



# Finance Act 1989

## 1989 CHAPTER 26

### PART III

#### MISCELLANEOUS AND GENERAL

##### *Inheritance tax*

#### **171 Gifts to housing associations.**

- (1) The following section shall be inserted in the <sup>M1</sup>Inheritance Tax Act 1984 after section 24—

**“24A Gifts to housing associations.**

- (1) A transfer of value is exempt to the extent that the value transferred by it is attributable to land in the United Kingdom given to a registered housing association.
- (2) In subsection (1) above “registered housing association” means a registered housing association within the meaning of the Housing Associations Act 1985 or Part VII of the Housing (Northern Ireland) Order 1981.
- (3) Subsections (2) to (5) of section 23 and subsection (4) of section 24 above shall apply in relation to subsection (1) above as they apply in relation to section 24(1).”
- (2) In section 23(5) of the Inheritance Tax Act 1984 the words “or, where it is land, of a body mentioned in section 24A below” shall be added at the end.
- (3) In section 29(5) of that Act—
- (a) the words “or, where it is land, of a body mentioned in section 24A” shall be inserted at the end of paragraph (b), and
- (b) after “24(3) and (4),” there shall be inserted “24A(3),”.
- (4) In section 161(2)(b)(ii) of that Act after “24,” there shall be inserted “24A,”.

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(5) In section 102(5) of the <sup>M2</sup>Finance Act 1986 after paragraph (e) there shall be inserted—

“(ee) section 24A (gifts to housing associations);”.

(6) This section shall apply to transfers of value made on or after 14th March 1989.

#### Marginal Citations

M1 1984 c.51.

M2 1986 c. 41.

### 172 Abatement of exemption where claim settled out of beneficiary’s own resources.

(1) The following section shall be inserted after section 29 of the <sup>M3</sup>Inheritance Tax Act 1984—

#### “29A Abatement of exemption where claim settled out of beneficiary’s own resources.

- (1) This section applies where—
- (a) apart from this section the transfer of value made on the death of any person is an exempt transfer to the extent that the value transferred by it is attributable to an exempt gift, and
  - (b) the exempt beneficiary, in settlement of the whole or part of any claim against the deceased’s estate, effects a disposition of property not derived from the transfer.
- (2) The provisions of this Act shall have effect in relation to the transfer as if—
- (a) so much of the relevant value as is equal to the following amount, namely the amount by which the value of the exempt beneficiary’s estate immediately after the disposition is less than it would be but for the disposition, or
  - (b) where that amount exceeds the relevant value, the whole of the relevant value,
- were attributable to such a gift to the exempt beneficiary as is mentioned in subsection (3) below (instead of being attributable to a gift with respect to which the transfer is exempt).
- (3) The gift referred to in subsection (2) above is a specific gift with respect to which the transfer is chargeable, being a gift which satisfies the conditions set out in paragraphs (a) and (b) of section 38(1) below.
- (4) In determining the value of the exempt beneficiary’s estate for the purposes of subsection (2) above—
- (a) no deduction shall be made in respect of the claim referred to in subsection (1)(b) above, and
  - (b) where the disposition referred to in that provision constitutes a transfer of value—
    - (i) no account shall be taken of any liability of the beneficiary for any tax on the value transferred, and
    - (ii) sections 104 and 116 below shall be disregarded.

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(5) Subsection (1)(b) above does not apply in relation to any claim against the deceased's estate in respect of so much of any liability as is, in accordance with this Act, to be taken into account in determining the value of the estate.

(6) In this section—

“exempt gift”, in relation to a transfer of value falling within subsection (1)(a) above, means—

- (a) a gift with respect to which the transfer is (apart from this section) exempt by virtue of the provisions of any of sections 18 and 23 to 28 above, or
- (b) where (apart from this section) the transfer is so exempt with respect to a gift up to a limit, so much of the gift as is within that limit;

“the exempt beneficiary”, in relation to an exempt gift, means any of the following, namely—

- (a) where the gift is exempt by virtue of section 18 above, the deceased's spouse,
- (b) where the gift is exempt by virtue of section 23 above, any person or body—
  - (i) whose property the property falling within subsection (1) of that section becomes, or
  - (ii) by whom that property is held on trust for charitable purposes,
- (c) where the gift is exempt by virtue of section 24, 25 or 26 above, any body whose property the property falling within subsection (1) of that section becomes,
- (d) where the gift is exempt by virtue of section 24A above, any body to whom the land falling within subsection (1) of that section is given, and
- (e) where the gift is exempt by virtue of section 27 or 28 above, the trustees of any settlement in which the property falling within subsection (1) of that section becomes comprised;

“gift” and “specific gift” have the same meaning as in Chapter III of this Part; and

“the relevant value”, in relation to a transfer of value falling within subsection (1)(a) above, means so much of the value transferred by the transfer as is attributable to the gift referred to in that provision.”

(2) This section shall have effect in relation to deaths occurring on or after the day on which this Act is passed.

