payment or consideration, the undertaking in connection with which it was made or given and the individual who gave that undertaking; and the provisions of section one hundred and seven of the Income Tax Act, 1918 (which relates to failure to deliver lists, declarations and statements) shall apply in relation to the particulars required to be delivered under this subsection as they apply in relation to any list, declaration or statement required to be delivered by any such notice as is referred to in that section.

This subsection applies to any sum paid or consideration given in the year 1949-50 or any subsequent year of assessment, but where the payment or giving of the sum or consideration took place during the year 1949-50, the time for delivering the particulars shall not expire until one month after the passing of this Act.

(5) In this section, the expression "office or employment" means any office or employment whatsoever such that the emoluments thereof, if any, are or would be chargeable to income tax under Schedule E for any year of assessment; and references in this section to the giving of valuable consideration do not include references to the mere assumption of an obligation to make over or provide valuable property, rights or advantages, but do include references to the doing of anything in or towards the discharge of such an obligation.

Payments for wayleaves, etc., for electric lines.

27.—(1) Subsection (1) of section twenty-one of the Finance Act, 1934 (which, amongst other things, charges certain rents to tax under Schedule D and provides for the deduction of tax therefrom on payment thereof) shall apply to rent in respect of any easement enjoyed in the United Kingdom in connection with any electric, telegraphic or telephonic wire or cable (not being such an easement as is mentioned in that section) as it applies to rent in respect of easements enjoyed in connection with any of the concerns specified in Rules 1, 2 and 3 of No. III of Schedule A, not being rent rendered in produce of the concern:

Provided that—

(*a*) any payment of rent to which this subsection applies which does not exceed two pounds ten shillings per year—

(i) may, if the payer so elects, be treated as not affected by so much of subsection (1) of the said section twenty-one as provides that the rent shall, for the purpose of such of the provisions of the Income Tax Acts as refer to royalties paid in respect of the user of a patent, be treated as if it were such a royalty; and

PART II —*cont.*

(ii) shall in that event be made without deduction of tax accordingly; and

(*b*) any payment of rent to which this subsection applies which is made without deduction of tax (whether by virtue of the preceding provisions of this proviso or otherwise) shall, unless tax is assessed thereon under Rule 21 of the General Rules, be chargeable to tax under Case III of Schedule D as if it were mentioned in Rule 1 of the Rules applicable to that Case.

(2) This section shall be deemed always to have had effect and references to the said section twenty-one in any provisions of the Income Tax Acts other than this section (including the reference in subsection (2) of the said section twenty-one itself) shall be construed as including, and as having always included, references to that section as extended by this section:

Provided that where, before the nineteenth day of April, nineteen hundred and fifty, any payment of any rent to which subsection (1) of this section applies has been made without deduction of tax, nothing in this section shall affect—

(*a*) any determination of any Commissioners made before the said date as respects the chargeability of that payment to tax; or

(*b*) any appeal from or case stated in respect of any such determination; or

(*c*) any agreement which, under section fifty-one of the Finance Act, 1949, has the effect of such a determination; or

(*d*) any appeal against any assessment the effect of which is to charge that payment to tax, if notice of the appeal was given before that date, and the appeal remains undetermined at that date.

(3) In this section, the expressions "rent" and "easement" have the same meanings as in the said section twenty-one, and the reference to easements enjoyed in connection with any electric, telegraphic or telephonic wire or cable includes (without prejudice to the generality of that expression) references to easements enjoyed in connection with any pole or pylon supporting any such wire or cable or with any apparatus used in connection with any such wire or cable, including any transformer so used.

Continuation of period for which mills, factories allowances may be given.

28. Subsection (2) of section seven of the Income Tax Act, 1945 (which provides that the allowances under section fifteen of the Finance Act, 1937, in respect of mills, factories and other similar premises shall cease in all cases after the year 1950-51) shall have effect and be deemed always to have had effect as if for the words "the next four years of assessment", in both places where those words occur, there were substituted the words "the next nine years of assessment".

PART II —*cont.*

Contributions under Superannuation Act (Northern Ireland), 1949, not to qualify for income tax relief.

29.—(1) Relief from income tax shall not be allowed to any person under section thirty-two of the Income Tax Act, 1918 (which provides relief for, amongst other things, contributions to secure deferred annuities to widows and provision for children) or under any other provision of the Income Tax Acts providing for relief for income tax purposes, in respect of any contributions made by him under any enactments of the Parliament of Northern Ireland corresponding to Parts I and II of the Superannuation Act, 1949, and, in particular, under Parts I and II of the Superannuation Act (Northern Ireland), 1949.

(2) This section shall have effect, and be deemed always to have had effect, for the purposes of income tax for the year 1949-50 and all subsequent years of assessment.

General rule as to income tax on husbands and wives.

30.—(1) Subject to the following provisions of this Part of this Act, a woman's income chargeable to income tax shall, so far as it is income for a year of assessment or part of a year of assessment during which she is a married woman living with her husband, be deemed for income tax purposes to be his income and not to be her income:

Provided that the question whether there is any income of hers chargeable to income tax for any year of assessment, and, if so, what is to be taken to be the amount thereof for income tax purposes, shall not be affected by the provisions of this subsection.

(2) Any tax falling to be assessed in respect of any income which, under subsection (1) of this section, is to be deemed to be the income of a woman's husband shall, instead of being assessed on her, or on her trustee, guardian, curator or committee, or on her executors or administrators, be assessable on him or, in the appropriate cases, on his trustee, guardian, curator or committee, or on his executors or administrators:

Provided that nothing in this subsection shall affect the operation of Rule 10 of the Rules applicable to Cases I and II of Schedule D (which relates to the method by which partnership income is to be assessed).

(3) The personal reliefs allowed in the case of a man for any year of assessment shall be so allowed that an amount not less than the total of the following, that is to say—

(*a*) any deduction falling to be made under subsection (2) of section eighteen of the Finance Act, 1920 (which grants a special relief where the income of a man includes earned income of his wife);

(*b*) so much of any deduction falling to be made under subsection (1) of section fifteen of the Finance Act, 1925 (which relates to earned income relief) as could not have been made but for the existence of earned income of his wife; and

PART II —*cont.*

(*c*) any deduction falling to be made by virtue of subsections (2) to (7) of section twenty-eight of the Finance Act, 1948 (which increases the reduced rate relief in certain cases where a man's income includes earned income of his wife),

goes to reduce the tax chargeable on the earned income of his wife.

(4) References in this section to a woman's income include references to any sum which, apart from the provisions of this section, would fall to be included in computing her total income, and this subsection has effect in relation to any such sum notwithstanding that some enactment (including, except so far as the contrary is expressly provided, an enactment passed after the passing of this Act) requires that that sum should not be treated as income of any person other than her.

(5) This section has effect subject to the provisions of Rule 17 of the General Rules (which relates to the right of spouses to separate assessment to income tax) and subsection (9) of section forty-two of the Finance Act, 1927 (which relates to the right of spouses to separate assessment to surtax).

(6) In this and the next following section, the expression "personal relief" means any relief under sections eighteen to twenty-two of the Finance Act, 1920, under section fifteen of the Finance Act, 1925, under subsection (2) of section forty of the Finance Act, 1927, under subsection (1) or subsection (2) of section nineteen of the Finance Act, 1935, under section fifteen of the Finance Act, 1943, or under section thirty-two of the Income Tax Act, 1918.

Consequences, as respects personal allowances, of exercise of option by husband or wife for separate assessment.

31.—(1) The provisions of this section shall have effect as respects personal reliefs where, by virtue of an application under Rule 17 of the General Rules, income tax for any year is to be assessable and chargeable on the incomes of a husband and a wife as if they were not married.

(2) The total relief given to the husband and the wife by way of personal reliefs shall be the same as if the application had not had effect with respect to the year and, subject to the provisions of this subsection and of the next following subsection, the reduction of tax flowing from the personal reliefs shall be allocated to the husband and the wife—

(*a*) so far as it flows from relief under subsection (1) of section fifteen of the Finance Act, 1925, in respect of earned income, in proportion to the amounts of their respective earned incomes;

(*b*) so far as it flows from relief under subsection (2) of section fifteen of the Finance Act, 1925 (which relates to persons who, or whose wives, have attained a certain age), in proportion to the amounts of their respective total incomes;

PART II —*cont.*

(*c*) so far as it flows from relief under section thirty-two of the Income Tax Act, 1918 (which relates to life insurance premiums and other payments), to the husband or the wife according as he or she made the payment giving rise to the relief;

(*d*) so far as it flows from relief in respect of a dependent relative under section twenty-two of the Finance Act, 1920, or relief in respect of a child under subsection (2) of section twenty-one of that Act, to the husband or the wife according as he or she maintains the relative or child;

(*e*) as to the balance, in proportion to the amounts of tax which would have been payable by them respectively if the only personal reliefs allowable had been the reliefs referred to in paragraphs (*a*) and (*b*) of this subsection:

Provided that, subject to the provisions of the next following subsection, the amount of reduction of tax allocated to the wife by virtue of paragraphs (*a*) to (*e*) of this subsection shall not be less than the minimum amount which, if no application under the said Rule 17 had had effect for that year, would, under subsection (3) of the last preceding section, have had to go to reduce the tax chargeable in respect of her earned income, and the amount of reduction of tax allocated to the husband shall be correspondingly reduced.

(3) Where the amount of reduction of tax allocated to the husband under subsection (2) of this section exceeds the tax (other than surtax) chargeable on the income of the husband for the year of assessment, the balance shall be applied to reduce the tax chargeable on the income of the wife for that year, and where the amount of reduction of tax allocated to the wife under the said subsection (2) exceeds the tax (other than surtax) chargeable on her income for the year of assessment, the balance shall be applied to reduce the tax chargeable on the income of the husband for that year.

(4) Returns of the total incomes of the husband and the wife may be made for the purposes of this section either by the husband or by the wife, but, if the Commissioners of Inland Revenue are not satisfied with any such return, they may obtain a return from the wife or the husband, as the case may be.

(5) The Commissioners of Inland Revenue may require returns for the purposes of this section to be made at any time, and the provisions of the Income Tax Acts relating to penalties for neglect or refusal to deliver, or for delay in delivering, true and correct statements of profits or gains shall, with the necessary modifications, apply in the case of the neglect or refusal to make, or wilful delay in making, any such return.

PART II
—cont.

Collection from wife of tax assessed on husband attributable to her income.

32.—(1) Where—

(*a*) after the passing of this Act, an assessment to income tax (hereinafter in this section referred to as "the original assessment") has been made for the year 1950-51 or any subsequent year of assessment on a man, or on a man's trustee, guardian, curator or committee, or on a man's executors or administrators; and

(*b*) the Commissioners of Inland Revenue, in the case of an assessment to income tax other than surtax, or the Special Commissioners, in the case of an assessment to surtax, are of opinion that, if an application for separate assessment under Rule 17 of the General Rules or under subsection (9) of section forty-two of the Finance Act, 1927, had been in force with respect to that year of assessment, an assessment in respect of, or of part of, the same income would have fallen to be made on, or on the trustee, guardian, curator or committee of, or on the executors or administrators of, a woman who is the said man's wife or was his wife in that year of assessment; and

(*c*) the whole or part of the amount payable under the original assessment has remained unpaid at the expiration of twenty-eight days from the time when it became due,

the Commissioners of Inland Revenue, or, as the case may be, the Special Commissioners, may serve on her, or, if she is dead, on her executors or administrators, or, if such an assessment as is referred to in paragraph (*b*) of this subsection could, in the event therein referred to, have been made on her trustee, guardian, curator, or committee, on her or on her trustee, guardian, curator, or committee, a notice—

(i) giving particulars of the original assessment and of the amount remaining unpaid thereunder; and

(ii) giving particulars, to the best of their judgment, of the assessment which would have fallen to be made as aforesaid,

and requiring the person on whom the notice is served to pay the amount which would have been payable under the last mentioned assessment if it conformed with those particulars, or the amount remaining unpaid under the original assessment, whichever is the less.

