STATUTORY INSTRUMENTS

1977 No. 662

INCOME TAX

The Income Tax (Small Maintenance Payments) Order 1977

Made - - - -	*6th April* 1977
Laid before the House of Commons	*7th April* 1977
Coming into Operation	*1st May* 1977

The Treasury, in exercise of the powers conferred upon them by section 65 of the Income and Corporation Taxes Act 1970(**a**), hereby make the following Order:—

1.—(1) This Order may be cited as the Income Tax (Small Maintenance Payments) Order 1977, and shall come into operation on 1st May 1977.

(2) In this Order, "section 65(1)" means subsection (1) of section 65 of the Income and Corporation Taxes Act 1970 (which specifies certain weekly or monthly payments under an order of a court in the United Kingdom, therein and herein called "small maintenance payments", which are to be payable without deduction of income tax).

(3) The Interpretation Act 1889(**b**) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

2.—(1) The amount specified in paragraph (i)(A) of section 65(1) as that of the maximum weekly rate for small maintenance payments which are payable weekly shall, as respects payments within paragraph (*a*) of that subsection (payments for maintenance of a party to a marriage or former marriage), be increased from £12 to £21.

(2) The amount specified in paragraph (i)(B) of section 65(1) as that of the maximum monthly rate for small maintenance payments which are payable monthly shall, as respects payments within paragraph (*a*) of that subsection, be increased from £52 to £91.

3. This Order shall not affect payments falling due before 6th April 1978 under an order made before 1st May 1977:

Provided that, where an order so made is varied or revived at any time after 30th April 1977, this Order shall apply in relation to payments falling due under the order after that time.

Donald R. Coleman,
J. Dormand,
Two of the Lords Commissioners of Her Majesty's Treasury.

6th April 1977.

(**a**) 1970 c. 10. (**b**) 1889 c. 63.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Section 65 of the Income and Corporation Taxes Act 1970 provides that income tax is not to be deducted at source from certain weekly or monthly payments (called "small maintenance payments") payable under the order of a court in the United Kingdom for the maintenance of a party to a broken marriage or for the benefit, maintenance or education of a person under 21. As the law stands small maintenance payments must be payable weekly at a rate not exceeding £12 or monthly at a rate not exceeding £52. This Order increases the limits for payments for the maintenance of a party to a broken marriage to £21 and £91 respectively but leaves unchanged the limits for payments for the benefit, maintenance or education of a person under 21. It applies to all payments under orders made after 30th April 1977, to payments under orders varied or revived after that date which fall due after the variation or revival, and otherwise to payments falling due after 5 April 1978 under orders in force at 30th April, 1977.

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