**Marginal Citations**

**M3** 1984c. 51.

*Stamp duty etc.*

**[<sup>F1</sup>173 Insurance: abolition of certain duties.**

(1) Stamp duty shall not be chargeable under—

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- (a) the heading “Policy of Life Insurance” in Schedule 1 to the <sup>M4</sup>Stamp Act 1891, or
- (b) paragraph (3) of the heading “Bond, Covenant, or Instrument of any kind whatsoever” in that Schedule (superannuation annuities).
- (2) Subject to section 4 of the Stamp Act 1891 (separate charges on instruments containing or relating to several distinct matters) an instrument which, but for subsection (1) above, would be chargeable with stamp duty under paragraph (3) of the heading mentioned in paragraph (b) of that subsection shall not be chargeable with stamp duty under any other provision of the Stamp Act 1891.
- (3) Section 100 of the Stamp Act 1891 (penalty for not making out policy or making policy not duly stamped) shall cease to have effect.
- (4) Section 118 of the Stamp Act 1891 (assignment of life insurance policy to be stamped before payment of money assured) shall cease to have effect.
- (5) Section 47(3) of the <sup>M5</sup>Finance Act 1966 (enhanced duty where policy not exceeding 2 years is varied so as to exceed 2 years) and section 5(3) of the <sup>M6</sup>Finance Act (Northern Ireland) 1966 (equivalent provision for Northern Ireland) shall cease to have effect.
- (6) Subsections (1) and (2) above apply to instruments made after 31st December 1989.
- (7) So far as it relates to section 100(1) of the 1891 Act, subsection (3) above applies where a person receives, or takes credit for, a premium or consideration for insurance after 30th November 1989.
- (8) So far as it relates to section 100(2) of the 1891 Act, subsection (3) above applies where the policy is made after 31st December 1989.
- (9) Subsection (4) above applies to instruments of assignment made after 31st December 1989.
- (10) Subsection (5) above applies where the policy is varied after 31st December 1989 (whenever it was made).]

#### Textual Amendments

- F1** S. 173 repealed (27.7.1999 with effect as mentioned in Sch. 20 Pt. V(2) of the amending Act) by 1999 c. 16, s. 138, Sch. 20 Pt. V(2), notes 1, 2

#### Marginal Citations

- M4** 1891 c. 39.  
**M5** 1966 c. 18.  
**M6** 1966 c. 21 (N.I.).

## 174 Unit trusts.

**F2** .....

#### Textual Amendments

- F2** S. 174 repealed (with effect as mentioned in Sch. 20 Pt. V(5) notes 1, 2 of the amending Act) by Finance Act 1999 (c. 16) s. 139, {Sch. 20 Pt. V(5)}

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## 175 Stamp duty: stock exchange nominees

- (1) The Treasury may by regulations provide that where —
  - (a) circumstances would (apart from the regulations) give rise to a charge to stamp duty under [<sup>F3</sup>Part I of Schedule 13 to the Finance Act 1999 (conveyance or transfer on sale)] and to a charge to stamp duty reserve tax,
  - (b) the circumstances involve a stock exchange nominee, and
  - (c) the circumstances are such as are prescribed,the charge to stamp duty shall be treated as not arising.
- (2) The power to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the House of Commons.
- (3) In this section —
  - (a) “prescribed” means prescribed by the regulations, and
  - (b) “stock exchange nominee” means a person designated for the purposes of section 127 of the Finance Act 1976 as a nominee of The Stock Exchange by an order made by the Secretary of State under subsection (5) of that section.

### Textual Amendments

- F3** Words in s. 175(1)(a) substituted (with effect in accordance with s. 112(6) of the amending Act) by Finance Act 1999 (c. 16) ss. 112(4), 122, {Sch. 14 para. 23}

## 176 Stamp duty reserve tax: stock exchange nominees

- (1) The Treasury may by regulations provide that where —
  - (a) circumstances would (apart from the regulations) give rise to two charges to stamp duty reserve tax,
  - (b) the circumstances involve a stock exchange nominee, and
  - (c) the circumstances are such as are prescribed,such one of the charges as may be prescribed shall be treated as not arising.
- (2) The Treasury may by regulations provide that where —
  - (a) circumstances would (apart from the regulations) give rise to a charge to stamp duty reserve tax and a charge to stamp duty,
  - (b) the circumstances involve a stock exchange nominee, and
  - (c) the circumstances are such as are prescribed,the charge to stamp duty reserve tax shall be treated as not arising.
- (3) The Treasury may by regulations provide that a provision of an Act by virtue of which there is no charge to stamp duty reserve tax shall also apply in circumstances which involve a stock exchange nominee and are such as are prescribed.
- (4) The Treasury may by regulations provide that a provision of an Act by virtue of which the rate at which stamp duty reserve tax is charged is less than it would be apart from the provision shall also apply in circumstances which involve a stock exchange nominee and are such as are prescribed.

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- (5) The power to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the House of Commons.
- (6) In this section —
- (a) “prescribed” means prescribed by the regulations, and
  - (b) “stock exchange nominee” means a person designated for the purposes of section 127 of the Finance Act 1976 as a nominee of The Stock Exchange by an order made by the Secretary of State under subsection (5) of that section.

### 177 Stamp duty reserve tax: information.

— Regulations under section 98(1) of the Finance Act 1986 (administration etc. of stamp duty reserve tax) may include —

- (a) provision that notice which the regulations require to be given to the Commissioners of Inland Revenue shall be given in a manner or form specified by the Commissioners;
- (b) provision that information which the regulations require to be supplied to the Commissioners shall be supplied in a manner or form specified by the Commissioners.

*Interest etc.*

### 178 Setting of rates of interest.

- (1) The rate of interest applicable for the purposes of an enactment to which this section applies shall be the rate which for the purposes of that enactment is provided for by regulations made by the Treasury under this section.
- (2) This section applies to—
- [<sup>F4</sup>(aa) section 15A of the Stamp Act 1891;]
  - (a) section 8(9) of the <sup>M7</sup>Finance Act 1894,
  - (b) section 18 of the <sup>M8</sup>Finance Act 1896,
  - (c) section 61(5) of the <sup>M9</sup>Finance (1909-10) Act 1910,
  - (d) section 17(3) of the <sup>M10</sup>Law of Property Act 1925,
  - (e) section 73(6) of the <sup>M11</sup>Land Registration Act 1925,
  - (f) [<sup>F5</sup>sections 59C, 86, 86A, 87, 87A, [<sup>F6</sup>88], 103A] of the <sup>M12</sup>Taxes Management Act 1970,
  - (g) paragraph 3 of Schedule 16A to the <sup>M13</sup>Finance Act 1973,
  - [<sup>F7</sup>(gg) [<sup>F8</sup>paragraph 6 of Schedule 1 to the Social Security Contributions and Benefits Act 1992],]
  - [<sup>F9</sup>(gh) section 71(8A) of the <sup>M14</sup>Social Security Administration Act 1992, and section 69(8A) of the <sup>M15</sup>Social Security Administration (Northern Ireland) Act 1992, as they have effect in any case where the overpayment was made in respect of working families’ tax credit or disabled person’s tax credit;]
  - (h) paragraphs 15 and 16 of Schedule 2, and paragraph 8 of Schedule 5, to the <sup>M16</sup>Oil Taxation Act 1975,
  - <sup>F10</sup>(i) section 283 of the <sup>M17</sup>Taxation of Chargeable Gains Act 1992;]
  - (j) paragraph 59 of Schedule 8 to the <sup>M18</sup>Development Land Tax Act 1976,