(2) The same consequences as respects—

(*a*) the imposition of a liability to pay, and the recovery of, the tax, with or without interest; and

(*b*) priority for the tax in bankruptcy or in the administration of the estate of a deceased person; and

PART II —*cont.*

(*c*) appeals to the General or Special Commissioners and the stating of cases for the opinion of the High Court; and

(*d*) the ultimate incidence of the liability imposed,

shall follow on the service of a notice under subsection (1) of this section on a woman, or on her trustee, guardian, curator or committee, or on her executors or administrators, as would have followed on the making on her, or on her trustee, guardian, curator or committee, or on her executors or administrators, as the case may be, of such an assessment as is referred to in paragraph (*b*) of subsection (1) of this section, being an assessment which—

(i) was made on the day of the service of the notice; and

(ii) charged the same amount of tax as is required to be paid by the notice; and

(iii) fell to be made and was made by the authority who made the original assessment; and

(iv) was made by that authority to the best of their judgment,

and the provisions of the Income Tax Acts relating to the matters specified in paragraphs (*a*) to (*d*) of this subsection shall, with the necessary adaptations, have effect accordingly:

Provided that, where an appeal against the original assessment has been heard in whole or in part by the Special Commissioners, any appeal from the notice shall be an appeal to the Special Commissioners, and where an appeal against the original assessment has been heard in whole or in part by the General Commissioners for any division, any appeal from the notice shall be an appeal to the General Commissioners for that division.

(3) Where a notice is given under subsection (1) of this section, tax up to the amount required to be paid by the notice shall cease to be recoverable under the original assessment and, where the tax charged by the original assessment carried interest under section eight of the Finance (No. 2) Act, 1947, such adjustment shall be made of the amount payable under that section in relation to that assessment, and such repayments shall be made of any amounts previously paid under that section in relation thereto, as are necessary to secure that the total sum, if any, paid or payable under that section in relation to that assessment is the same as it would have been if the amount which ceases to be recoverable had never been charged.

(4) Where the amount payable under a notice given under subsection (1) of this section is reduced as the result of an appeal or of the stating of a case for the opinion of the High Court—

(*a*) the Commissioners of Inland Revenue shall, if, in the light of that result, they are satisfied that the original

assessment was excessive, cause such relief to be given by way of repayment or otherwise as appears to them to be just; but

(*b*) subject to any relief so given, a sum equal to the reduction in the amount payable under the notice shall again become recoverable under the original assessment.

(5) The Commissioners of Inland Revenue, the Special Commissioners, and the surveyor or other proper officer of the Crown shall have the like powers of obtaining information with a view to the giving of, and otherwise in connection with, a notice under subsection (1) of this section as they would have had with a view to the making of, and otherwise in connection with, such an assessment as is referred to in paragraph (*b*) of subsection (1) of this section if the necessary conditions had been fulfilled for the making of such an assessment.

(6) Any notice under subsection (1) of this section may be served by post.

Right of husband to disclaim liability for tax on deceased wife's income.

33.—(1) Where a woman dies who, at any time before her death, was a married woman living with her husband, he or, if he is dead, his executors or administrators may, not later than two months from the date of the grant of probate or letters of administration in respect of her estate or, with the consent of her executors or administrators, at any later date, serve on her executors or administrators and on the surveyor a notice in writing declaring that, to the extent permitted by this section, he or they disclaims or disclaim responsibility for unpaid income tax in respect of all income of hers for any year of assessment or part of a year of assessment during which he was her husband and she was living with him:

Provided that a notice under this section shall not be deemed to be validly served on the surveyor unless it specifies the names and addresses of the woman's executors or administrators.

(2) Where such a notice has been duly served on a woman's executors or administrators and on the surveyor—

(*a*) it shall be the duty of the Commissioners of Inland Revenue and the Special Commissioners to exercise such powers as they may then or thereafter be entitled to exercise under section thirty-two of this Act in connection with any assessment made on or before the date when the service of the said notice is completed, being an assessment in respect of any of the income to which the said notice relates; and

(*b*) the assessments (if any), whether to income tax other than surtax or to surtax, which may be made after that date shall, in all respects and in particular as respects

PART II —*cont.*

the persons assessable and the tax payable, be the assessments which would have fallen to be made if—

(i) an application for separate assessment under Rule 17 of the General Rules or under subsection (9) of section forty-two of the Finance Act, 1927, as the case may be, had been in force in respect of the year of assessment in question; and

(ii) all assessments previously made had been made accordingly.

(3) Any notice under this section may be served by post.

(4) In this section, the expression "the surveyor" means, in relation to a notice, any surveyor who might reasonably be considered by the person serving the notice to be likely to be concerned with the subject-matter thereof or who declares himself ready to accept service of the notice.

(5) In the application of this section to Scotland, the reference to the date of the grant of probate or letters of administration shall be construed as a reference to the date of confirmation.

Construction of references to married women living with their husbands, and special provisions as to certain spouses geographically separated.

34.—(1) A married woman shall be treated for income tax purposes as living with her husband unless either—

(*a*) they are separated under an order of a court of competent jurisdiction or by deed of separation; or

(*b*) they are in fact separated in such circumstances that the separation is likely to be permanent.

(2) Where a married woman is living with her husband and either—

(*a*) one of them is, and one of them is not, resident in the United Kingdom for a year of assessment; or

(*b*) both of them are resident in the United Kingdom for a year of assessment but one of them is, and one of them is not, absent from the United Kingdom throughout that year,

the same consequences shall follow for income tax purposes as would have followed if, throughout that year of assessment, they had been in fact separated in such circumstances that the separation was likely to be permanent:

Provided that where this subsection applies and the net aggregate amount of income tax (including surtax) falling to be borne by the husband and the wife for the year is greater than it would have been but for the provisions of this subsection, the Commissioners of Inland Revenue shall cause such relief to be given (by the reduction of such assessments on the husband or the wife or the repayment of such tax paid (by deduction or otherwise) by the husband or the wife as those Commissioners may direct) as will reduce the said net aggregate amount by the amount of the excess.

PART II —*cont.*

Repeal of certain provisions as to married women.

35. The following enactments or parts of enactments, that is to say—

(*a*) Rule 16 of the General Rules (which contains a general provision as to married women); and

(*b*) section twenty-five of the Finance Act, 1920, and the proviso to subsection (3) of section fifteen of the Finance Act, 1925 (which relate to the effect on reliefs of claims for separate assessment); and

(*c*) so much of the definition of the expression "incapacitated person" in section two hundred and thirty-seven of the Income Tax Act, 1918, as requires a married woman, as such, to be treated as an incapacitated person; and

(*d*) section one hundred and seventy-one of the Income Tax Act, 1918 (which enables a man to be made liable in certain cases for tax assessed on his wife); and

(*e*) in paragraph (*c*) of subsection (1) of section one hundred and three of the Income Tax Act, 1918 (which relates to the information to be given by trustees, agents, receivers and others) the words "living with her husband, or a married woman whose husband is not accountable for the payment of any tax charged on her,"

are hereby repealed.

PART III

MISCELLANEOUS PROVISIONS AS TO INCOME TAX AND OTHER TAXES

Unilateral relief for double taxation.

36.—(1) To the extent appearing from the subsequent provisions of this section and the Sixth Schedule to this Act, relief from income tax and the profits tax shall be given in respect of tax payable under the law of any territory outside the United Kingdom by allowing the last-mentioned tax as a credit against income tax or the profits tax, notwithstanding that there are not for the time being in force any arrangements under Part V of the Finance (No. 2) Act, 1945, providing for such relief.

(2) The said relief (in the subsequent provisions of this section and in the said Schedule to this Act referred to as "unilateral relief") shall be such relief as would fall to be given under Part I of the Ninth Schedule to the Finance Act, 1947, if arrangements with the Government of the territory in question, containing such provision as appears in so much of Part I of the said Schedule to this Act as applies to that territory, were in force by virtue of Part V of the Finance (No. 2) Act, 1945:

Provided that the total amount of the credit to be allowed by way of unilateral relief in the case of any income shall not

PART III —*cont.*

exceed, if the territory is within the Commonwealth territories, three-quarters, and, in any other case, one-half, of the sum of the limits specified in paragraph 4 and sub-paragraph (1) of paragraph 5 of Part I of the said Ninth Schedule.

(3) The provisions of Part I of the Ninth Schedule to the Finance Act, 1947, shall, as respects unilateral relief, have effect subject to the provisions set out in Part II of the said Schedule to this Act, and any expression occurring in Part I of the said Ninth Schedule, or in subsection (5) of section fifty-one or subsection (5) of section fifty-two of the Finance (No. 2) Act, 1945, which imports a reference to relief under arrangements for the time being in force by virtue of Part V of the last-mentioned Act shall be deemed to import also a reference to unilateral relief.

(4) Unilateral relief shall not be given in respect of tax payable under the law of the Republic of Ireland, and section twenty-seven of the Finance Act, 1920, shall, as applied by the agreements set out in the Second Schedule to the Finance Act, 1926, the Fourth Schedule to the Finance Act, 1928, and the Ninth Schedule to the Finance Act, 1948, continue to have effect in relation to the Republic of Ireland.

(5) Subject to the provisions of subsection (4) of this section, section twenty-seven of the Finance Act, 1920, shall cease to have effect.

(6) Where, under the law in force in any territory outside the United Kingdom, provision is made for the allowance, in respect of the payment of United Kingdom income tax, of relief from tax payable under that law, the obligation as to secrecy imposed by the Income Tax Acts upon persons employed in relation to Inland Revenue shall not prevent the disclosure to the authorised officer of the Government of that territory of such facts as may be necessary to enable the proper relief to be given under the law thereof.

(7) References in this section, and in the said Schedule to this Act, to tax payable or tax paid under the law of a territory outside the United Kingdom include only references to taxes which are charged on income or profits and correspond to income tax or the profits tax in the United Kingdom, and, without prejudice to the generality of the preceding words, a tax which is payable under the law of a province, state or other part of a country not being a country within the Commonwealth territories or which is levied by or on behalf of a municipality or other local body, shall not be deemed for the purposes of this subsection to correspond to income tax or the profits tax.

(8) In this section and the said Schedule to this Act, the expression " income," in relation to the profits tax, means profits.

PART III —*cont*

(9) In this section and the said Schedule to this Act, the expression " the Commonwealth territories " means His Majesty's dominions, India, the British protectorates and protected states and any trust territory administered by the Government of any part of His Majesty's dominions.

