LAND TAX

The Land Tax (Redemption) Regulations, 1950

1950 No. 268

Made - - - -	*23rd February*, 1950
Laid before Parliament	*1st March*, 1950
Coming into Operation	*1st April*, 1950

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The Commissioners of Inland Revenue in exercise of the powers conferred upon them by Sections 40 and 43 of the Finance Act, 1949(a), hereby make the following Regulations:—

1. *Citation and commencement.*—(1) These Regulations may be cited as the Land Tax (Redemption) Regulations, 1950.

(2) These Regulations shall come into operation on the first day of April, 1950, but shall not apply in relation to any redemption of Land Tax in respect of which a contract was entered into before that day.

(a) 12, 13 & 14 Geo. 6. c. 47.

2. *Interpretation.*—(1) In these Regulations—

"the Act" means the Finance Act, 1949;

"the Registrar" means the Registrar of Land Tax, and "Deputy-Registrar" and "Assistant-Registrar" shall be construed accordingly;

"owner", in relation to a property which has become liable to compulsory redemption, or in respect of which an application has been made to redeem voluntarily, means the person liable for the redemption money or the applicant, as the case may be, and, in relation to any other property, means the estate owner in respect of the relevant interest in that property; and

references to an agreement being come to with an appellant or with the owner of a property, and to the giving of notice or notification to or by an appellant, owner, or person liable for redemption money, include references to an agreement being come to with, and the giving of notice or notification to or by, a person acting in relation to Land Tax on behalf of such appellant, owner or person, as the case may be.

(2) The Interpretation Act, 1889(**a**), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. *Notice of liability to redeem compulsorily.*—The notice that a property has become liable to compulsory redemption, which is required, under subsection (7) of Section 40 of the Act, to be given by the person liable for the redemption money (or who would be so liable if the property were not exonerated), shall be given to the Registrar—

(*a*) if the property has become liable to redemption on the death of the estate owner in respect of the relevant interest, not later than three months from the grant of representation to that person's estate:

Provided that, if the property is settled land within the meaning of the Settled Land Act, 1925(**b**), then the relevant grant of representation for the purposes of this Regulation shall be that which relates to such settled land;

(*b*) in any other case, not later than three months from the date for compulsory redemption.

4. *Application to redeem voluntarily.*—A person wishing to redeem voluntarily the Land Tax charged on any property shall make application to the Registrar in the form prescribed by the Commissioners of Inland Revenue.

5. *Apportionment of annual charge by Inspector.*—Where a property which has become liable to compulsory redemption, or in respect of which an application to redeem voluntarily has been made, is not separately assessed to Land Tax, the Inspector of Taxes shall apportion the annual charge between that property and any other properties comprised in the same assessment. Notice of the amount so apportioned to any property shall be served upon the owner of that property.

6. *Appeal against apportionment of annual charge.*—Any person aggrieved by the amount apportioned to any property may appeal against the apportionment on giving notice in writing to the Inspector of Taxes within twenty-one days of the service of the notice of apportionment.

7. *Adjustment of apportionment by Inspector on appeal.*—(1) On receipt of a notice of appeal against an apportionment the Inspector of Taxes may agree in writing with the appellant that no adjustment of the apportionment should be made, or, if he is satisfied that an adjustment should be made,

(**a**) 52 & 53 Vict. c. 63. (**b**) 15 & 16 Geo. 5. c. 18.

he may agree in writing with the owner of each of the properties as regards which the apportionment is to be varied how much of the annual charge is to be apportioned to that property.

(2) Any agreement under the preceding paragraph of this Regulation that no adjustment of an apportionment should be made shall have effect as if at the date of the agreement the Land Tax Commissioners had determined the apportionment in accordance with the terms of the agreement, and any agreement under the said paragraph as to how much of an annual charge is to be apportioned to any property shall have effect, so far as concerns the annual charge on that property, as if at the date of the agreement the Land Tax Commissioners had determined the apportionment and had apportioned to that property the amount mentioned in the agreement.

8. *Withdrawal of appeal against apportionment.*—Where a person who has given notice of appeal against an apportionment notifies the Inspector of Taxes in writing that he desires not to proceed with the appeal, and thirty days have elapsed since the giving of the notification without the Inspector giving to the appellant notice in writing that the right to vary the apportionment is reserved, the notification shall have effect as if at the date thereof the Land Tax Commissioners had determined the apportionment accordingly.