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- (k) sections 233 and 236(3) and (4) of the <sup>M19</sup>Inheritance Tax Act 1984,
  - (l) section 92 of the Finance Act 1986, and
  - (m) sections <sup>F11</sup> . . . 160, 824, 825 and 826 of, [<sup>F12</sup>and paragraph 6B of Schedule 3 to] and paragraph 3 of Schedule 19A to, the <sup>M20</sup>Taxes Act 1988. [<sup>F13</sup>and]
  - <sup>F14</sup>(n) . . . . . <sup>F15</sup>and
  - [(o) section 14(4) of the Ports Act 1991.]
  - [<sup>F16</sup>(p) paragraph 8 of Schedule 4 to the Tax Credits Act 1999. [<sup>F17</sup>, and]
  - (p) section 110 of the Finance Act 1999.]
- (3) Regulations under this section may—
- (a) make different provision for different enactments or for different purposes of the same enactment,
  - (b) either themselves specify a rate of interest for the purposes of an enactment or make provision for any such rate to be determined by reference to such rate or the average of such rates as may be referred to in the regulations,
  - (c) provide for rates to be reduced below, or increased above, what they otherwise would be by specified amounts or by reference to specified formulae,
  - (d) provide for rates arrived at by reference to averages to be rounded up or down,
  - (e) provide for circumstances in which alteration of a rate of interest is or is not to take place, and
  - (f) provide that alterations of rates are to have effect for periods beginning on or after a day determined in accordance with the regulations in relation to interest running from before that day as well as from or from after that day.
- (4) The power 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 House of Commons.
- (5) Where—
- (a) the rate provided for by regulations under this section as the rate applicable for the purposes of any enactment is changed, and
  - (b) the new rate is not specified in the regulations,
- the Board shall by order specify the new rate and the day from which it has effect.
- (6) In section 828(2) of the Taxes Act 1988 (powers to make orders which are not exercisable by statutory instrument) the words “or section 178(5) of the Finance Act 1989” shall be added at the end.
- (7) Subsection (1) shall have effect for periods beginning on or after such day as the Treasury may by order made by statutory instrument appoint and shall have effect in relation to interest running from before that day as well as from or from after that day; and different days may be appointed for different enactments.

#### Textual Amendments

- F4** S. 178(2)(aa) inserted (27.7.1999 with application to instruments executed on or after 1.10.1999) by 1999 c. 16, **ss. 109(2)(4), 123(4)**
- F5** Words in s. 178(2)(f) substituted (1.9.1994 with effect as mentioned in s. 199 of the amending Act) by 1994 c. 9, s. 196, **Sch. 19 Pt. III para. 44**; S.I. 1998/3173, **art. 2**
- F6** Words in s. 178(2)(f) repealed (29.4.1996 with effect as specified in **Sch. 18 para. 17** of the amending Act) by 1996 c. 8, **ss. 132, 205, Sch. 18 para. 13, Sch. 41 Pt. V(8)**, note

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- F7** S. 178(2)(gg) inserted (6.4.1992) (E.W.S.) by Social Security Act 1990 (c. 27, SIF 113:1) s. 17(10); S.I. 1992/632, **art. 2**
- F8** Words in s. 178(2)(gg) substituted (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 4, 7(2), **Sch. 2 para. 107**
- F9** S. 178(2)(gh) inserted (5.10.1999) by 1999 c. 10, ss. 2, 20(2), **Sch. 2 Pt. IV para. 10(2)**
- F10** s. 178(2)(i) substituted (in relation to tax for the year 1992-1993 and subsequent years subject as mentioned in s. 289 of the substituting Act) by Taxation of Chargeable Gains Act 1992 (c. 12), ss. 289, 290, **Sch. 10 para. 19(4)** (with ss. 60, 101(1), 171, 201(3))
- F11** Words in s. 178(2)(m) repealed (28.7.2000 with effect as mentioned in s. 11(6) of the amending Act) by 2000 c. 17, s. 156, **Sch. 40 Pt. II(17)**, Note 1
- F12** Words in s. 178(2)(m) repealed (29.4.1996 with effect as mentioned in Sch. 7 paras. 32-35 of the amending Act) by 1996 c. 8, ss. 79(2), 205, Sch. 7 para. 30, **Sch. 41 Pt. V(2)**, note
- F13** “and” inserted by Finance Act 1990 (c. 29, SIF 58), **s.118(8)**
- F14** S. 178(2)(n) repealed (1.5.1995) by 1995 c. 4, s. 162, **Sch. 29 Pt. XII**
- F15** S. 178(2)(o) and word immediately preceding it inserted (G.B.) by Ports Act 1991 (c. 52, SIF 58), **s. 14(5)**.
- F16** It is provided that s. 178(2)(p) shall be inserted (5.10.1999) by 1999 c. 10, ss. 10(4), 20(2), **Sch. 4 para. 8(1)**
- F17** S. 178(2)(p) and word “and” preceding inserted (27.7.1999 with application in relation to instruments executed on or after 1.10.1999) by 1999 c. 16, **ss. 110(9)(10)**, 123(4)