(10) This section and the said Schedule to this Act shall have effect in relation to the Anglo-Egyptian Sudan as they have effect in relation to a part of His Majesty's dominions.

(11) This section applies to income tax for the year 1950-51 and all subsequent years of assessment, and to the profits tax for any chargeable accounting period ending after the end of March, nineteen hundred and fifty, but the transitional provisions contained in Part III of the said Schedule to this Act shall have effect in the cases therein referred to.

Extension of charities relief to certain bodies as respects past periods.

37.—(1) A body of persons which—

(*a*) was established before the sixth day of April, nineteen hundred and fifty; and

(*b*) on the said sixth day of April, or such later date as the Commissioners of Inland Revenue may upon application allow, satisfies the conditions required by law to be satisfied in the case of a body if it is to be treated as a body established for charitable purposes only,

shall not be treated as not having satisfied those conditions at any date earlier than the said sixth day of April or such later date as aforesaid, as the case may be, by reason only that, at that earlier date, the memorandum of association or other similar instrument regulating its functions contained provisions empowering it to establish and support, or aid in the establishment and support of, any charitable or benevolent associations or institutions, to subscribe or guarantee money for charitable or benevolent purposes in any way connected with its purposes or calculated to further its objects or to do such other things as it might think conducive to the attainment of its objects, or any other provisions which, in the opinion of the Commissioners considering the matter, so closely approximate to any such provisions as aforesaid that they ought to be treated for the purposes of this section as equivalent thereto.

(2) A body of persons to which subsection (1) of this section applies shall not, for the purposes of the stamp duty on an instrument executed before the said sixth day of April, or, as the case may be, before the later date allowed under the said subsection (1), be deemed to have been other than a body established for charitable purposes only within the meaning of subsection (1) of section fifty-four of the Finance Act, 1947, by reason only that, on the date relevant for the purposes of subsection (1) of the said section fifty-four, the memorandum of association or other similar

PART III —*cont.*

instrument regulating its functions contained any such provisions as are referred to in subsection (1) of this section, and where more stamp duty has been paid on any such instrument than ought to have been paid having regard to the provisions of this subsection, the provisions of sections ten and eleven of the Stamp Duties Management Act, 1891, shall apply as if a stamp of greater value than was necessary had been inadvertently used for the instrument, and relief may be given accordingly, and may be so given notwithstanding that, in accordance with the provisions of section twelve of the Stamp Act, 1891, the instrument had been stamped before the passing of this Act with a particular stamp denoting that it was duly stamped.

Extension of charities relief to certain scientific research Associations.

38.—(1) Where—

(*a*) an Association which has as its object the undertaking of scientific research which may lead to or facilitate an extension of any class or classes of trade is approved for the purposes of this section by the Committee of the Privy Council for Scientific and Industrial Research; and

(*b*) the memorandum of association or other similar instrument regulating the functions of the Association precludes the direct or indirect payment or transfer to any of its members of any of its income or property by way of dividend, gift, division, bonus or otherwise howsoever by way of profit,

there shall be allowed in its case all such relief from income tax and stamp duties as falls to be allowed in the case of a body of persons which is established for charitable purposes only and the whole income of which is applied to those purposes:

Provided that the condition specified in paragraph (*b*) of this section shall not be deemed not to be complied with in the case of an Association by reason only that the memorandum or other similar instrument regulating its functions does not prevent the payment to members of the Association of—

(i) reasonable remuneration for goods, labour or power supplied, or services rendered; or

(ii) reasonable interest for money lent; or

(iii) reasonable rent for any premises.

(2) In this section the expression " scientific research " means any activities in the fields of natural or applied science for the extension of knowledge.

(3) Section nineteen of the Finance Act, 1925 (which prescribes the procedure to be followed in the case of certain claims for relief from income tax and confers a right of appeal in connection therewith), shall apply to claims for relief from income tax under this section.

PART III
—cont.

Treatment for taxation purposes of enemy debts, etc., written off during the war.

39.—(1) Where—

(*a*) the profits or losses arising from a trade or business in an accounting period ending after the end of March, nineteen hundred and thirty-nine, and beginning before the end of the year nineteen hundred and forty-six fell to be computed for excess profits tax or profits tax purposes, or the profits or gains or losses of a year or period ending and beginning as aforesaid fell to be computed in the case of a trade for income tax purposes; and

(*b*) in computing those profits, profits or gains or losses a deduction was allowed so as wholly or partly to write off—

(i) a debt or claim (whether actual or potential) owed by or on a person resident or carrying on business in territory which was, had been or subsequently became enemy territory, or owed by or on a State or Sovereign of a State which was, had been or subsequently became at war with His Majesty; or

(ii) the value of any property in, or believed to be in, any such territory as aforesaid, or under, or believed to be under, the control of any Power which was, had been or subsequently became at war with His Majesty; and

(*c*) a recovery is made in respect of that debt, claim or property, whether from the debtor or person liable or otherwise, and whether by the person carrying on the trade or business or trade in the accounting period, or year or period, aforesaid or by some person claiming through or under him; and

(*d*) the amount of the recovery, or, if there is more than one, the total amount of the recoveries, is greater or less than such part, if any, of the amount or value of the debt, claim or property as is still not written off after effect has been given to the deduction,

the deduction shall be deemed to have been improper to the extent of the excess or, as the case may be, to have been insufficient to the extent of the deficiency, and, subject to the provisions of the next following section, all such consequences shall ensue, as respects all persons concerned, for the purposes of excess profits tax, the profits tax and income tax (including surtax) for any chargeable accounting period or year of assessment, as would have ensued if no deduction had been made or, as the case may be, if there had been made a deduction smaller by the amount of the said excess or greater by the amount

PART III —*cont.*

of the said deficiency, and payments of tax (including refunds of excessive repayments of tax) and repayments of tax (including post-war refunds of excess profits tax) shall be made accordingly.

(2) In this section—

(*a*) the expression " recovery " means the obtaining of anything of value, whether in cash or not, and references to the amount of a recovery are references to the amount or value, as the case may require, of what is obtained;

(*b*) references to a recovery in respect of a debt, claim or property wholly or partly written off in the manner specified in subsection (1) of this section include, in particular, references to—

(i) any sum obtained under the Distribution of German Enemy Property Act, 1949, or any other enactment, in virtue of rights in respect of that debt, claim or property; and

(ii) anything of value obtained (whether in cash or not) in consideration of an assignment of any rights in respect of the debt, claim or property,

and where (whether in consideration of an assignment or otherwise) anything is obtained partly in respect of some debt, claim or property so written off as aforesaid and partly in respect of some other debt, claim or property, the amount or value of what is obtained shall be apportioned rateably to the amounts or values of the several debts, claims or properties and there shall be deemed to be a recovery in respect of the first mentioned debt, claim or property of an amount equal to such part of the amount or value of what is obtained as is apportioned thereto:

Provided that where the whole or any part of, or of the value of, something obtained in consideration of an assignment of rights in respect of any debt, claim or property so written off as aforesaid is treated as a recovery in respect of that debt, claim or property, all subsequent recoveries in respect of that debt, claim or property made by virtue of those rights shall be left out of account for the purposes of this section except to the extent that the total amount thereof exceeds or, as the case may be, exceeds that part of, the amount or value of what was obtained in consideration of the assignment.

(3) In ascertaining, under subsection (2) of this section, the amount of any recovery, there may be deducted from the amount or value of what is obtained any expenses incurred in obtaining it, and references in the said subsection to the amount or value of what is obtained shall be construed accordingly:

Provided that, to the extent that any expenses so deducted go to reduce the sum which is to be treated under that subsection as the amount of a recovery in respect of a debt, claim

PART III —*cont.*

or property wholly or partly written off in the manner specified in subsection (1) of this section—

(*a*) no deduction shall be allowed for the expenses in computing, for excess profits tax or profits tax purposes, the profits or losses arising from any trade or business in any accounting period or in computing, for the purposes of income tax for any year of assessment, the profits or gains or losses of any trade; and

(*b*) the expenses shall not be included in computing the expenses of management in respect of which relief may be claimed under section thirty-three of the Income Tax Act, 1918;

and the payments and repayments of tax falling to be made under subsection (1) of this section shall be adjusted accordingly.

(4) Where an amount of tax has been allowed to remain uncollected on the ground that some debt, claim or property might prove to be irrecoverable or lost, without, however, a deduction being actually allowed in the relevant computation of profits, profits or gains or losses, the preceding provisions of this section shall apply, with the necessary adaptations, as if a deduction had been allowed in the said computation so as to write off the debt or claim, or, as the case may be, the value of the property, to an extent corresponding to the amount of tax allowed to remain uncollected.

(5) In this section, the expression "enemy territory" means any area under the sovereignty of, or in the occupation of, a Power at war with His Majesty and the expression "at war with His Majesty" means at war with His Majesty at some time during the years nineteen hundred and thirty-nine to nineteen hundred and forty-six.

(6) In any case to which this section applies—

(*a*) all such assessments or additional assessments to excess profits tax, the profits tax or income tax (including surtax) shall be made as are necessary to secure that the payments of tax mentioned in subsection (1) of this section are duly recovered; and

(*b*) all such assessments as aforesaid, and all repayments of tax mentioned in the said subsection (1), shall be made notwithstanding that the liability of the persons in question to excess profits tax, the profits tax, income tax other than surtax or surtax, as the case may be, has been finally determined (whether before or after the passing of this Act) and notwithstanding that the time limited by law for making assessments, additional assessments or claims for repayments has expired; and

PART III —*cont.*

(*c*) the recovery of all or any of the payments of income tax other than surtax falling to be made by a particular person for any year of assessment (including refunds of excessive repayments of tax) may, if convenient, be secured as aforesaid by a single assessment or additional assessment under Case VI of Schedule D, and may be so secured notwithstanding that all or any of the income in respect of which the tax is payable is income chargeable only by deduction or chargeable only under some other Schedule or Case.

Modification of last preceding section in the case of recoveries by assignees and in certain cases of subsidiary companies.

40.—(1) The provisions of the last preceding section shall, in the cases specified in the subsequent provisions of this section, have effect subject to the modifications therein specified.

(2) Where the recovery is made otherwise than by, or by the executors or administrators of, the person carrying on the trade or business or trade in the accounting period, or year or period, mentioned in paragraph (*a*) of subsection (1) of the last preceding section, the payments and repayments of tax mentioned in the said subsection (1) shall not be made, but the Commissioners of Inland Revenue may serve on, or on the executors or administrators of, the person making the recovery a notice giving particulars, to the best of the judgment of those Commissioners, of the payments and repayments which would have fallen to be made but for the provisions of this subsection, and requiring the person on whom the notice is served to pay such sum as may be specified in the notice, being the sum by which, to the best of the judgment of the Commissioners, the total amount of the said payments exceeds the total amount of the said repayments:

Provided that where the person making the recovery is not resident in the United Kingdom or is dead and was not resident in the United Kingdom at the time of his death, the Commissioners may, if they think fit, instead of serving a notice on him or his executors or administrators, serve a notice on, or on the executors or administrators of, any predecessor in title of his in respect of the debt, claim or property in question, being a person who is resident in the United Kingdom or was so resident when he was last entitled to the rights in respect of the debt, claim or property in question to which the person making the recovery has succeeded.

