CHAPTER 27

An Act to make further provision as to compensation for any loss or damage occasioned to fishing nets or gear detained by sea fishery officers in Scotland.

[30th April, 1959]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Compensation. 58 & 59 Vict. c. 42.

1.—The provisions in subsection (2) of section nine of the Sea Fisheries Regulation (Scotland) Act, 1895, relating to compensation for any loss or damage occasioned to any net seized under that section where no conviction follows for an offence against byelaws made thereunder, shall apply to any net or gear detained by a sea fishery officer in the exercise of his powers in relation to any byelaws made under section four of the Sea Fisheries (Scotland) Amendment Act, 1885, where no conviction follows for an offence against such byelaws. 48 & 49 Vict. c. 70.

Interpretation, short title and extent.

2.—(1) Any reference in this Act to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

(2) This Act may be cited as the Sea Fisheries (Compensation) (Scotland) Act, 1959.

(3) This Act shall extend only to Scotland.

CHAPTER 28

Income Tax (Repayment of Post-War Credits) Act, 1959

ARRANGEMENT OF SECTIONS

Section
1. Repayment of post-war credits.
2. Interest on post-war credits.
3. Repayment of credits to building societies.
4. Payments out of Consolidated Fund and moneys provided by Parliament, and power to borrow.
5. Regulations.
6. Short title and interpretation.

An Act to make further provision for the repayment of post-war credits (including credits to building societies), and to provide for the payment of interest thereon.

[30th April, 1959]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Repayment of post-war credits.

1.—(1) Subject to the provisions of this section, where a written application has been made to the Commissioners of Inland Revenue, in the form required by them, satisfying them of the applicant's title to a post-war credit and of his being on the date of the application qualified to receive repayment of the credit, the Commissioners shall as soon as may be pay the amount of the credit to him.

(2) The qualifications to receive repayment of post-war credits shall be such as may be prescribed by the Treasury, whether by reference to the applicant or to any predecessor in title of his to the credit, and qualifications may be prescribed so as to depend on the circumstances in which the applicant or any predecessor in title of his became entitled to the credit.

(3) For the purposes of this section a person shall be treated as having been at any time entitled to a credit if under subsection (1) of section seven of the Finance Act, 1941 he would have been entitled to have it credited to him if that time had been the date fixed by the Treasury under that subsection.

(4) No payment shall be made by virtue of this section before the first day of June, nineteen hundred and fifty-nine; but anything done before the commencement of this Act with a view to obtaining or making payment on or as soon as may be after the said first day of June shall, if done at any time after the third day of May, nineteen hundred and fifty-nine, be and be deemed to have been of the same effect as if this section and the regulations in force thereunder on the said first day of June had been in force at that time.

(5) It shall be a condition of the making of any payment under this section that the applicant has complied with such requirements as may be prescribed by the Treasury (whether before or after the making of the claim) for verifying his application in such manner as may be so prescribed or required by the Commissioners of Inland Revenue.

(6) If any person, in or in connection with an application under this section, makes a statement which he knows to be false in any material particular, or recklessly makes any statement which is false in any material particular, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine.

(7) Section twenty-six of the Finance Act, 1946, section sixteen of the Finance Act, 1947 and subsections (1), (3), (4) and (6) of section fifteen of the Finance Act, 1954 shall cease to have effect, but without prejudice to their operation as respects any application under the said section twenty-six made before the first day of June, nineteen hundred and fifty-nine.

Interest on post-war credits.

2.—(1) In respect of post-war credits not repaid before the first day of November, nineteen hundred and fifty-nine compound interest shall accrue calculated at the rate of two and a half per cent. per annum from the beginning of October, nineteen hundred and fifty-nine with yearly rests, fractions of a pound in the amount on which interest is calculated being disregarded.

(2) Interest under this section shall be payable by the Commissioners of Inland Revenue on the repayment of the post-war credit, and to the person to whom the repayment is made, as if it were part of the credit, and shall cease to accrue at the end of the last full month before the month in which the order for the repayment is issued.

(3) Notwithstanding anything in the foregoing provisions of this section—

(*a*) no interest shall accrue in respect of a post-war credit if at any time before the first day of June, nineteen hundred and fifty-nine some person fulfilled the conditions which (subject to the necessary application and to satisfying the Commissioners of Inland Revenue) entitled him under any of the enactments repealed by this Act to repayment of the credit, or if at any time on or after that day and before the first day of October, nineteen hundred and fifty-nine some person was qualified under the foregoing section to receive repayment of the credit;

(*b*) interest shall not continue to accrue for more than two months after the end of the earliest month in which some person was qualified as aforesaid.

(4) Interest under this section shall be disregarded for all the purposes of income tax.

Repayment of credits to building societies.