#### **Modifications etc. (not altering text)**

- C1** S. 178 applied by Ports Act 1991 (c. 52, SIF 58), **s. 14(4)**.  
S. 178 applied (27.7.1993) by 1993 c. 34, s. 173, **Sch. 19 Pt. II para. 11(4)**  
S. 178 applied (1.9.1994 with effect as mentioned in s. 199 of 1994 c. 9) by 1970 c. 9, **s. 59C** (as inserted by 1994 c. 9, **s. 194**); S.I. 1998/3173, art. 2  
S. 178 applied (1.5.1995) by 1995 c. 4, **s. 157(6)**  
S. 178 extended (1.5.1995) by 1995 c. 4, **s. 157(6)**  
S. 178 applied (31.7.1997) by 1997 c. 58, s. 3, **Sch. 2 para. 12(4)**  
S. 178 applied (27.7.1999 with application to instruments executed on or after 1.10.1999) by 1891 c. 39, **s. 15A(3)** (as substituted (27.7.1999 with application to instruments executed on or after 1.10.1999) by 1999 c. 16, **s. 109(1)(4)**)  
S. 178 applied (27.7.1999 with application in relation to instruments executed on or after 1.10.1999) by ss. 110(1)-(5)(10), 123(4)  
S. 178 applied (5.10.1999) by 1999 c. 10, ss. 10(4), 20(2), **Sch. 4 para. 8(2)**  
S. 178 applied (1.4.2000) by S.I. 2000/944, **art. 25**  
S. 178 applied (1.4.2000) by s.I. 2000/944, art. 41(1)  
S. 178 applied (1.4.2000) by S.I. 2000/944, **art. 46(1)**
- C2** *For regulations see S.I. 1989/1297 (in Part III Vol. 5). And see Tables I and O Vol. 1*
- C3** Power of appointment conferred by s. 178(7) partly exercised: 18.8.1989 appointed by S.I. 1989/1298 for all the enactments specified in s. 178(2) other than s. 87A of the 1970 Act and s. 826 of the 1988 Act

#### **Marginal Citations**

- M7** 1894 c. 30.  
**M8** 1896 c. 28.  
**M9** 1910 c. 8.  
**M10** 1925 c. 20.  
**M11** 1925 c. 21.  
**M12** 1970 c. 9.  
**M13** 1973 c. 51.  
**M14** 1992 c.5.  
**M15** 1992 c.8.



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- M16 1975 c. 22.
- M17 1992 c. 12.
- M18 1976 c. 24.
- M19 1984 c. 51.
- M20 1986 c. 41.

## 179 Provisions consequential on section 178.

- (1) The words “rate applicable under section 178 of the Finance Act 1989” shall be substituted—
  - (a) for the words from “rate” to “annum” in—
    - (i) section 18(1) of the <sup>M21</sup> Finance Act 1896,
    - (ii) section 61(5) of the <sup>M22</sup> Finance (1909-10) Act 1910,
    - (iii) section 17(3) of the <sup>M23</sup> Law of Property Act 1925,
    - (iv) section 73(6) of the <sup>M24</sup> Land Registration Act 1925,
    - (v) paragraphs 15(1) and 16 of Schedule 2, and paragraph 8(4) of Schedule 5, to the <sup>M25</sup> Oil Taxation Act 1975,
    - <sup>F18</sup>(vi) . . . . .
    - (vii) sections 824(1) and 825(2) of the Taxes Act 1988,
  - (b) for the words “prescribed rate” in—
    - (i) sections 86(1), 86A(1), 87(1), 87A(1) and (5) [<sup>F19</sup>and 88(1)] of the <sup>M26</sup> Taxes Management Act 1970,
    - (ii) paragraph 3(4) of Schedule 16A to the <sup>M27</sup> Finance Act 1973, and
    - (iii) paragraph 3(4) of Schedule 19A to the Taxes Act 1988,
  - (c) for the words “rate which” onwards in—
    - (i) paragraph 59(1) of Schedule 8 to the <sup>M28</sup> Development Land Tax Act 1976, and
    - (ii) section 826(1) of the Taxes Act 1988,
  - (d) for the words “rate applicable under subsection (2) below” in section 233(1) of the <sup>M29</sup> Inheritance Tax Act 1984,
  - (e) for the words “rate for the time being applicable under section 233(2)(b) above” in subsection (3), and the words “rate for the time being applicable under section 233(2)(a) above” in subsection (4), of section 236 of that Act,
  - (f) for the words “appropriate rate” in section 92(2) of the <sup>M30</sup> Finance Act 1986, and
  - (g) for the words “rate prescribed from time to time by the Treasury by order” in section 160(5)(d) of the Taxes Act 1988.
- (2) In section 8(9) of the <sup>M31</sup> Finance Act 1894, for the words from “such interest” to “per cent.” there shall be substituted the words “interest at such rate not exceeding that applicable under section 178 of the Finance Act 1989”.
- (3) In section 236(4) of the Inheritance Tax Act 1984, for the words “as if section 233(1)(b) above had applied” there shall be substituted the words “from the end of the period mentioned in section 233(1)(b) above”.
- (4) Any amendment made by subsection (1), (2) or (3) above shall have effect in relation to any period for which section 178(1) above has effect for the purposes of the enactment concerned.

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- (5) Section 146(11) of the Taxes Act 1988 shall have effect in relation to any year of assessment beginning after the day on which section 178(1) above has effect for the purposes of section 160 of that Act with the substitution of the words “applicable for the purposes of section 160” for the words “prescribed by the Treasury under section 160(5)”.