(3) Where a notice is served under subsection (2) of this section on, or on the executors or administrators of, a person, the same consequences as respects—

(*a*) the imposition of liability to pay, and the recovery of, the sum to which the notice relates, with or without interest; and

(*b*) priority for the claim of the Crown for that sum in bankruptcy, or in the winding up of a company or in the administration of the estate of a deceased person; and

PART III —*cont.*

(*c*) appeals to the Special Commissioners and the stating of cases for the opinion of the High Court,

shall follow on the service of the notice as would have followed on the making of an assessment to income tax in that amount on, or, as the case may be, on the executors or administrators of, that person by the Special Commissioners under Case VI of Schedule D in respect of income chargeable under that Case for the year of assessment current when the notice was served, and the provisions of the Income Tax Acts relating to those matters shall, with the necessary adaptations, have effect accordingly.

(4) Where excess profits tax is concerned and—

(*a*) a body corporate was carrying on the trade or business in the accounting period mentioned in paragraph (*a*) of subsection (1) of the last preceding section; and

(*b*) that body corporate was in that accounting period a subsidiary member of a group of companies; and

(*c*) at some time before the recovery is made, that group ceased to exist or that body corporate ceased to be a member thereof,

subsections (2) and (3) of this section shall apply as they apply where the recovery is made otherwise than by, or by the executors or administrators of, the person who was carrying on the business in the said accounting period.

A group of companies shall be deemed for the purposes of this subsection to continue to exist notwithstanding any changes in the members thereof, so long as, and only so long as, the same body corporate remains the principal company of the group.

In this subsection, the expressions "group of companies", "the principal company" and "subsidiary member" have the meanings assigned to them by subsection (1) of section twenty-eight of the Finance Act, 1940 (which contains provisions as to the treatment of inter-connected companies for excess profits tax purposes).

(5) Subsections (2) and (3) of this section shall also apply as aforesaid where the profits tax is concerned and—

(*a*) a body corporate was carrying on the trade or business in the accounting period mentioned in paragraph (*a*) of subsection (1) of the last preceding section; and

(*b*) a notice given by another body corporate under section twenty-two of the Finance Act, 1937 (which provides for the amalgamation for the purposes of the profits tax of the profits or losses of bodies corporate with those of their subsidiaries) had effect as respects that body corporate in relation to a chargeable accounting period coinciding with, or falling wholly or partly within, that accounting period; and

PART III —*cont.*

(*c*) that notice had ceased to be in force before the recovery is made:

Provided that this subsection shall not apply by reason of the notice ceasing to be in force if—

(i) it ceased to be in force by reason of the giving of a subsequent notice under the said section twenty-two, being a notice given as respects both those bodies corporate; and

(ii) thereafter, until the recovery is made, there is no period during which either that notice or some other notice under the said section twenty-two, being a notice given as respects both bodies corporate, is not in force.

Remission in certain cases of interest on tax in arrear by reason of exchange restrictions.

41.—(1) The provisions of this section shall have effect where the Commissioners of Inland Revenue are satisfied as respects any tax carrying interest under section eight of the Finance (No. 2) Act, 1947,—

(*a*) that the tax is in respect of profits or income arising in a country outside the United Kingdom; and

(*b*) that, as the result of action of the government of that country, it is impossible for the profits or income to be remitted to the United Kingdom; and

(*c*) that having regard to the matters aforesaid and to all the other circumstances of the case it is reasonable that the tax should for the time being remain uncollected,

and the Commissioners allow the tax to remain uncollected accordingly.

(2) Interest on the said tax shall, subject to the provisions of subsection (3) of this section, cease to run under the said section eight as from the date on which the Commissioners of Inland Revenue were first in possession of the information necessary to enable them to be satisfied as aforesaid, and, if the said date is not later than three months from the time when the tax became due and payable, the interest thereon under the said section eight in respect of the period before the said date shall be remitted.

(3) Where, under subsection (2) of this section, interest has ceased to run on any tax and thereafter demand is made by the collector or other proper officer for payment of all or any of that tax, interest under the said section eight shall again begin to run from the date of the demand in respect of the amount demanded:

Provided that where all or any part of the amount demanded is paid not later than three months from the date of the demand, the interest under the said section eight on the amount so paid running from the date of the demand shall be remitted.

(4) This section shall apply in relation to all assessments made whether before or after the passing of this Act, and, in relation to any assessment made before the passing of this Act, shall be deemed always to have had effect:

PART III —*cont.*

Provided that no sum actually paid before the twenty-seventh day of June, nineteen hundred and fifty, in respect of any interest shall be repaid by virtue of the provisions of this section.

Proceedings for penalties, etc.

42. So much of subsection (1) of section two hundred and twenty-one of the Income Tax Act, 1918, as requires proceedings for the recovery of fines, penalties or forfeitures to be commenced in the name either of an officer or of the Attorney-General shall not apply to proceedings in England, Wales or Northern Ireland instituted under the Crown Proceedings Act, 1947, by and in the name of the Commissioners of Inland Revenue as an authorised department for the purposes of the last-mentioned Act.

PART IV

ESTATE DUTY

Disposition or determination of life interests, etc.

43.—(1) Subsections (1) and (2) of section forty-three of the Finance Act, 1940, shall be amended as provided by Part I of the Seventh Schedule to this Act, and accordingly shall have effect as set out in Part II of that Schedule with the amendments made by the Eleventh Schedule to the Finance Act, 1946, and by this subsection.

(2) Where an interest limited to cease on a death (within the meaning of the said section forty-three) has been disposed of or has determined, bona fide possession and enjoyment of the property shall not be deemed for the purposes of subsection (2) of that section to be assumed immediately thereafter and thenceforward retained to the entire exclusion of a person who had the interest and of any benefit to him by contract or otherwise, if at any time thereafter he has a benefit by virtue of any operations associated with the disposition or determination, nor while he has such a benefit shall the property be deemed to be enjoyed to the entire exclusion as aforesaid for the purposes of subsection (3) of section fifty-nine of the Finance (1909-10) Act, 1910 (which relates to the surrender of benefits reserved).

(3) In the last foregoing subsection—

(*a*) the reference to any operations associated with the disposition shall be taken as referring to any associated operations as defined by section fifty-nine of the Finance Act, 1940, of which the disposition is one; and

(*b*) the reference to any operations associated with the determination shall be taken as referring to any associated operations as so defined of which any disposition resulting in, or effected in contemplation of or with reference to, the determination is one.

PART IV —*cont.*

(4) This section shall have effect in relation to any death occurring after the eighteenth day of April, nineteen hundred and fifty, whether or not the relevant interest is disposed of or determines after that date.

Collection of duty from trustees after disposition or determination of life interest, etc.

44.—(1) Where an interest limited to cease on a death (within the meaning of section forty-three of the Finance Act, 1940) after becoming an interest in possession is disposed of or determines wholly or partly, then, whatever the nature of the property in which the interest subsisted, the following persons shall be accountable for any estate duty payable on the death by virtue of that section (in addition to any persons accountable therefor apart from this section), that is to say—

(*a*) if the settlement under which the interest subsisted is in existence at the death, the trustees for the time being of that settlement; and

(*b*) if it is not, the persons who were the last trustees of that settlement.

(2) Notwithstanding anything in the foregoing subsection or in section eight of the Finance Act, 1894, no person shall be accountable as trustee of a settlement for any estate duty payable by virtue of the said section forty-three in respect of property paid or applied to or for the benefit of a person not of full age in the exercise of any express or implied power of advancement under the settlement, where that person is not and does not become absolutely and indefeasibly entitled to any share or interest in the property comprised in the settlement, and the property so paid or applied to him or for his benefit does not exceed altogether in amount one half of his presumptive share or interest in the property so comprised.

(3) Where—

(*a*) the trustees of a settlement may become accountable for estate duty payable by virtue of the said section forty-three in respect of any property; and

(*b*) it is intended that the property or any part thereof shall cease to be comprised in the settlement;

then if the trustees obtain from the Commissioners a certificate of the amount which in the opinion of the Commissioners may properly be treated as the prospective amount of the duty, and give the Commissioners all the information and evidence required by the Commissioners in connection with the application for the certificate, no person shall be accountable as trustee of the settlement for the duty to which the certificate relates to an amount in excess of the amount certified.

(4) It is hereby declared that a person who may become accountable as trustee of a settlement for estate duty payable by virtue of the said section forty-three on property which is or

has been comprised in the settlement has a lien for the prospective amount of the duty and the costs in respect thereof on any property in his hands which is so comprised.

(5) Where the trustees of a settlement may become accountable for estate duty payable by virtue of the said section forty-three on property which is or has been comprised in the settlement, they may refuse to execute a deed of discharge under section seventeen of the Settled Land Act, 1925, with respect to any land so comprised, or to make or concur in a conveyance of any such land to a person entitled to it as mentioned in subsection (5) of section seven of that Act, unless they are satisfied that they are effectually indemnified against their liability by virtue of this section up to the prospective amount of the duty and the costs in respect thereof.

(6) Where land comprised in a settlement is not vested in the trustees of the settlement, but they are entitled under the last foregoing subsection to refuse to make or concur in a conveyance such as is there mentioned, they may require the person having the possession of the last or only principal vesting instrument to endorse on or annex to that instrument a memorandum that any such conveyance of land so comprised requires the concurrence of the trustees for the time being of the settlement, or, in the case of registered land, they may require the proprietor to apply for the entry on the register of a restriction to the like effect; and thereafter no such conveyance shall be made except by the trustees for the time being or with their concurrence.

(7) References in this section to the prospective amount of any duty are to be taken as referring to the prospective amount of the duty on the assumption that it will become chargeable.

(8) Subsections (1) and (2) of this section shall have effect in relation to any death occurring after the eighteenth day of April, nineteen hundred and fifty, whether or not the relevant interest is disposed of or determines after that date, so however that no person shall by virtue of the said subsection (1) be accountable as trustee of any settlement for any duty except to the extent of the property comprised in the settlement after the said eighteenth day of April; and subsection (3) of this section shall be deemed always to have had effect and to have applied with any necessary modifications to duty payable by virtue of section eleven of the Finance Act, 1900, or section thirty-nine of the Finance Act, 1930, as it applies to duty payable by virtue of section forty-three of the Finance Act, 1940.

Parliamentary settled estates.

45.—(1) Where land or chattels are so settled, whether by Act of Parliament or royal grant, that no one of the persons successively in possession thereof is capable of alienating the same, then notwithstanding anything in subsection (3) of section twenty-eight of the Finance Act, 1949 (which directs that the

PART IV —*cont.*

estate duty law shall apply to land and chattels so settled in the same way as to other settled property), on the death of a tenant in tail of the property comprised in the settlement estate duty shall not be chargeable as respects any part of that property in the case of which he has disposed of his personal interest to or for the benefit of the person who may from time to time be his successor and in the case of which the conditions of the next following subsection are satisfied.

