ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP CXXIV.

An Act to amend the Laws relating to the Inland Revenue. [31st *July* 1868.]

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:

Penalties under Inland Revenue Acts to belong to Her Majesty.

1. All Fines, Penalties, and Forfeitures incurred under any Act relating to the Inland Revenue, and recovered after the First Day of *October* One thousand eight hundred and sixty-eight, shall go and be applied to the Use of Her Majesty, Her Heirs or Successors, anything in any Act to the contrary notwithstanding; and all such Fines and Penalties, and all such Forfeitures or the Proceeds thereof, and all Costs, Charges, and Expenses payable in respect thereof or in relation thereto respectively, shall, without any Deduction therefrom, be paid to the Commissioners of Inland Revenue, or to such Officer or Person as the said Commissioners shall appoint to receive the same.

Expenses of Prosecutions to be paid out of Supplies provided by Parliament.

2. All Costs, Charges, and Expenses attending Proceedings for Recovery of Penalties and Forfeitures incurred under any Act relating to the Inland Revenue, and all Sums of Money allowed as

as Rewards, shall be deemed to be Charges of Collection and Management, and shall be paid by the Commissioners of Inland Revenue out of such Aids or Supplies as may be from Time to Time provided and appropriated by Parliament for the Purpose.

Condition in Distillers Bond, specifying Time for using Duty-free Sugar, &c., may be dispensed with or altered.

3. In any Case in which a Bond is to be given by a Distiller under the Provisions of the Fifty-fourth Section of the Act of the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter One hundred and fourteen, it shall be lawful for the Commissioners of Inland Revenue, or the Commissioners of Customs, in their Discretion, to dispense with the Stipulation required to be inserted in the Condition of the Bond specifying the Time within which Sugar and Molasses shall be used and consumed in the distilling of Spirits, or to cause to be inserted in the Condition of the Bond, in lieu of the required Stipulation, such Stipulation allowing further Time for the Use and Consumption of Sugar and Molasses as aforesaid as to the said Commissioners respectively shall seem fit; and in the event of the said Commissioners dispensing with the required Stipulation, or causing to be inserted any other Stipulation as aforesaid, the Distiller entering into the Bond shall be chargeable with and shall pay the full Duties of Customs or Excise, as the Case may be, upon any Deficiency in the Quantity of Sugar, Molasses, or Treacle that may be found at any Time in his Storehouse or Room, as in Section Sixty of the said Act is mentioned, in addition to the Penalty of Twenty Pounds imposed by such Section; and for the more convenient Recovery of the said Duties they shall be deemed to be Duties of Excise, and recoverable as any other Excise Duties.

In such Cases Duty to be paid on Deficiency in Quantity of Sugar, &c. in Stock.

Methylated Spirit may be sold by the Maker in Vessels of Five Gallons Content.

4. Whereas it is provided by the Eighth Section of the Act passed in the Eighteenth and Nineteenth Years of Her Majesty's Reign, Chapter Thirty-eight, that no Methylated Spirit shall be sold, sent out, or delivered under the Provisions of the said Act otherwise than in Vessels containing not less than Ten Gallons; and it is expedient to allow such Spirit to be sent out in less Quantity: Be it enacted, that the Penalty imposed by the said Section shall not be incurred by any Person who shall sell, send out, or deliver any Methylated Spirit in Vessels containing not less than Five Gallons of such Spirit, and shall in so doing have complied with all the Provisions of the said Act which are consistent with this Act, and with the Orders and Regulations of the Commissioners of Inland Revenue in that Behalf.