#### Textual Amendments

- F18** S. 179(1)(a)(vi) repealed (6.3.1992 with effect as mentioned in s. 289(1)(2) of the repealing Act) by Taxation of Chargeable Gains Act 1992 (c. 12), ss. 289, 290, **Sch. 12** (with ss. 201(3), Sch. 11 paras. 22, 26(2), 27)
- F19** Words in s. 179(1)(b)(i) repealed (29.4.1996 with effect in accordance with Sch. 18 para. 17 of the amending Act) by 1996 c. 8, s. 205, **Sch. 41 Pt. V**

#### Marginal Citations

- M21** 1896 c. 28.  
**M22** 1910 c. 8.  
**M23** 1925 c. 20.  
**M24** 1925 c. 21.  
**M25** 1975 c. 22.  
**M26** 1970c. 9.  
**M27** 1973 c. 51.  
**M28** 1976 c. 24.  
**M29** 1984 c. 51.  
**M30** 1986 c.41.  
**M31** 1894 c. 30.

### 180 Repayment interest: period of accrual.

- (1) In section 48(1) of the <sup>M32</sup> Finance Act 1975, after the words “carry interest” there shall be inserted the words “from the date on which the sums were paid until the order for repayment is issued”.
- (2) In—
- paragraph 16 of Schedule 2 to the <sup>M33</sup> Oil Taxation Act 1975,
  - section 105(7) of the <sup>M34</sup> Finance Act 1980,
  - paragraph 13(4) and (5) of Schedule 16 to the <sup>M35</sup> Finance Act 1981, and
  - paragraph 10(4) of Schedule 19 to the <sup>M36</sup> Finance Act 1982,
- for the word “repayment” there shall be substituted the words “the order for repayment is issued”.
- (3) In paragraph 59(1) of Schedule 8 to the <sup>M37</sup> Development Land Tax Act 1976, after the word “later,” there shall be inserted the words “until the order for repayment is issued”.
- (4) In section 235(1) of the <sup>M38</sup> Inheritance Tax Act 1984 (and paragraph 19(3) of Schedule 4 to the <sup>M39</sup> Finance Act 1975), after the word “made” there shall be inserted the words “until the order for repayment is issued”.
- (5) In section 92(2) of the <sup>M40</sup> Finance Act 1986, for the words “the time it was paid” there shall be substituted the words “the date on which the payment was made until the order for repayment is issued”.

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- (6) In section 826(1) of the Taxes Act 1988, for the words “that repayment or payment is made” there shall be substituted the words “the order for repayment or payment is issued”.
- (7) The amendments made by this section shall be deemed always to have had effect.

#### Marginal Citations

- M32** 1975 c. 7.  
**M33** 1975 c. 22.  
**M34** 1980 c. 48.  
**M35** 1981 c. 35.  
**M36** 1982 c. 39.  
**M37** 1976 c. 24.  
**M38** 1984 c. 51.  
**M39** 1975 c. 7.  
**M40** 1986 c. 41.

### Miscellaneous

#### [<sup>F20</sup>181 Broadcasting: additional payments by programme contractors.

- (1) <sup>M41</sup>The Broadcasting Act 1981 shall have effect with respect to additional payments payable by programme contractors under that Act subject to the amendments made by Part I, and with the substitution, for Schedule 4 to that Act, of the provisions contained in Part II, of Schedule 16 to this Act.
- (2) The transitional provisions made by Part III of that Schedule shall have effect.
- (3) This section shall come into force on 1st January 1990.]

#### Textual Amendments

- F20** S. 181, Sch. 16 repealed (prosp. as mentioned in S.I. 1990/2347, art. 3(3)) by Broadcasting Act 1990 (c. 42, SIF 96), ss. 127-129, 134, 203(3), 204(2), Schs. 9-12, Sch. 21

#### Marginal Citations

- M41** 1981 c. 68.

#### 182 Disclosure of information.

- (1) A person who discloses any information which he holds or has held in the exercise of tax functions [<sup>F21</sup>, tax credit functions] [<sup>F22</sup> or social security functions] is guilty of an offence if it is information about any matter relevant, for the purposes of [<sup>F23</sup> any of those functions—
- (a) to tax or duty in the case of any identifiable person,  
[ to a tax credit in respect of any identifiable person,]  
<sup>F24</sup>(aa)
- (b) to contributions payable by or in respect of any identifiable person, or

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*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1989, Part III. (See end of Document for details)*

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- (c) to statutory sick pay or statutory maternity pay in respect of any identifiable person.]
- (2) In this section “tax functions” means functions relating to tax or duty—
- (a) of the Commissioners, the Board and their officers,
  - (b) of any person carrying out the administrative work of any tribunal mentioned in subsection (3) below, and
  - (c) of any other person providing, or employed in the provision of, services to any person mentioned in paragraph (a) or (b) above.
- [<sup>F25</sup>(2ZA) In this section “tax credit functions” means the functions relating to tax credits—
- (a) of the Board,
  - (b) of any person carrying out the administrative work of the General Commissioners or the Special Commissioners, and
  - (c) of any other person providing, or employed in the provision of, services to the Board or to any person mentioned in paragraph (b) above.]
- [<sup>F26</sup>(2A) In this section “social security functions” means—
- (a) the functions relating to contributions, [<sup>F27</sup>child benefit, guardian’s allowance,] statutory sick pay or statutory maternity pay—
    - (i) of the Board and their officers,
    - (ii) of any person carrying out the administrative work of the General Commissioners or the Special Commissioners, and
    - (iii) of any other person providing, or employed in the provision of, services to any person mentioned in sub-paragraph (i) or (ii) above, and
  - (b) the functions under Part III of the Pension Schemes Act 1993 or Part III of the Pension Schemes (Northern Ireland) Act 1993 of the Board and their officers and any other person providing, or employed in the provision of, services to the Board or their officers.]
- (3) The tribunals referred to in subsection (2)(b) above are—
- (a) the General Commissioners and the Special Commissioners,
  - (b) any value added tax tribunal,
  - (c) any referee or board of referees appointed [<sup>F28</sup>for the purposes of section 80(3) of the <sup>M42</sup>Taxes Management Act 1970 or] under section 26(7) of the <sup>M43</sup>Capital Allowances Act 1968, and
  - (d) any tribunal established under section 463 of the Taxes Act 1970 or section 706 of the Taxes Act 1988.
- (4) A person who discloses any information which—
- (a) he holds or has held in the exercise of functions—
    - (i) of the Comptroller Auditor General and any member of the staff of the National Audit Office, <sup>F29</sup> . . .
    - (ii) of the Parliamentary Commissioner for Administration and his officers,
    - [<sup>F30</sup>(iii) of the Auditor General for Wales and any member of his staff, or
    - (iv) of the Welsh Administration Ombudsman and any member of his staff,]