(2) The conditions to be satisfied are—

(*a*) that the disposition of the tenant in tail's personal interest was bona fide effected five years before his death;

(*b*) that bona fide possession and enjoyment of the property was assumed immediately after the disposition by the tenant in tail's successor and thenceforward retained to the entire exclusion of the tenant in tail and of any benefit to him by contract or otherwise or (bona fide possession and enjoyment of the property having been so assumed) the property was enjoyed to the entire exclusion as aforesaid for the five years before the tenant in tail's death;

(*c*) that there is not (by reason of any subsequent disposition of the tenant in tail's personal interest or otherwise) any change on the tenant in tail's death in the person beneficially entitled to possession of the property or the income arising therefrom:

Provided that, for the purposes of paragraph (*b*) of this subsection, subsection (2) of section forty-three of this Act shall apply in relation to any disposition of a tenant in tail's personal interest as it applies for the purposes of the enactments therein mentioned in relation to a disposition of an interest limited to cease on a death.

(3) For the purpose of paragraph (*c*) of the last foregoing subsection there shall not be deemed to be a change on a tenant in tail's death in the person beneficially entitled to the income arising from any property by reason only that a jointure or other annuity payable out of that income arises on the tenant in tail's death under the settlement comprising the property or ceases on the tenant in tail's death, but nothing in this section shall affect the duty chargeable on any property on the tenant in tail's death by reason of some other person's having or having had in that property an interest limited to cease on that death.

(4) In this section the expression "tenant in tail" means tenant in tail in possession within the meaning of the Settled Land Act, 1925, and references to a tenant in tail of any property include one of two or more tenants in tail in common or

tenants in tail in coparcenery of that property; and in relation to any tenant in tail of property—

(*a*) the expression "personal interest" means his right as tenant in tail to possession of the property or the income arising therefrom or a share thereof during his life; and

(*b*) the expression "successor" means the person who, if the tenant in tail were dead, would be tenant in tail in his place, whether as heir under the entail or as tenant in tail in remainder.

Dispositions in favour of relatives.

46.—(1) In relation to a person dying after the eighteenth day of April, nineteen hundred and fifty, there shall be substituted for subsection (1) of section forty-four of the Finance Act, 1940, the following subsections:—

"(1) Any disposition made by the deceased in favour of a relative of his shall be treated for the purposes of paragraph (*c*) of subsection (1) of section two of the Finance Act, 1894, as a gift unless—

(*a*) the disposition was made on the part of the deceased for full consideration in money or money's worth paid to him for his own use or benefit; or

(*b*) the deceased was concerned in a fiduciary capacity imposed on him otherwise than by a disposition made by him and in such a capacity only;

and references to a gift in the other enactments relating to estate duty (including this Part of this Act) shall be construed accordingly:

Provided that where the disposition was made on the part of the deceased for partial consideration in money or money's worth paid to him for his own use or benefit, the value of the consideration shall be allowed as a deduction from the value of the property for the purpose of estate duty.

(1A) Where the deceased made a disposition of property in favour of a relative of his, the creation or disposition in favour of the deceased of an annuity or other interest limited to cease on the death of the deceased or of any other person shall not be treated for the purposes of this section or of subsection (1) of section seven of the Finance Act, 1894, as consideration for the disposition made by the deceased.

(1B) If a company to which this section applies was concerned in a transaction in relation to which it is claimed

PART IV —*cont.*

that the provisions of paragraph (*a*) of or the proviso to subsection (1) of this section have effect, those provisions shall have effect in relation thereto if and only if, and to the extent only to which, the Commissioners are satisfied that those provisions would have had effect in the following circumstances, namely, if the assets of the company had been held by it on trust for the members thereof and any other person to whom it is under any liability incurred otherwise than for the purposes of the business of the company wholly and exclusively, in accordance with the rights attaching to the shares in and debentures of the company and the terms on which any such liability was incurred, and if the company had acted in the capacity of a trustee only with power to carry on the business of the company and to employ the assets of the company therein.

(1C) Any gift made in favour of a relative of the deceased by a company of which the deceased at the time of the gift had control within the meaning of subsection (3) of section fifty-five of this Act shall be treated for the purposes of paragraph (*c*) of subsection (1) of section two of the Finance Act, 1894, as a gift made by the deceased, and the property taken under the gift shall be treated as included by virtue of that paragraph in the property passing on the death of the deceased, if and to the extent to which the Commissioners are satisfied that they would fall to be so treated in the circumstances mentioned in the last foregoing subsection."

(2) Where the foregoing subsection applies,—

(*a*) references to subsection (1A) of the said section forty-four shall be substituted—

(i) for the reference to subsection (1) of that section in subsection (5) thereof; and

(ii) for the reference to that section in subsection (1) of section forty of the Finance Act, 1944 (which allows from the value of the property chargeable by virtue of the said section forty-four a deduction for the deceased's annuity payments, but limits the deduction to the amount specified in the Third Schedule to that Act); and

(*b*) section forty of the Finance Act, 1944, shall have effect also as if for paragraph 2 of the Third Schedule to that Act there were substituted the following paragraph:—

"2. Where under section forty-four of the Finance Act, 1940, a deduction for partial consideration

would have been allowable in respect of the annuity or other interest if subsection (1A) of that section had not applied to the disposition and if any other consideration for the disposition had not been given, the amount allowed shall not exceed the amount of that deduction."

Amendment of s. 51 of Finance Act, 1940.

47. In section fifty-one of the Finance Act, 1940 (which relates to the charge for estate duty under the provisions of that Act about companies, and contains provisions for preventing duplication of the charge), there shall be inserted after subsection (1) the following subsection:—

"(1A) Where the following conditions are satisfied, that is to say, that the deceased has, within five years before his death, disposed of any shares in or debentures of the company for consideration in money or money's worth paid to him for his own use or benefit, and that any benefits accrued to the deceased from the company by virtue of those shares or debentures or by virtue of a power's having been exercisable by him or with his consent in relation to those shares or debentures, then—

(*a*) if the value of the said consideration is equal to or greater than the proportion of the value of the company's assets that corresponds to the benefits that so accrued to him, or if the Commissioners are satisfied that the said proportion would not, if fully ascertained, be found to be substantially in excess of the value of the said consideration, duty on the said proportion shall not be payable;

(*b*) in any other case, the amount on which duty is to be charged in respect of the said proportion shall be reduced by the amount of the value of the said consideration:

Provided that, in the case of any shares or debentures,—

(i) this subsection shall not apply where estate duty is payable on the death on their value or any part thereof or would be so payable but for an exemption from estate duty; and

(ii) for the purpose of determining to what extent, if any, the disposition of them satisfies the conditions of this subsection, section fifty-six of this Act (which relates to transactions through the medium of a company) shall apply as it applies for the purposes of section three of the Finance Act, 1894."

PART IV —*cont.*

Objects of national, scientific, historic or artistic interest.

48.—(1) Subject to the next following subsection, section forty of the Finance Act, 1930 (which exempts from estate duty objects of national, scientific, historic or artistic interest), shall apply to objects which pass on a death occurring after the date of the passing of this Act only if an undertaking is given, by such person as the Treasury think appropriate in the circumstances of the case, that, until the objects again pass on a death or are sold,—

(*a*) the objects will be kept permanently in the United Kingdom, and will not leave it temporarily except for a purpose and a period approved by the Treasury; and

(*b*) reasonable steps will be taken for the preservation of the objects; and

(*c*) reasonable facilities for examining the objects for the purpose of seeing the steps taken for their preservation, or for purposes of research, will be allowed to any person authorized by the Treasury so to examine them.

(2) If on a claim for exemption under the said section forty it is made to appear to the Treasury that any documents for which the exemption is claimed contain information which for personal or other reasons ought to be treated as confidential, the Treasury may exclude those documents either altogether or to such extent as they think fit from any undertaking under the foregoing subsection so far as the undertaking relates to the examination of the documents for purposes of research.

(3) Where any objects are exempted from estate duty in pursuance of an undertaking under subsection (1) of this section, and the Treasury are satisfied that at any time during the period for which the undertaking was given it has not been observed in a material respect, then estate duty shall become chargeable, on the value at that time of those objects, in respect of the death on which the exemption was given and at the rate appropriate to the principal value of the estate passing on that death upon which estate duty is leviable, and with which the objects would have been aggregated if they had not been objects to which the said section forty applies; and any person who, if the objects were sold when the duty becomes chargeable, would be entitled to receive (whether for his own benefit or not) the proceeds of sale or any income arising therefrom shall be accountable for the duty.

(4) Where any objects are sold after becoming chargeable with estate duty under this section in respect of any death, the proceeds of sale shall not be chargeable with estate duty in respect of the same death under subsection (2) of the said section forty.

PART V

MISCELLANEOUS

Provisions as to permanent annual charge for the National Debt and as to the Old Sinking Fund.

49.—(1) The permanent annual charge for the National Debt for the financial year ending with the thirty-first day of March, nineteen hundred and fifty-one, shall be the sum of four hundred and ninety million pounds instead of the sum of three hundred and fifty-five million pounds.

(2) Any amount applied out of revenue during the said year in redeeming or paying off any description of debt shall be deemed to be expenditure within the meaning of sections four and five of the Sinking Fund Act, 1875.

Short title, construction, extent and repeals.

50.—(1) This Act may be cited as the Finance Act, 1950.

(2) Part I of this Act—

(*a*) so far as it relates to duties of customs, shall be construed as one with the Customs Consolidation Act, 1876, except that the expression "the United Kingdom" does not include the Isle of Man and nothing in the said Part I shall be construed as extending to the Isle of Man; and

(*b*) so far as it relates to duties of excise, shall be construed as one with the Acts which relate to the duties of excise and to the management of those duties; and

(*c*) so far as it relates to purchase tax shall be construed as one with Part V of the Finance (No. 2) Act, 1940;

and in the said Part I the expression "the Commissioners" means the Commissioners of Customs and Excise.

(3) Part II of this Act shall be construed as one with the Income Tax Acts.

(4) Part III of this Act, so far as it relates to income tax, shall be construed as one with the Income Tax Acts, and so far as it relates to other taxes, shall be construed as one with the enactments relating to those taxes respectively.

(5) Part IV of this Act shall be construed as one with Part I of the Finance Act, 1894.

(6) Any reference in this Act to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment, including this Act.

PART V —*cont.*

(7) Save as otherwise expressly provided, such of the provisions of this Act as relate to matters with respect to which the Parliament of Northern Ireland has power to make laws shall not extend to Northern Ireland.

(8) The enactments specified in the Eighth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule:

Provided that Part I of that Schedule (which contains enactments dealing with licences and oil rebate for agricultural tractors, &c., in Great Britain or with oil rebate for agricultural tractors, &c., in Northern Ireland) shall have effect only from the beginning of the year nineteen hundred and fifty-one.

SCHEDULES

Section 2.

FIRST SCHEDULE

HYDROCARBON OILS (EXCISE): ENACTMENTS APPLIED

1. Subsection (6) of section two of the Finance Act, 1928 (which relates to drawback).

2. Subsection (8) of section two of the Finance Act, 1928, section seven of the Finance Act, 1930, and subsection (1) of section four of the Finance Act, 1938 (which provide for repayment of duty paid in respect of oils used on fishing boats and lifeboats).

3. Subsection (2) of section three of the Finance Act, 1928 (under which the penalty for offences depends on the value of the goods, including duty).

4. Paragraph 5 of the First Schedule to the Finance Act, 1928 (which penalizes misstatements for the purpose of obtaining repayment of duty or rebate).