9. *Determination of apportionment by Commissioners on appeal.*—(1) Any appeal which cannot be settled by agreement in accordance with Regulation 7 or 8 of these Regulations shall be referred by the Inspector of Taxes to the Land Tax Commissioners for determination by them.

(2) The Land Tax Commissioners shall cause notice of the day and time fixed for the hearing of the appeal to be given to the Inspector, the appellant and, so far as possible, any other person who is the owner of any property in respect of which the annual charge to Land Tax would be affected by a variation of the apportionment, and any such person shall be entitled to appear at the hearing.

(3) The appeal may be heard by any two or more Commissioners.

(4) At the hearing of the appeal the appellant, or any other person entitled to appear, may be represented by any agent appointed on his behalf. The Inspector or any other person nominated in that behalf by the Commissioners of Inland Revenue shall also be heard.

(5) The Commissioners shall have power, if they think fit, to summon witnesses and examine them on oath.

(6) The apportionment shall be determined by a majority of the Commissioners present at the hearing.

10. *Information as to annual charge.*—The Collector shall provide the Registrar with such information as to the annual charge on a property liable to redemption (or in respect of which an application to redeem voluntarily has been made) as the Registrar may require.

11. *Notice of amount of redemption money and date on which payment becomes due in case of compulsory redemption.*—In the case of a compulsory redemption the Registrar shall give notice to the person liable for the redemption money of the amount of such money, which shall be due and payable at the expiration of one month from the issue of such notice.

12. *Notice of amount of redemption money and date of exoneration in the case of voluntary redemption.*—In the case of a voluntary redemption the Registrar shall give notice to the applicant of the amount of the redemption money, and the Land Tax shall cease to be payable in respect of the property as from the quarter day last before the date of payment of such money.

13. *Payment of redemption money.*—Any payment in respect of redemption money, or in respect of any interest or penalty payable under subsection (8) of Section 40 of the Act, shall be remitted to the Accountant-General of Inland Revenue.

14. *Certificate of redemption.*—On payment of the redemption money (together, in the case of a compulsory redemption, with any interest or penalty which may be payable under subsection (8) of Section 40 of the Act), the redemption shall be entered by the Registrar in his Register of Redemptions and a certificate of redemption, under the hand of the Registrar, the Deputy Registrar or an Assistant Registrar, shall be sent to the persons liable for the redemption money or, in the case of a voluntary redemption, to the person applying to redeem. Such certificate shall be good and sufficient evidence of the redemption for all purposes.

15. *Certificate of exoneration.*—Where a property which has become liable to compulsory redemption is exonerated from Land Tax under paragraph (*c*) of subsection (1) of Section 38 of the Act, a certificate of exoneration, under the hand of the Registrar, the Deputy Registrar or an Assistant Registrar, shall be sent to the person who, but for the exoneration, would have been liable for the redemption money. Such certificate shall be good and sufficient evidence of the exoneration for all purposes.

16. *Payment by instalments in case of voluntary redemption.*—(1) Any person redeeming Land Tax voluntarily, who wishes to pay the redemption money by annual instalments, shall give notice to the Registrar of that fact, and of the number of instalments by which he proposes to pay, at the time of making application to redeem under Regulation 4 of these Regulations.

(2) If the Commissioners of Inland Revenue accept the proposal, the Registrar shall, at the time of notifying the applicant of the amount of the redemption money, send him such form of undertaking as those Commissioners may direct.

(3) Notwithstanding the provisions of Regulations 12 and 14 of these Regulations, where an undertaking has been given for the payment of the redemption money by instalments the Registrar shall enter the redemption in his Register of Redemptions, and shall issue a certificate of redemption, on payment of the first instalment of such money; and the Land Tax shall cease to be payable in respect of the property as from the quarter day last before payment of such first instalment.

17. *Certificate of charge in case of voluntary redemption.*—Any application for a certificate of charge under paragraph (*a*) of Section 33 of the Finance Act, 1896(**a**), shall be made to the Registrar together with the application to redeem under Regulation 4 of these Regulations, and shall be accompanied by two plans of the property the tax on which is to be redeemed. Before granting any such certificate the Commissioners of Inland Revenue may require such evidence as they may think necessary for the purpose of proving the applicant's right to redeem the Land Tax voluntarily.

18. *Certain provisions as to voluntary redemption to apply to compulsory redemption.*—The enactments relating to the voluntary redemption of Land Tax specified in the first column of the Schedule to these Regulations (which relate respectively to the matters mentioned in the second column) shall apply to the compulsory redemption of Land Tax with the necessary modifications and, in particular, the modifications and extensions mentioned in the third column.