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- (b) is, or is derived from, information which was held by any person in the exercise of tax functions [<sup>F31</sup>, tax credit functions][<sup>F32</sup> or social security functions], and
- (c) is information about any matter relevant, for the purposes of [<sup>F33</sup> tax functions [<sup>F34</sup>, tax credit functions] or social security functions—
- (i) to tax or duty in the case of any identifiable person,  
[ to a tax credit in respect of any identifiable person,]  
<sup>F35</sup>(ia)
- (ii) to contributions payable by or in respect of any identifiable person, or
- (iii) to [<sup>F36</sup> child benefit, guardian’s allowance,] statutory sick pay or statutory maternity pay in respect of any identifiable person]
- is guilty of an offence.
- (5) Subsections (1) and (4) above do not apply to any disclosure of information—
- (a) with lawful authority,
- (b) with the consent of any person in whose case the information is about a matter relevant to tax or duty [<sup>F37</sup> or to a tax credit][<sup>F38</sup> or to contributions, statutory sick pay or statutory maternity pay], or
- (c) which has been lawfully made available to the public before the disclosure is made.
- (6) For the purposes of this section a disclosure of any information is made with lawful authority if, and only if, it is made—
- (a) by a Crown servant in accordance with his official duty,
- (b) by any other person for the purposes of the function in the exercise of which he holds the information and without contravening any restriction duly imposed by the person responsible,
- (c) to, or in accordance with an authorisation duly given by, the person responsible,
- (d) in pursuance of any enactment or of any order of a court, or
- (e) in connection with the institution of or otherwise for the purposes of any proceedings relating to any matter within the general responsibility of the Commissioners or, as the case requires, the Board,
- and in this subsection “the person responsible” means the Commissioners, the Board, the Comptroller [<sup>F39</sup>, the Parliamentary Commissioner, the Auditor General for Wales or the Welsh Administration Ombudsman,] as the case requires.
- (7) It is a defence for a person charged with an offence under this section to prove that at the time of the alleged offence—
- (a) he believed that he had lawful authority to make the disclosure in question and had no reasonable cause to believe otherwise, or
- (b) he believed that the information in question had been lawfully made available to the public before the disclosure was made and had no reasonable cause to believe otherwise.
- (8) A person guilty of an offence under this section is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both, and
- (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.

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- (9) No prosecution for an offence under this section shall be instituted in England and Wales or in Northern Ireland except—
- (a) by the Commissioners or the Board, as the case requires, or
  - (b) by or with the consent of the Director of Public Prosecutions or, in Northern Ireland, the Director of Public Prosecutions for Northern Ireland.

- (10) In this section—

“the Board” means the Commissioners of Inland Revenue,

“the Commissioners” means the Commissioners of Customs and Excise,

[<sup>F40</sup>“contributions” means contributions under Part I of the Social Security Contributions and Benefits Act 1992 or Part I of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;]

“Crown servant” has the same meaning as in the <sup>M44</sup> Official Secrets Act 1989,

[<sup>F41</sup>“tax credit” means a tax credit under the Tax Credits Act 2002,] and

“tax or duty” means any tax or duty within the general responsibility of the Commissioners or the Board.

- (11) In this section—

- (a) references to the Comptroller and Auditor General include the Comptroller and Auditor General for Northern Ireland,
- (b) references to the National Audit Office include the Northern Ireland Audit Office, and
- (c) references to the Parliamentary Commissioner for Administration include the Health Service Commissioner for England, the Health Service Commissioner for Wales, the Health Service Commissioner for Scotland, the [<sup>F42</sup>Assembly Ombudsman for Northern Ireland] and the Northern Ireland Commissioner for Complaints.

- (12) This section shall come into force on the repeal of section 2 of the <sup>M45</sup> Official Secrets Act 1911.

#### Textual Amendments

- F21** Words in s. 182(1) inserted (5.10.1999) by 1999 c. 10, ss. 12(2)(a), 20(2) (and the said insertion is continued (1.8.2002 for certain purposes otherwise *prosp.*) by 2002 c. 21, ss. 59, 61, Sch. 5 para. 11(2)(a); S.I. 2002/1727, art. 2 (which said S.I. was amended by S.I. 2002/2158, art. 2)
- F22** Words in s. 182(1) inserted (1.4.1999) by 1999 c. 2, s. 6, Sch. 6 para. 9(2)(a); S.I. 1999/527, art. 2(b), Sch. 2
- F23** S. 182(1)(a)-(c) and words immediately preceding substituted for words in s. 182(1) (1.4.1999) by 1999 c. 2, s. 6, Sch. 6 para. 9(2)(b); S.I. 1999/527, art. 2(b), Sch. 2
- F24** S. 182(1)(aa) substituted (1.8.2002 for certain purposes otherwise *prosp.*) by 2002 c. 21, ss. 59, 61, Sch. 5 para. 11(2)(b); S.I. 2002/1727, art. 2 (which said S.I. was amended by S.I. 2002/2158, art. 2)
- F25** S. 182(2ZA) substituted (1.8.2002 for certain purposes otherwise *prosp.*) by 2002 c. 21, ss. 59, 61, Sch. 5 para. 11(3); S.I. 2002/1727, art. 2 (which said S.I. was amended by S.I. 2002/2158, art. 2)
- F26** S. 182(2A) inserted (1.4.1999) by 1999 c. 2, s. 6, Sch. 6 para. 9(3); S.I. 1999/527, art. 2(b), Sch. 2
- F27** Words in s. 182(2A)(a) inserted (1.8.2002 for certain purposes otherwise *prosp.*) by 2002 c. 21, ss. 59, 61, Sch. 5 para. 11(4); S.I. 2002/1727, art. 2 (which said S.I. was amended by S.I. 2002/2158, art. 2)