5. Section four of the Finance (No. 2) Act, 1931 (which prohibits the mixing with light oils of hydrocarbon oils on which rebate has been allowed).

6. Subsection (1) of section three of the Finance Act, 1934 (which relates to the measurement of artificially heated oils).

7. Section two of the Finance Act, 1935 (which disallows rebate on heavy oils used as road fuel).

SECOND SCHEDULE

Section 6.

BEER (RATES OF DUTY AND DRAWBACK)

PART I

RATE OF EXCISE DUTY

	£	s.	d.
For every 36 gallons of worts of a specific gravity of 1,030 degrees or less	7	15	4½
For every 36 gallons of worts of a specific gravity exceeding 1,030 degrees—			
For the first 1,030 degrees	7	15	4½
For every additional degree in excess of 1,030 degrees		6	7½

And so in proportion for any less number of gallons.

PART II

RATE OF EXCISE DRAWBACK

	£	s.	d.
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity of 1,030 degrees or less	7	15	6½
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity exceeding 1,030 degrees—			
For the first 1,030 degrees	7	15	6½
For every additional degree in excess of 1,030 degrees		6	7½

And so in proportion for any less number of gallons.

As respects beer the worts whereof were, before fermentation, of a specific gravity of less than 1,030 degrees the amount of drawback allowable shall not exceed by more than twopence for every 36 gallons the amount of duty which is shown to the satisfaction of the Commissioners to have been paid.

PART III

RATE OF CUSTOMS DUTY IN CASE OF BEER BEING AN EMPIRE PRODUCT

	£	s.	d.
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity of 1,030 degrees or less	7	15	9½
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity exceeding 1,030 degrees—			
For the first 1,030 degrees	7	15	9½
For every additional degree in excess of 1,030 degrees		6	7½

And so in proportion for any less number of gallons.

PART IV

RATE OF CUSTOMS DUTY IN CASE OF BEER NOT BEING AN EMPIRE PRODUCT

	£	s.	d.
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity of 1,030 degrees or less	8	15	9½
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity exceeding 1,030 degrees—			
For the first 1,030 degrees	8	15	9½
For every additional degree in excess of 1,030 degrees		6	7½

And so in proportion for any less number of gallons.

2ND SCH. —*cont.*

PART V

RATE OF CUSTOMS DRAWBACK IN CASE OF BEER BEING AN EMPIRE PRODUCT

	£	s.	d.
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity of 1,030 degrees or less	7	15	6½
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity exceeding 1,030 degrees—			
For the first 1,030 degrees	7	15	6½
For every additional degree in excess of 1,030 degrees		6	7½

And so in proportion for any less number of gallons.

As respects beer the worts whereof were, before fermentation, of a specific gravity of less than 1,030 degrees, the amount of drawback allowable shall not exceed the amount of duty which is shown to the satisfaction of the Commissioners to have been paid, less threepence for every 36 gallons.

PART VI

RATE OF CUSTOMS DRAWBACK IN CASE OF BEER NOT BEING AN EMPIRE PRODUCT

	£	s.	d.
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity of 1,030 degrees or less	8	15	6½
For every 36 gallons the worts whereof were, before fermentation, of a specific gravity exceeding 1,030 degrees—			
For the first 1,030 degrees	8	15	6½
For every additional degree in excess of 1,030 degrees		6	7½

And so in proportion for any less number of gallons.

As respects beer the worts whereof were, before fermentation, of a specific gravity of less than 1,030 degrees, the amount of drawback allowable shall not exceed the amount of duty which is shown to the satisfaction of the Commissioners to have been paid, less threepence for every 36 gallons.

Section 13.

THIRD SCHEDULE

SECTION 4 (2) OF THE VEHICLES (EXCISE) ACT, 1949, AS AMENDED

(2) This section applies to the following mechanically propelled vehicles, that is to say—

(*a*) locomotive ploughing engines, tractors, agricultural tractors and other agricultural engines, which are not used on public roads for hauling any objects, except as follows, that is to say—

(i) for hauling their own necessary gear, threshing appliances, farming implements, a living van for the accommodation of persons employed in connection with the vehicle, or supplies of water or fuel required for the purposes of the vehicle or for agricultural purposes;

(ii) for hauling from one part of a farm to another part of that farm, agricultural or woodland produce of, or articles required for, the farm;

(iii) for hauling, within fifteen miles of a farm in the occupation of the person in whose name the vehicle is registered under this Act, agricultural or woodland produce of that farm, or agricultural or woodland produce of land occupied with that farm, or fuel required for any purpose on that farm or for domestic purposes by persons employed on that farm by the occupier of the farm;

(iv) for hauling articles required for a farm by the person in whose name the vehicle is registered under this Act, being either the owner or occupier of the farm or a contractor engaged to do agricultural work on the farm by the owner or occupier of the farm, or for hauling articles required by that person for land occupied by him with a farm;

(v) for hauling, within fifteen miles of a forestry estate in the occupation of the person in whose name the vehicle is registered under this Act, agricultural or woodland produce of that estate or fuel required for any purpose on that estate or for domestic purposes by persons employed on that estate by the occupier of the estate, or for hauling articles required for such a forestry estate by the occupier of the estate;

(*b*) vehicles designed, constructed and used for the purpose of trench digging or any kind of excavating or shovelling work, which—

(i) are used on public roads only for that purpose or for the purpose of proceeding to and from the place where they are to be used for that purpose; and

(ii) when so proceeding, neither carry nor haul any load other than such as is necessary for their propulsion or equipment;

(*c*) vehicles designed and constructed as mobile cranes which—

(i) are used on public roads only either as cranes in connection with work being carried on on a site in the immediate vicinity or for the purpose of proceeding to and from a place where they are to be used as cranes; and

(ii) when so proceeding neither carry nor haul any load other than such as is necessary for their propulsion or equipment;

(*d*) mowing machines;

(*f*) vehicles (other than vehicles mentioned in paragraphs (*a*) to (*d*) of this subsection) which are constructed and used on public roads for haulage solely and not for the purpose of carrying or having superimposed upon them any load except such as is necessary for their propulsion or equipment.

Section 14.

FOURTH SCHEDULE

ENTERTAINMENTS—FULL RATES OF DUTY

Amount of Payment Where the amount of the payment, excluding the amount of duty—						*Rate of Duty*
	s. d.		s. d.			s. d.
exceeds	7	and does not exceed	8	...	...	1
exceeds	8	and does not exceed	8½	...	...	1½
exceeds	8½	and does not exceed	9	...	...	3
exceeds	9	and does not exceed	10½	...	...	4½
exceeds	10½	and does not exceed	11½	...	...	6½
exceeds	11½	and does not exceed	1 0½	...	...	8½
exceeds	1 0½	and does not exceed	1 1	...	...	9
exceeds	1 1	and does not exceed	1 4½	...	...	10½
exceeds	1 4½	and does not exceed	1 5	...	..	11
exceeds	1 5	and does not exceed	1 8	...	...	1 1
exceeds	1 8	and does not exceed	1 8½	...	...	1 1½
exceeds	1 8½	and does not exceed	1 9	...	...	1 3
exceeds	1 9	and does not exceed	1 9½	...	...	1 3½
exceeds	1 9½	and does not exceed	2 0	...	...	1 6
exceeds	2 0	and does not exceed	2 0½	...	...	1 6½
exceeds	2 0½	and does not exceed	2 2	...	...	1 7
exceeds	2 2	and does not exceed	2 2½	...	...	1 7½
exceeds	2 2½	and does not exceed	2 6	...	...	2 0
exceeds	2 6	and does not exceed	2 6½	...	...	2 0½
exceeds	2 6½	and does not exceed	3 0	...	...	2 6
exceeds	3 0	and does not exceed	3 0½	...	...	2 6½
exceeds	3 0½	and does not exceed	3 5	...	...	2 7
exceeds	3 5	and does not exceed	3 5½	...	...	2 7½
exceeds	3 5½	and does not exceed	4 2	...	...	3 4
exceeds	4 2	and does not exceed	4 2½	...	...	3 4½
exceeds	4 2½	and does not exceed	4 11	...	...	4 2
exceeds	4 11	and does not exceed	5 5	...	...	4 7
exceeds	5 5	and does not exceed	5 11	...	...	5 0
exceeds	5 11	and does not exceed	6 5	...	...	5 2
exceeds	6 5	and does not exceed	6 11	...	...	5 10
exceeds	6 11	... ...		...		5 10 for the first 6s. 11d. and 5d. for every 6d. or part of 6d. over 6s. 11d.

FIFTH SCHEDULE

Section 18.

PURCHASE TAX: SUPPLEMENTARY PROVISIONS AS TO ROAD VEHICLE CHASSIS AND ROAD VEHICLES

PART I

PROVISIONS DEALING WITH TAX IN RESPECT OF ROAD VEHICLE CHASSIS

1.—(1) Purchase tax in respect of a road vehicle chassis shall be chargeable on the wholesale value of the chassis complete but without additions, and for the purposes of section twenty-one of the Finance (No. 2) Act, 1940 (which relates to the determination of wholesale value), any chassis in respect of which tax is chargeable shall be assumed to be in that state.

(2) The following shall be deemed to be additions to a chassis for the purposes of this paragraph, namely—

(*a*) a driver's cab;

(*b*) accumulators used for the purpose of the supply of power for propulsion;

(*c*) in the case of a chassis for a tractor or locomotive designed for use as a component of a composite vehicle, a turntable, coupling gear or equivalent mechanism.

(3) Subject to the last foregoing sub-paragraph, it shall be for the Commissioners to determine for any chassis or type of chassis what parts and accessories are, for the purposes of this paragraph, to be deemed to belong to a complete chassis or to be additions thereto, and what type of any part or accessory deemed to belong to a complete chassis a chassis lacking that part or accessory is to be treated for those purposes as having.

(4) In exercising their powers under the last foregoing sub-paragraph, the Commissioners shall wherever practicable have regard to any standard commercial specification for the type of chassis in question.

2. The fitting to a road vehicle chassis of items deemed to be additions thereto for the purposes of the foregoing paragraph shall not be treated as the application of a chargeable process.

3.—(1) In relation to road vehicle chassis, the enactments relating to purchase tax shall have effect as if—

(*a*) any dealing with a goods vehicle (and in particular any purchase, appropriation or application, or importation thereof) were a dealing with the vehicle's chassis; and

(*b*) goods vehicles were chargeable goods for the purposes of any reference to a business of, or a business including, the selling, or the letting out on hire, of chargeable goods;

and the fact that a chassis forms part of a vehicle shall not affect the operation in relation to the chassis of references in the said enactments to goods resulting from the application of a process, if when the process is completed the vehicle is a goods vehicle.