(**a**) 59 & 60 Vict. c. 28.

19. *Service of notices.*—Any notice required by these Regulations to be given to any person by the Registrar, by the Inspector of Taxes, or by or on behalf of the Land Tax Commissioners may be sent by post by letter addressed to that person at his usual, or last known, address.

20. *Application to Scotland.*—These Regulations shall apply to Scotland subject to the following modifications:

(*a*) In Regulation 3, subparagraph (*a*) and the words "in any other case" in subparagraph (*b*) shall not apply;

(*b*) Paragraphs (2) to (6) of Regulation 9 shall not apply;

(*c*) For references to the Registrar of Land Tax, the Accountant-General of Inland Revenue, the Inspector of Taxes and the Land Tax Commissioners there shall be substituted references to the Registrar of Land Tax (Scotland), the Comptroller of Stamps and Taxes, the Collector and the Sheriff respectively.

By Order of the Commissioners of Inland Revenue.

R. Willis,
Secretary.

23rd February, 1950.

SCHEDULE

Enactments Applied to Compulsory Redemption

Enactment	*Subject Matter*	*Modification or Extension*
The Land Tax Redemption Act, 1802 (a):—		
Section 126 ...	Addition to rent in respect of tax redeemed by landlord.	The words "at a Rack Rent" shall be omitted, and after the words "payable on such Lease or Demise" the words "or by or on the Behalf of any superior Lessor of such Bodies, Companies, Person or Persons" shall be added.
Section 127 ...	Deduction from rent-charge, etc. in respect of tax redeemed.	—
Section 141 ...	Addition to rents in case of Crown Lands.	After the words "upon the Redemption" the words "by the Crown" shall be added.
Section 149 ...	Addition to rent in case of Duchy of Cornwall lands.	After the words "upon the Redemption" the words "by the Duchy of Cornwall" shall be added.
The Land Tax Redemption Act, 1813 (b):—		
Section 13 ...	Application of redemption moneys.	—
The Land Tax Redemption (Investment) Act, 1853(c):—		
Section 8 ...	Application of redemption moneys.	—

(a) 42 Geo. 3. c. 116. (b) 53 Geo. 3. c. 123. (c) 16 & 17 Vict. c. 90.

Enactment	*Subject Matter*	*Modification or Extension*
The Finance Act, 1896:—		
Proviso (*b*) to Section 33	Moneys applicable for redemption.	—
The Settled Land Act, 1925:—		
Paragraph (ii) of subsection (1) of Section 73.	Application of capital money for redemption.	—
The Universities and College Estates Act, 1925(a):—		
Paragraph (ii) of subsection (1) of Section 26.	Application of capital money for redemption.	—

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations prescribe the procedure for the redemption of Land Tax. Under Part V of the Finance Act, 1949, Land Tax was made compulsorily redeemable in certain events and the Commissioners of Inland Revenue were authorised to make Regulations laying down the procedure for both compulsory and voluntary redemption.

The Act lays it down that the provisions of the statutes on voluntary redemption shall not apply to compulsory redemption except in so far as they are applied by the Regulations. The Act also provides that the new procedure for voluntary redemption, as laid down by the Regulations, shall have effect notwithstanding anything in the previous Acts.

Regulation 3 provides that notice of liability to redeem Land Tax compulsorily must be given to the Registrar of Land Tax within three months of the date on which the liability to redeem first arises. An exception to this rule is, however, made in England and Wales where the liability to redeem arises on a death and the person liable is the personal representative of the deceased person. In such a case the personal representative must give notice within three months of taking out the grant of representation.

Regulations 5 to 9 provide for the apportionment of a Land Tax assessment where the tax to be redeemed relates to a part only of the property comprised in the assessment; the apportionment is to be made by the Inspector of Taxes but there is a right of appeal to the Land Tax Commissioners.

Under Regulation 11, the redemption money, in the case of compulsory redemption, is payable one month after notice of the amount due has been issued by the Registrar of Land Tax.

Regulations 14 and 15 provide that the Registrar of Land Tax shall issue a certificate of redemption when the redemption money has been paid, or a certificate of exoneration where a property has become liable to redemption on death but is exonerated from Land Tax because the deceased's estate, as calculated for Death Duty purposes, is less than £2,000.

Regulation 20 makes the modifications of the Regulations which are required for Scotland, where the Collector (instead of the Inspector of Taxes as in England) makes the Land Tax assessments and there are no Land Tax Commissioners.

(a) 15 & 16 Geo. 5. c. 24.