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- F28** Words in s. 182(3)(c) repealed (1.5.1995 with effect as mentioned in Sch. 29 Pt. VIII(16), note 5) by 1995 c. 4, s. 162, **Sch. 29 Pt. VIII(16)**
- F29** Word in s. 182(4)(a)(i) repealed (1.2.1999) by 1998 c. 38, s. 152, **Sch. 18 Pt. I** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1999/118, **art. 2**
- F30** S. 182(4)(a)(iii)(iv) inserted (1.2.1999) by 1998 c. 38, s. 125, **Sch. 12 para. 31(2)** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1999/118, **art. 2**
- F31** Words in s. 182(4)(b) inserted (5.10.1999) by 1999 c. 10, **ss. 12(4)(a), 20(2)** (and the said insertion is continued (1.8.2002 for certain purposes otherwise *prosp.*) by 2002 c. 21, ss. 59, 61, **Sch. 5 para. 11(5)(a)**; S.I. 2002/1727, **art. 2** (which said S.I. was amended by S.I. 2002/2158, **art. 2**))
- F32** Words in s. 182(4)(b) inserted (1.4.1999) by 1999 c. 2, s. 6, **Sch. 6 para. 9(4)(a)**; S.I. 1999/527, art. 2(b), **Sch. 2**
- F33** S. 182(4)(c)(i)-(iii) and words immediately preceding substituted for words in s. 182(4)(c) (1.4.1999) by 1999 c. 2, s. 6, **Sch. 6 para. 9(4)(b)**; S.I. 1999/527, art. 2(b), **Sch. 2**
- F34** Words in s. 182(4)(c) inserted (5.10.1999) by 1999 c. 10, **ss. 12(4)(b), 20(2)** (and the said insertion is continued (1.8.2002 for certain purposes otherwise *prosp.*) by 2002 c. 21, ss. 59, 61, **Sch. 5 para. 11(5)(b)**; S.I. 2002/1727, **art. 2** (which said S.I. was amended by S.I. 2002/2158, **art. 2**))
- F35** S. 182(4)(c)(ia) substituted (1.8.2002 for certain purposes otherwise *prosp.*) by 2002 c. 21, ss. 59, 61, **Sch. 5 para. 11(5)(c)**; S.I. 2002/1727, **art. 2** (which said S.I. was amended by S.I. 2002/2158, **art. 2**))
- F36** Words in s. 182(4)(c)(iii) inserted (1.8.2002 for certain purposes otherwise *prosp.*) by 2002 c. 21, ss. 59, 61, **Sch. 5 para. 11(5)(d)**; S.I. 2002/1727, **art. 2** (which said S.I. was amended by S.I. 2002/2158, **art. 2**))
- F37** Words in s. 182(5)(b) substituted (1.8.2002 for certain purposes otherwise *prosp.*) by 2002 c. 21, ss. 59, 61, **Sch. 5 para. 11(6)**; S.I. 2002/1727, **art. 2** (which said S.I. was amended by S.I. 2002/2158, **art. 2**))
- F38** Words in s. 182(5)(b) inserted (1.4.1999) by 1999 c. 2, s. 6, **Sch. 6 para. 9(5)**; S.I. 1999/527, art. 2(b), **Sch. 2**
- F39** Words in s. 182(6)(e) substituted (1.2.1999) by 1998 c. 38, s. 125, **Sch. 12 para. 31(3)** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1999/118, **art. 2**
- F40** S. 182(10): definition of “contributions” inserted (1.4.1999) by 1999 c. 2, s. 6, **Sch. 6 para. 9(6)**; S.I. 1999/527, art. 2(b), **Sch. 2**
- F41** S. 182(10): definition of “tax credit” inserted (1.8.2002 for certain purposes otherwise *prosp.*) by 2002 c. 21, ss. 59, 61, **Sch. 5 para. 11(7)**; S.I. 2002/1727, **art. 2** (which said S.I. was amended by S.I. 2002/2158, **art. 2**))
- F42** Words in s. 182(11)(c) substituted (16.7.1996) by S.I. 1996/1298 (N.I. 8), art. 21(1), **Sch. 5**

#### **Modifications etc. (not altering text)**

- C4** S. 182 restricted (6.4.1997) by 1995 c. 26, s. 109(5) (with 121(5)); S.I. 1997/664, art. 2(3), **Sch. Pt. II**  
S. 182 restricted (6.4.1997) by S.I. 1995/3213 (N.I. 22), **art. 107(2)** (with art. 118(5)(6)); S.R. 1997/192, **art. 2(b)**

#### **Marginal Citations**

- M42** 1970 c. 9.  
**M43** 1968 c. 3.  
**M44** 1989c. 6.  
**M45** 1911 c. 28.

### **[182A] <sup>F43</sup>Double taxation: disclosure of information.**

- (1) A person who discloses any information acquired by him in the exercise of his functions as a member of an advisory commission set up under the Arbitration Convention is guilty of an offence.