5TH SCH. —*cont.*

(2) In this paragraph the expression "goods vehicle" means a mechanically propelled road vehicle constructed or adapted for use for the carriage or haulage of goods or burden of any description not forming part of the vehicle or necessary for its propulsion or equipment, but does not include—

(*a*) vehicles which are chargeable goods under Group 35 in Part I of the Eighth Schedule to the Finance Act, 1948;

(*b*) vehicles which are constructed or adapted mainly for the carriage of passengers but are exempt from purchase tax under paragraph (*c*) of that Group;

(*c*) vehicles of the following descriptions which are designed and permanently fitted solely or mainly for a function other than the carriage of passengers or goods—

(i) mobile cinemas, sound film production vehicles, television production vehicles and recording vans;

(ii) mobile canteens and shops, mobile clinics and travelling libraries;

(iii) mobile printing presses and other mobile workshops;

(iv) hearses;

(v) gully emptiers, road cleansing, road watering and refuse collecting vehicles;

(vi) travelling lavatories and wash places;

(vii) breakdown vehicles fitted with a jib crane;

(viii) engineering plant;

(*d*) tractors and locomotives, except tractors or locomotives designed for use as components of a composite vehicle;

(*e*) industrial and works trucks designed primarily for use in factories, docks, yards, railway stations or warehouses;

(*f*) wheeled vehicles which drive through all road wheels and are of less than 30 cwt. unladen weight;

(*g*) pedestrian controlled vehicles;

(*h*) caravans.

(3) The Treasury shall have power by order to amend sub-paragraph (2) of this paragraph, and subsections (3) to (6) of section twenty-one of the Finance Act, 1948 (which provide for approval or annulment by the House of Commons and other matters in the case of orders under that section), shall apply to orders under this sub-paragraph as they apply to those orders.

4. Where the Commissioners are satisfied—

(*a*) that purchase tax has become chargeable in respect of a road vehicle chassis;

(*b*) that the chassis has been used for the construction of a vehicle which is neither a goods vehicle within the meaning of the last foregoing paragraph nor a vehicle falling within paragraph (*a*) or (*d*) of sub-paragraph (2) of that paragraph; and

(*c*) that the chassis has not previously been used for the construction of a vehicle;

the purchase tax chargeable in respect of the chassis shall be remitted or, if it has been paid, shall be repaid.

PART II

PROVISIONS ADJUSTING CONTRACTUAL RIGHTS IN RELATION TO PURCHASE TAX IN RESPECT OF ROAD VEHICLES

1.—(1) This Part of this Schedule applies to vehicles of the following description, that is to say:—

road vehicles constructed or adapted for use for the carriage or haulage of goods or burden of any description not forming part of the vehicle or necessary for its propulsion or equipment, being either mechanically propelled vehicles or vehicles designed for use as components of a composite vehicle which is mechanically propelled, and not being vehicles in respect of which purchase tax has become chargeable nor vehicles of the kinds mentioned in paragraphs (*b*), (*c*), (*d*), (*e*) and (*h*) of sub-paragraph (2) of paragraph 3 of Part I of this Schedule;

but applies to a vehicle of that description only where purchase tax would have become chargeable in respect of it if vehicles of that description had been made chargeable goods as from the first day of May, nineteen hundred and fifty.

(2) Any reference in this Part of this Schedule to a prospective liability by virtue of this Act to purchase tax shall be taken as a reference to a prospective liability to purchase tax arising from the charge of purchase tax on certain vehicles which was provided for by a resolution passed by the Committee of Ways and Means of the House of Commons on budget day.

(3) In this Part of this Schedule, the expression " relevant vehicle " means a vehicle to which this Part of this Schedule applies, the expression " budget day " means the eighteenth day of April, nineteen hundred and fifty, and the expression " process of manufacture " has the same meaning as in section sixteen of the Finance Act, 1946.

2. Subject to paragraph 5 of this Part of this Schedule, where a relevant vehicle was sold in the course of a business under a purchase made after budget day and before the date of the passing of this Act at a price exceeding the price at which, in the ordinary course of that business, similar vehicles were sold or offered for sale immediately before budget day, the buyer shall be entitled to deduct from the price, or (if he has paid the price) to recover from the seller as money received

5TH SCH. —*cont.*

by him for the use of the buyer, an amount equal to the excess, except in so far as the seller proves that the excess was included in the price by reference to matters other than—

(*a*) his prospective liability by virtue of this Act to purchase tax in respect of the vehicle; or

(*b*) any increase attributable to the prospective liability as aforesaid of any other person in the price charged to the seller on a contract made by him after budget day for the purchase of the vehicle or for the application of a process of manufacture resulting in the vehicle.

3. Subject as aforesaid, where a relevant vehicle was sold under a purchase made on or before budget day and was delivered under the purchase on or after the first day of May, nineteen hundred and fifty, but before the date of the passing of this Act, and the seller has recovered from the buyer, as an addition to the price, any sum fixed by reference to his prospective liability by virtue of this Act to purchase tax in respect of the vehicle, the buyer shall be entitled to recover that sum from the seller as money received by him for the use of the buyer.

4. The two last foregoing paragraphs shall apply where a contract (not being a contract of sale) was made for the application of a process of manufacture resulting in a relevant vehicle, as they would have applied if the contract had been a contract for the sale of the vehicle to the person to whose order the process is applied by the person applying it to his order, but with the substitution—

(*a*) in paragraph 2 for the reference to similar vehicles being sold or offered for sale of a reference to contracts for similar operations being made or invited; and

(*b*) in paragraph 3 for the reference to the vehicle being delivered of a reference to the process being completed.

5.—(1) Where, in the case of a relevant vehicle, a transaction giving rise to any such prospective liability to purchase tax as is referred to in the foregoing provisions of this Part of this Schedule was one by reason of which purchase tax is chargeable in respect of the vehicle's chassis, any amount which apart from this paragraph might be deducted or recovered under those provisions as referable to that prospective liability, or to an increase of price attributable to that prospective liability, shall be reduced by the amount of the tax so chargeable.

(2) A person shall not be entitled to recover under subsection (2) of section twenty-four of the Finance Act, 1948, any tax in respect of which he is entitled to a reduction under the foregoing sub-paragraph.

SIXTH SCHEDULE

Section 36.

DOUBLE TAXATION RELIEF

PART I

PROVISIONS FOR CREDIT BY WAY OF UNILATERAL RELIEF

1. Credit for tax paid under the law of the territory outside the United Kingdom in respect of income arising in that territory shall be allowed against any United Kingdom income tax or profits tax chargeable in respect of that income:

Provided that—

(*a*) where the territory is the Isle of Man or any of the Channel Islands, the limitation to income arising in the territory shall not apply;

(*b*) where arrangements with the Government of the territory are for the time being in force by virtue of Part V of the Finance (No. 2) Act, 1945, credit for tax paid under the law of the territory shall not be allowable under this paragraph in the case of any income if any credit for that tax is allowable under those arrangements in the case of that income.

2. Profits from or remuneration for personal or professional services performed in the territory shall be deemed to be income arising in the territory for the purpose of the preceding paragraph.

3. Where a dividend paid by a company resident in the territory is paid to a company resident in the United Kingdom which controls, directly or indirectly, not less than one half of the voting power in the company paying the dividend, tax paid under the law of the territory by the first mentioned company in respect of its profits shall be taken into account in considering whether any, and if so what, credit is to be allowed in respect of the dividend.

4. The following provisions shall, without prejudice to the generality of the last preceding paragraph, have effect where the territory is within the Commonwealth territories—

(*a*) where the income arising in the territory is an ordinary dividend paid by a company which is resident in the territory, tax paid under the law of the territory by the company in respect of its profits shall be taken into account in considering whether any, and if so what, credit is to be allowed in respect of the dividend; and

(*b*) where the income arising in the territory is a dividend paid by a company resident in the territory on participating preference shares and represents both a dividend at the fixed rate to which the shares are entitled and an additional participation in profits, sub-paragraph (*a*) of this paragraph shall apply in relation to so much of the dividend as represents the said additional participation in profits as if that part of the dividend were an ordinary dividend.

6TH SCH. —*cont.*

PART II

AMENDMENTS OF NINTH SCHEDULE TO THE FINANCE ACT, 1947, APPLICABLE TO UNILATERAL RELIEF

1. Notwithstanding anything in paragraph 3 of Part I of the Ninth Schedule to the Finance Act, 1947 (which provides that relief by way of credit shall be given only where the person in question is resident in the United Kingdom),—

(*a*) credit by way of unilateral relief for tax paid under the law of the Isle of Man or any of the Channel Islands may be allowed if the person in question is, for the chargeable accounting period or year of assessment in question, resident either in the United Kingdom or in the Isle of Man or the Channel Islands, as the case may be;

(*b*) credit by way of unilateral relief for tax paid under the law of any territory in respect of income from an office or employment of profit the duties whereof are performed wholly or mainly in that territory may be allowed against income tax chargeable under Schedule E in respect of that income if the person in question is, for the year of assessment in question, resident either in the United Kingdom or that territory.

2. In sub-paragraph (3) of paragraph 7 of the said Part I (which provides that tax which can be allowed as a credit neither against income tax nor against the profits tax shall be allowed as a deduction in computing the amount of the income chargeable to the profits tax), after the words " the amount of the income," where they last occur, there shall, in relation to credit by way of unilateral relief, be deemed to be inserted the words " of the trade or business in question for the chargeable accounting period next following the period on the income of which the foreign tax was paid."

PART III

TRANSITIONAL PROVISIONS

1. Where tax is paid under the law of a territory outside the United Kingdom in respect of income which, for profits tax purposes, is or forms part of the profits for a chargeable accounting period ending at or before the end of March, nineteen hundred and fifty—

(*a*) credit for the tax so paid shall not be allowed by way of unilateral relief against the profits tax; and

(*b*) the tax so paid may be deducted in computing the amount of the profits for profits tax purposes notwithstanding that credit (being credit by way of unilateral relief) falls to be allowed therefor against income tax; and

(*c*) where the income is, for income tax purposes, income of the year 1950–51, sub-paragraph (3) of paragraph 7 of Part I of the Ninth Schedule to the Finance Act, 1947, as modified by paragraph 2 of Part II of this Schedule, shall apply or not apply in relation to so much of the tax so paid as cannot

be allowed as a credit against income tax according as the next chargeable accounting period of the trade or business in question does or does not end after the said end of March:

Provided that where the said next chargeable accounting period falls partly before and partly after the said end of March, the tax which would, but for this proviso, go to reduce the amount of the profits for the said next chargeable accounting period shall be apportioned between the two parts of the said next chargeable accounting period, and so much only of that tax as is apportioned to the second part of the period shall go to reduce the profits for that period.

2. Where tax is paid under the law of a territory outside the United Kingdom in respect of income which, for profits tax purposes, is or forms part of the profits for a chargeable accounting period falling partly before and partly after the said end of March, the tax so paid shall be apportioned between the two parts of the period, and sub-paragraphs (*a*) and (*b*) of paragraph 1 of this Part of this Schedule shall apply in relation to the tax apportioned to the first part of the period as they apply in relation to income which, for profits tax purposes, is or forms part of the profits for a chargeable accounting period ending at or before the said end of March.

3. Profits tax for any chargeable accounting period ending at or before the said end of March shall be left out of account in ascertaining, under the proviso to subsection (2) of section thirty-six of this Act, the total amount of the credit by way of unilateral relief which may be allowed in respect of any tax.

4. Profits tax for any chargeable accounting period falling partly before and partly after the said end of March shall be apportioned between the two parts of the period and—

(*a*) the credit by way of unilateral relief to be applied in reducing the amount of the profits tax for that period shall not exceed so much of the profits tax as is apportioned to the second part of the period; and

(*b*) paragraph 3 of this Part of this Schedule shall apply in relation to so much of the profits tax as is apportioned to the first part of the period as it applies in relation to profits tax for a chargeable accounting period ending at or before the said end of March.