Retailer of Methylated Spirit may

5. Whereas it is provided by the Third Section of the Act passed in the Twenty-fourth and Twenty-fifth Years of Her Majesty's Reign,

Reign, Chapter Ninety-one, that no Person licensed under that Act for the Sale of Methylated Spirit shall receive into his Stock, Custody, or Possession any such Spirit otherwise than from a Distiller or Rectifier of Spirits, or licensed Person specially authorized to make Methylated Spirit under the Provisions of the said Act of the Eighteenth and Nineteenth Years of Her Majesty, and it is expedient to allow the Receipt of such Spirit as hereinafter mentioned: Be it enacted, that the Penalty imposed by the said Section shall not be incurred by any Person licensed to sell Methylated Spirit as aforesaid by reason of his receiving from any other Person so licensed any Methylated Spirit in a Quantity not exceeding One Gallon at any One Time.

receive such Spirit from another Retailer in a Quantity not exceeding a Gallon at One Time.

6. Whereas under the Seventeenth and Eighteenth Sections of the Act of the First and Second Years of the Reign of King *William* the Fourth, Chapter Fifty-five, Power is given to any Officer of Excise to seize in *Ireland*, as therein provided, any Spirits, Low Wines, Wort, Wash, and other Materials preparing or prepared for Distillation, and Doubts have arisen whether, under the Provisions in the said Sections contained, Spirits completely distilled can be lawfully seized: Be it declared, that the Word Spirits, wherever such Word is used in the said Sections respectively, shall be taken to include all Spirits whatsoever, whether completely distilled or otherwise.

Defining the Meaning of the Word "Spirits" in Sects. 17 and 18 of 1 & 2 W. 4. c. 55.

7. From and after the First Day of *September* One thousand eight hundred and sixty-eight, where any Leasehold Estates form Part of the Estate and Effects of a deceased Person for or in respect of which Probate or Letters of Administration is or are to be granted in *England* or *Ireland*, and such Leasehold Estates are the sole Security by way of Mortgage for any Debts due and owing from the Deceased, the Amount of such Mortgage Debts may be deducted from the Value of the said Leasehold Estates, and the Stamp Duty shall be chargeable on the Value of the Estate and Effects for or in respect of which the Probate or Letters of Administration shall be granted, after deducting therefrom the Amount of such Mortgage Debts.

Mortgage Debts on Leaseholds may be deducted from the Value thereof before Probate, &c.

8. In any Case in which any such Deduction as is authorized by the last preceding Section is made, the Affidavit to be required and received from the Person applying for Probate of the Will or Letters of Administration of an Estate and Effects of a deceased Person under the Provisions of the Thirty-eighth Section of the Act of the Fifty-fifth Year of King *George* the Third, Chapter One hundred and eighty-four, or under the Provisions of the One hundred

Affidavit of Value for Probate, &c. in England or Ireland to be in the Form in the Schedule.

hundred and seventeenth Section of the Act of the Fifty-sixth Year of King *George* the Third, Chapter Fifty-six, shall be in the Form contained in the Schedule to this Act; and every such Affidavit, with the Account thereto annexed, if any, shall be transmitted in original to the Commissioners of Inland Revenue in like Manner as is directed by the Ninety-third Section of the Act of the Twentieth and Twenty-first Years of Her Majesty, Chapter Seventy-seven, and by the One hundredth Section of the Act of the Twentieth and Twenty-first Years of Her Majesty, Chapter Seventy-nine, with reference to the original Affidavit in such Sections respectively mentioned.

Arrears of Legacy Duty or Succession Duty to be paid with Interest.

9. Whereas it is expedient to make express Provision as to the Payment of Interest on Arrears of Legacy Duty and Succession Duty: Be it enacted, that in any Case in which Duty payable in respect of any Legacy or Residue under the Legacy Duty Acts now in force, or in respect of any Succession under the Succession Duty Act, 1853, is or shall be in arrear, the Person by whom the Arrears of Duty may be payable shall be liable to pay Interest thereon at the Rate of Four Pounds *per Centum per Annum;* and such Interest shall be recoverable by the Commissioners of Inland Revenue in the same Manner as the Arrears of Duty, and as Part thereof: Provided always, that the Acceptance or Recovery by the said Commissioners of Arrears of Duty, with Interest thereon as aforesaid, shall be an absolute Waiver of the Penalties (if any) which may have been incurred under the Legacy Duty Acts or the Succession Duty Act.