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- (2) Subsection (1) above does not apply to any disclosure of information—
- (a) with the consent of the person who supplied the information to the commission, or
  - (b) which has been lawfully made available to the public before the disclosure is made.
- (3) It is a defence for a person charged with an offence under this section to prove that at the time of the alleged offence he believed that the information in question had been lawfully made available to the public before the disclosure was made and had no reasonable cause to believe otherwise.
- (4) A person guilty of an offence under this section is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both;
  - (b) on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding the statutory maximum or both.
- (5) No prosecution for an offence under this section shall be instituted in England and Wales or in Northern Ireland except—
- (a) by the Board, or
  - (b) by or with the consent of the Director of Public Prosecutions or, in Northern Ireland, the Director of Public Prosecutions for Northern Ireland.
- (6) In this section—
- “the Arbitration Convention” has the meaning given by section 815B(4) of the Taxes Act 1988;
- “the Board” means the Commissioners of Inland Revenue.]

#### Textual Amendments

**F43** S. 182A inserted (16.7.1992) by Finance (No. 2) Act 1992 (c. 48), s. 51(3)

### 183 Government securities: redemption and transfer.

- (1) In section 47 of the <sup>M46</sup> Finance Act 1942 (power to make regulations about transfer and registration of Government stock)—
- (a) the following paragraph shall be inserted after paragraph (b) of subsection (1)—
 

“(bb) for the redemption of such stock and bonds;” and
  - (b) the following subsection shall be inserted after that subsection—
 

“(1A) Regulations under subsection (1) of this section may make provision authorising the Bank of England, in such circumstances and subject to such conditions as may be prescribed in the regulations, to transfer stock and bonds standing in their books in the name of a deceased person into the name of another person without requiring the production of probate, confirmation or letters of administration.”
- (2) In section 3(1) of the <sup>M47</sup> National Debt Act 1972 (power to make regulations about stock on the National Savings Stock Register) the following paragraph shall be inserted after paragraph (b)—



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“(bb) the redemption of stock registered in the register.”

(3) After section 14 of the <sup>M48</sup> National Loans Act 1968 there shall be inserted—

**“14A Redemption of securities held in Issue Department of Bank of England.**

- (1) Any securities of Her Majesty’s Government in the United Kingdom which are for the time being held in the Issue Department of the Bank of England may be redeemed by the Treasury before maturity at market prices determined in such manner as may be agreed between the Treasury and the Bank.
- (2) Any expenses incurred by the Treasury in connection with the redemption of securities under subsection (1) above shall be paid out of the National Loans Fund.”

**Marginal Citations**

**M46** 1942 c. 21.

**M47** 1972 c. 65.

**M48** 1968 c. 13.

**184 National savings accounts.**

(1) In section 2 of the <sup>M49</sup> National Savings Bank Act 1971 (general power to make regulations) after subsection (1) there shall be inserted—

“(1A) Regulations under this section may restrict the classes of persons who may open accounts with the National Savings Bank, but any such restriction shall not apply to any account opened before the coming into force of the regulations imposing the restriction.”

(2) In section 5 of that Act (interest on ordinary deposits) in subsection (1) for the words from the beginning to “in any ordinary deposit account” there shall be substituted “The Director of Savings may, with the consent of the Treasury, from time to time determine the rate or rates at which interest is to be payable on amounts deposited in ordinary accounts or that no interest is to be payable on such amounts, and any such determination in relation to amounts deposited in any ordinary deposit account may be made”.

(3) After subsection (1) of section 5 of that Act there shall be inserted—

“(1A) The Director of Savings shall give notice in the London, Edinburgh and Belfast Gazettes of any determination under subsection (1) above; and any such determination may affect deposits received at or before, as well as after, the time the determination is made.”

(4) Subsection (5) of section 5 of that Act (rate of interest on ordinary deposits to be not less than 2.5 per cent per annum) shall cease to have effect.

(5) Subsections (2) and (3) above shall come into force on 1st October 1989.

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*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1989, Part III. (See end of Document for details)*

#### Marginal Citations

M49 1971 c. 29.

### 185 Winding up of Redemption Annuities Account.

As soon as may be after the passing of this Act, the Treasury shall cause to be wound up the Redemption Annuities Account (which was established under section 25 of the Tithe<sup>M50</sup> Act 1936 and which became redundant on the redemption on 1st October 1988 of all remaining stock issued under that Act), and the surplus standing to the credit of that account immediately before it is wound up shall be paid into the Consolidated Fund.

#### Marginal Citations

M50 1936 c. 43.

#### General

### 186 Interpretation etc.

- (1) In this Act “the Taxes Act 1970” means the <sup>M51</sup>Income and Corporation Taxes Act 1970 and “the Taxes Act 1988” means the <sup>M52</sup>Income and Corporation Taxes Act 1988.
- (2) Chapter II of Part I of this Act shall be construed as one with the <sup>M53</sup>Value Added Tax Act 1983.
- (3) Part II of this Act, so far as it relates to capital gains tax, shall be construed as one with the <sup>M54</sup>Capital Gains Tax Act 1979.

#### Marginal Citations

M51 1970 c. 10.

M52 1988 c. 1.

M53 1983 c. 55.

M54 1979 c. 14.

### 187 Repeals.

- (1) The enactments specified in Schedule 17 to this Act (which include unnecessary enactments) are hereby repealed to the extent specified in the third column of that Schedule, but subject to any provision at the end of any Part of that Schedule.
- (2) The repeal of the enactments specified in Part XIV of Schedule 17 shall come into force on such day as the Treasury may appoint by order made by statutory instrument; and different days may be appointed for different enactments.

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**Modifications etc. (not altering text)**

- C5** Power of appointment conferred by s. 187(2) partly exercised:30.9.1989 appointed by [S.I. 1989/1788](#), [art. 2](#) for the repeal of the enactmentsspecified in Part XIV of Schedule 17 other than section 27 in Part II of the[Tithe Act 1936 \(c. 43\)](#)

**188 Short title.**

This Act may be cited as the Finance Act 1989.

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Finance Act 1989, Part III.