5. Any apportionment falling to be made under this Part of this Schedule of—

(*a*) tax which would, but for the proviso to paragraph 1 thereof, go to reduce profits for a chargeable accounting period falling partly before and partly after the said end of March; or

(*b*) tax paid under the law of a territory outside the United Kingdom in respect of income which, for profits tax purposes, is or forms part of the profits for any such chargeable accounting period; or

(*c*) profits tax for any such chargeable accounting period,

shall be made by reference to the number of months or fractions of a month in the two parts of the chargeable accounting period.

Section 43.

SEVENTH SCHEDULE

SECTION 43 (1) AND (2) OF THE FINANCE ACT, 1940

PART I

AMENDMENTS

1.—(1) In subsection (1), immediately before paragraph (*a*), there shall be inserted the words " and the disposition or determination (or any of them if there are more than one) is not excepted by subsection (2) of this section, then ".

(2) In paragraph (*a*) and in paragraph (*b*) of subsection (1) for the words " apart from the disposition or determination " there shall be substituted the words " had there been no disposition or determination as aforesaid of that interest and no disposition of any interest expectant upon or subject to that interest ".

2.—(1) In subsection (2) for the words " the relevant disposition or determination " there shall be substituted the words " a disposition or determination of an interest limited to cease on the death ".

(2) In subsection (2) for the words " the preceding subsection shall not have effect " there shall be substituted the words " the disposition or determination shall be excepted by this subsection ".

(3) In paragraph (*a*) of subsection (2) before the word " had " there shall be inserted the words " immediately before the disposition or determination ".

PART II

SECTION 43 (1) AND (2) AS AMENDED

(1) Subject to the provisions of this section, where an interest limited to cease on a death has been disposed of or has determined, whether by surrender, assurance, divesting, forfeiture or in any other manner (except by the expiration of a fixed period at the expiration of which the interest was limited to cease), whether wholly or partly, and whether for value or not, after becoming an interest in possession, and the disposition or determination (or any of them if there are more than one) is not excepted by subsection (2) of this section, then—

(*a*) if, had there been no disposition or determination as aforesaid of that interest and no disposition of any interest expectant upon or subject to that interest, the property in which the interest subsisted would have passed on the death under section one of the Finance Act, 1894, that property shall be deemed by virtue of this section to be included as to the whole thereof in the property passing on the death; or

(*b*) if, had there been no disposition or determination as aforesaid of that interest and no disposition of any interest expectant upon or subject to that interest, the property in which the interest subsisted would have been deemed by virtue of paragraph (*b*) of subsection (1) of section two of the said Act to be included to a particular extent in the property

7TH SCH. —*cont.*

passing on the death, the property in which the interest subsisted shall be deemed by virtue of this section to be included to that extent in the property passing on the death.

(2) Where a disposition or determination of an interest limited to cease on the death was bona fide effected or suffered five years before the death (or, if it was effected or suffered for public or charitable purposes, one year before the death), the disposition or determination shall be excepted by this subsection—

(*a*) if bona fide possession and enjoyment of the property in which the interest subsisted was assumed immediately thereafter by the person becoming entitled by virtue of or upon the disposition or determination and thenceforward retained to the entire exclusion of the person who immediately before the disposition or determination had the interest and of any benefit to him by contract or otherwise; or

(*b*) in the case of a partial determination, if the conditions specified in the preceding paragraph were not satisfied by reason only of the retention or enjoyment by the deceased of possession of some part of the property, or of some benefit, by virtue of the provisions of the instrument under which he had the interest:

Provided that nothing in this subsection shall be construed as affecting any charge of estate duty arising otherwise than by virtue of the provisions of the preceding subsection.

EIGHTH SCHEDULE

Section 50.

ENACTMENTS REPEALED

PART I

REPEALS HAVING EFFECT FROM BEGINNING OF 1951

Reference	Short Title	Extent of Repeal
2 & 3 Geo. 6. c. 41.	The Finance Act, 1939 ...	Section ten.
3 & 4 Geo. 6. c. 29.	The Finance Act, 1940 ...	Section nine.
5 & 6 Geo. 6. c. 21.	The Finance Act, 1942 ...	Section eight.
6 & 7 Geo. 6. c. 28.	The Finance Act, 1943 ...	Section eight.
9 & 10 Geo. 6. c. 13.	The Finance (No. 2) Act. 1945.	Section seven.
10 & 11 Geo. 6. c. 35.	The Finance Act, 1947 ...	Subsections (2) to (4) of section eight.
12, 13 & 14 Geo. 6. c. 89.	The Vehicles (Excise) Act, 1949.	Paragraph (*e*) of subsection (2) of section four; subsection (4) of section thirty; paragraph 5 of the Third Schedule; paragraph 1 of the Sixth Schedule.

8TH SCH. —*cont.*

PART II

MISCELLANEOUS REPEALS

Reference	Short Title	Extent of Repeal
39 & 40 Vict. c. 36.	The Customs Consolidation Act, 1876.	As from the coming into force of regulations under section twenty of this Act and subject to any transitional provisions in those regulations, sections one hundred and twenty-one to one hundred and twenty-five.
8 & 9 Geo. 5. c. 40.	The Income Tax Act, 1918.	In paragraph (*c*) of subsection (1) of section one hundred and three, the words " living with her husband, or a married woman whose husband is not accountable for the payment of any tax charged on her "; section one hundred and seventy-one ; in section two hundred and thirty-seven, in the definition of the expression " incapacitated person " the words " married woman "; Rule 16 of the General Rules.
10 & 11 Geo. 5. c. 18.	The Finance Act, 1920 ...	Section twenty-five.
15 & 16 Geo. 5. c. 36.	The Finance Act, 1925 ...	The proviso to subsection (3) of section fifteen.
17 & 18 Geo. 5. c. 10.	The Finance Act, 1927 ...	In section forty-six, the words " twenty-five and "; and, in Part II of the Fifth Schedule, the amendments of section twenty-five of the Finance Act, 1920.
23 & 24 Geo. 5. c. 19.	The Finance Act, 1933 ...	Section ten.
25 & 26 Geo. 5. c. 24.	The Finance Act, 1935 ...	In subsection (4) of section two the words " in the case of imported oils ".
1 & 2 Geo. 6. c. 46.	The Finance Act, 1938 ...	Section one.
7 & 8 Geo. 6. c. 23.	The Finance Act, 1944 ...	Subsection (2) of section two.
9 & 10 Geo. 6. c. 13.	The Finance (No. 2) Act, 1945.	Section three; paragraphs (*a*) and (*b*) of subsection (5) of section eight; the proviso to section eleven.
10 & 11 Geo. 6. c. 35.	The Finance Act, 1947 ...	Section one except subsection (3); Part II of the Fourth Schedule.
11 & 12 Geo. 6. c. 49.	The Finance Act, 1948 ...	Subsection (5) of section twenty; in Group 35 in Part I of the Eighth Schedule, sub-paragraphs (i) to (iii) of paragraph (*a*), except the word 'First' where last occurring.

8TH SCH. —*cont.*

Reference	Short Title	Extent of Repeal
12, 13 & 14 Geo. 6. c. 47.	The Finance Act, 1949 ...	Section two and the First Schedule, except as respects any drawback to which the proviso to subsection (1) of section six of this Act applies; section nine, except as respects entertainments held before the appointed day within the meaning of section fourteen of this Act.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Sinking Fund Act, 1875	38 & 39 Vict. c. 45.
Customs Consolidation Act, 1876	39 & 40 Vict. c. 36.
Stamp Duties Management Act, 1891	54 & 55 Vict. c. 38.
Stamp Act, 1891	54 & 55 Vict. c. 39.
Finance Act, 1894	57 & 58 Vict. c. 30.
Finance Act, 1900	63 & 64 Vict. c. 7.
Finance (1909–10) Act, 1910	10 Edw. 7 & 1 Geo. 5. c. 8.
Income Tax Act, 1918	8 & 9 Geo. 5. c. 40.
Finance Act, 1920	10 & 11 Geo. 5. c. 18.
Safeguarding of Industries Act, 1921	11 & 12 Geo. 5. c. 47.
Finance Act, 1923	13 & 14 Geo. 5. c. 14.
Settled Land Act, 1925	15 & 16 Geo. 5. c. 18.
Finance Act, 1925	15 & 16 Geo. 5. c. 36.
Finance Act, 1927	17 & 18 Geo. 5. c. 10.
Finance Act, 1928	18 & 19 Geo. 5. c. 17.
Finance Act, 1930	20 & 21 Geo. 5. c. 28.
Finance (No. 2) Act, 1931	21 & 22 Geo. 5. c. 28.
Import Duties Act, 1932	22 & 23 Geo. 5. c. 8.
Finance Act, 1932	22 & 23 Geo. 5. c. 25.
Ottawa Agreements Act, 1932	22 & 23 Geo. 5. c. 53.
Finance Act, 1933	23 & 24 Geo. 5. c. 19.
Finance Act, 1934	24 & 25 Geo. 5. c. 32.
Finance Act, 1935	25 & 26 Geo. 5. c. 24.
Finance Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 34.
Beef and Veal Customs Duties Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 8.
Finance Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 54.
Finance Act, 1938	1 & 2 Geo. 6. c. 46.
Finance Act, 1939	2 & 3 Geo. 6. c. 41.
Finance (No. 2) Act, 1939	2 & 3 Geo. 6. c. 109.
Finance Act, 1940	3 & 4 Geo. 6. c. 29.
Finance (No. 2) Act, 1940	3 & 4 Geo. 6. c. 48.
Finance Act, 1942	5 & 6 Geo. 6. c. 21.
Finance Act, 1943	6 & 7 Geo. 6. c. 28.
Finance Act, 1944	7 & 8 Geo. 6. c. 23.
Income Tax Act, 1945	8 & 9 Geo. 6. c. 32.

Short Title	Session and Chapter
Finance (No. 2) Act, 1945	9 & 10 Geo. 6. c. 13.
Finance Act, 1946	9 & 10 Geo. 6. c. 64.
Finance Act, 1947	10 & 11 Geo. 6. c. 35.
Crown Proceedings Act, 1947	10 & 11 Geo. 6. c. 44.
Finance (No. 2) Act, 1947	11 & 12 Geo. 6. c. 9.
Finance Act, 1948	11 & 12 Geo. 6. c. 49.
Finance Act, 1949	12, 13 & 14 Geo. 6. c. 47.
Distribution of German Enemy Property Act, 1949	12, 13 & 14 Geo. 6. c. 85.
Vehicles (Excise) Act, 1949	12, 13 & 14 Geo. 6. c. 89.

CHAPTER 16

Appropriation Act, 1950

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-one and to appropriate the supplies granted in this Session of Parliament. [28th July, 1950.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King'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:—

GRANT OUT OF CONSOLIDATED FUND

Issue of £1,857,265,078 out of the Consolidated Fund for the service of the year ending 31st March, 1951.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March one thousand nine hundred and fifty-one, the sum of one thousand eight hundred and fifty-seven million, two hundred and sixty-five thousand and seventy-eight pounds.