Reduction of Duty on Foreign and Colonial Bonds, &c. for Money not exceeding 25*l.*

10. In lieu of the Stamp Duty payable by virtue of the Act of the Twenty-fifth Year of Her Majesty, Chapter Twenty-two, upon or in respect of any Foreign or Colonial Bond, Debenture, or other Security for Money not exceeding Twenty-five Pounds, there shall be payable from and after the passing of this Act the Stamp Duty of Eightpence.

The Exemption from Stamp Duty in favour of Building Societies restricted in the Case of Mortgages.

11. The Exemption from Stamp Duty conferred by the Act of the Sixth and Seventh Years of King *William* the Fourth, Chapter Thirty-two, for the Regulation of Benefit Building Societies, shall not extend to any Mortgage to be made after the passing of this Act, except a Mortgage to be made by a Member of a Benefit Building Society for securing the Repayment to the Society of Money, and not exceeding Five hundred Pounds: Provided always, that nothing herein contained shall render any Receipt given under the Provisions of the Fifth Section of the said Act liable to any Stamp Duty.

12. In

As to Stamp Duty on Transfers of Debenture Stock.

12. In lieu of the Duties now payable under the Provisions of any Act or Acts of Parliament upon Transfers of Debenture Stock of any Company, there shall be charged and paid upon every such Transfer a Stamp Duty of Two Shillings and Sixpence for every full Sum of One hundred Pounds, and also for any fractional Part of One hundred Pounds of the nominal Amount of the Stock transferred.

The SCHEDULE.

FORM of AFFIDAVIT required and to be received from Persons applying for Probates of Wills and Letters of Administration, in Cases in which Mortgage Debts may be deducted from the Value of Leaseholds.

No. 1.—*For Executors.*

A.E. of , an Executor [or A.E. of and B.E. of , Executors, as the Case may be] named in the last Will and Testament [or in a Codicil annexed to the last Will and Testament] of C.T. [the Testator], late of , who died on the Day of 18 , maketh Oath and saith [or make Oath and say, or, in the Case of Affirmations, do or doth solemnly affirm and declare], that he [she or they] hath [or have] made diligent Search and due Inquiry after and in respect of the Personal Estate and Effects of the said Deceased in order to ascertain the full Amount and Value thereof, and that to the best of his [her or their] Knowledge, Information, and Belief the whole of the Goods and Chattels, Rights and Credits, of which the said Deceased died possessed (including any Personal Estate and Effects which the Deceased had disposed of under his Will aforesaid under any Authority enabling him to dispose of the same as he should think fit) *consisted of the Property, Monies, Securities, Matters, and Things specified in the Account annexed to this Affidavit, and* are under the Value of Pounds, exclusive of what the Deceased may have been possessed of or entitled to as a Trustee for any other Person or Persons, and not beneficially, and without deducting anything on account of the Debts due and owing from the Deceased, except in respect of Leaseholds in Mortgage, and further that the Particulars of the Debts so deducted are as follows (that is to say), [here state briefly the Date and Particulars of the Mortgage Security in respect of every Debt deducted,] and that the Leaseholds are the sole Security by way of Mortgage for the said Debts.

Sworn on the Day of 18 , Before me, } [To be signed by the Deponents.] A.E. B.E.

[NOTE.—The Words printed in *Italics* are to be used in Ireland only, and the Account is to be in the Form contained in Schedule 3. to 56 Geo. 3. c. 56.]

No. 2.

No. 2.—For Administrators.

B.A. of [C.A. of], in order to the due Administration of the Personal Estate and Effects of D.I. [the Intestate], late of , who died on the Day of intestate, maketh Oath and saith, &c. [*as in the preceding Form, according or so far as the same may be applicable to Administration with or without the Will annexed*].

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