3.—(1) Whereas for the year 1941–42 and each of the four next following years arrangements were made contemplating the crediting or payment to certain building societies, at the date fixed by the Treasury under subsection (1) of section seven of the Finance Act, 1941 for the crediting of post-war credits, of amounts ascertained by reference to the composite rate specified in the arrangements for ascertaining the actual liability of a society to income tax and a lower composite rate specified in the arrangements:

Now, therefore, in lieu of the contemplated crediting or payment the Commissioners of Inland Revenue shall pay to each of the societies, at such time as may be prescribed by the Treasury or by such instalments at such times as may be so prescribed, an amount equal to the excess (if any) of the tax paid by the society in respect of the said five years over the tax which would have been payable by the society if the lower composite rates had been substituted for the higher composite rates.

(2) In the case of any union of building societies or transfer of the engagements of one society to another, whether effected during the said five years or subsequently (either before or after the passing of this Act), references in the foregoing subsection to a society shall include references to any predecessor or successor, as the case may require.

(3) The following provisions shall have effect as respects assignments:—

(*a*) where, if effect had been given to the arrangements mentioned in subsection (1) of this section and the date fixed as therein mentioned had been the ninth day of April, nineteen hundred and fifty-nine, an assignee, other than a successor on such a union or transfer as aforesaid, would have been entitled to any such credit or payment as is mentioned in that subsection, payment under that subsection, instead of being made to the building society or its successor, shall be made to the assignee or a person claiming under him;

(*b*) no assignment by a building society of its right to receive payment under this section, whether made before or after the commencement of this Act, shall have effect unless either the society has been united with, or transferred its engagements to, another building society and that other society was the assignee, or the assigning society has been dissolved without any such union or transfer and the assignee was a building society.

(4) The foregoing section shall with the necessary modifications apply to so much of any amount to be paid under this section as is for the time being outstanding as it applies to post-war credits, but as if for subsection (3) there were substituted a provision that interest shall not continue to accrue on any amount or instalment for more than two months after the end of the month in which the time prescribed for its payment fell; and interest payable by virtue of this subsection shall be disregarded for the purposes of the profits tax.

(5) In this section—

"assignment" includes a charge and an agreement for an assignment or charge, and "assignee" shall be construed accordingly;

"building society" means a society incorporated under the Building Societies Act, 1874, or such an unincorporated society as is mentioned in section seven of that Act, and in relation to any arrangements, union, transfer or assignment includes a company within the meaning of the Companies Act, 1948 which at the relevant time carried on a business which, in the opinion of the Commissioners of Inland Revenue, was similar to that carried on by a building society.

Payments out of Consolidated Fund and moneys provided by Parliament, and power to borrow.

4.—(1) Any interest payable under this Act shall be charged on and payable out of the Consolidated Fund, and such sums as are required by the Commissioners of Inland Revenue for the purpose of making payments under this Act other than payments of interest shall be issued to them out of the Consolidated Fund.

(2) For the purpose of providing or replacing any such sums as aforesaid the Treasury may raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.

(3) Any increase in any administrative expenses defrayed out of moneys provided by Parliament, being an increase attributable to the exercise of functions conferred by regulations under this Act, shall be paid out of moneys so provided.

Regulations.

5.—(1) The Treasury may make regulations for carrying this Act into effect and, in particular, for prescribing anything which under this Act is to be prescribed; and in this Act "prescribed" means prescribed by regulations.

(2) Regulations under this Act may contain such incidental and supplemental provisions (including provisions as to the determination of questions) as may be necessary or expedient for the

purposes of the regulations, and make different provisions for different cases or classes of case.

(3) No regulations shall be made under this section unless a draft of the regulations has been laid before the Commons House of Parliament and approved by a resolution of that House.

(4) The power to make regulations conferred by this section shall be exercisable by statutory instrument.

Short title and interpretation.

6.—(1) This Act may be cited as the Income Tax (Repayment of Post-War Credits) Act, 1959.

(2) In this Act " post-war credit " means a sum ascertained and recorded in relation to any person under section seven of the Finance Act, 1941 for any year of assessment:

Provided that where an apportionment of any such sum between a man and his wife was made under the provisions of the said section seven, or two or more persons are severally entitled to different shares of any such sum, such parts thereof shall be treated as separate post-war credits as the case may require.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Building Societies Act, 1874	37 & 38 Vict. c. 42.
National Loans Act, 1939	2 & 3 Geo. 6. c. 117.
Finance Act, 1941	4 & 5 Geo. 6. c. 30.
Finance Act, 1946	9 & 10 Geo. 6. c. 64.
Finance Act, 1947	10 & 11 Geo. 6. c. 35.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
Finance Act, 1954	2 & 3 Eliz. 2. c. 44.

CHAPTER 29

Colonial Development and Welfare (Amendment) Act, 1959

ARRANGEMENT OF SECTIONS

Section
1. Extension of provisions as to schemes for colonial development and welfare.
2. Loans for approved colonial development programmes.
3. Supplementary provisions as to loans.
4. Minor and consequential amendments.
5. Short title, repeals and commencement.