

Finance Act, 1935.

[25 & 26 GEO. 5. CH. 24.]



ARRANGEMENT OF SECTIONS.

A.D. 1935.

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An Act to grant certain duties of Customs and Inland Revenue (including Excise), to alter other duties, and to amend the law relating to Customs and Inland Revenue (including Excise) and the National Debt, and to make further provision in connection with finance. [10th July 1935.] A.D. 1935.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King'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:—

PART I.

CUSTOMS AND EXCISE.

1.—(1) As respects payments for admission to entertainments held on or after the first day of July, nineteen hundred and thirty-five, entertainments duty within the meaning of the Finance (New Duties) Act Amendments as to entertainments duty. 6 & 7 Geo. 5. c. 11.

A.D. 1935. 1916, shall be chargeable subject to the amendments hereafter specified in this section.

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PART I.
—cont:

(2) The said duty shall cease to be charged on payments not exceeding sixpence.

(3) The said duty shall be charged at the reduced rates set out in the First Schedule to this Act in a case where all the performers whose words or actions constitute the entertainment are actually present and performing, and the entertainment consists solely of one or more of the following items, namely, a stage play, a ballet (whether a stage play or not), a performance of music (whether vocal or instrumental), a lecture, a recitation, a music hall or other variety entertainment, a circus or a travelling show.

(4) In this section the expression "stage play" has the meaning assigned to it by section twenty-three of the Theatres Act, 1843, except that it includes theatrical representations in booths and shows to which that Act does not apply by virtue of the proviso to that section.

(5) Where duty has been charged on any payment for admission to an entertainment held on or after the said first day of July at the rate applicable to payments for admission to entertainments held before the said date, the person by whom the duty was paid shall be entitled to repayment of the difference between the amount of duty actually paid and the amount of duty, if any, chargeable on the payment by virtue of the provisions of this section.

6 & 7 Vict.
c. 68.

Withdrawal
of rebate
on heavy
oils used
for road
transport.

2.—(1) On and after the eighth day of August, nineteen hundred and thirty-five, no heavy oils shall be used as fuel for a mechanically propelled vehicle constructed or adapted for use on roads, if rebate has been allowed on the delivery of the oils for home consumption and has not been repaid in accordance with regulations made under this section.

(2) If, on the delivery of any heavy oils for home consumption on or after the first day of August, nineteen hundred and thirty-five, it is intended to use the oils as fuel for such a vehicle as aforesaid, a declaration shall be made to that effect in the bill of entry, and thereupon no rebate shall be allowed in respect of those oils.

(3) On and after the eighth day of August, nineteen hundred and thirty-five—

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—cont.

- (a) no heavy oils, other than oils in respect of which rebate has been allowed and not repaid, shall be bought or sold except from or by a person holding a licence granted in that behalf in accordance with regulations made under this section or exempted by those regulations from holding such a licence; and
- (b) a person selling any heavy oils, other than oils in respect of which rebate has been allowed and not repaid, shall, on demand, furnish the buyer with a certificate stating either that no rebate has been allowed in respect of the oils or that rebate has been allowed in respect thereof but has been repaid and, unless he is exempted as aforesaid, produce to the buyer his licence to sell the oils.

(4) If any person—

- (a) uses any heavy oils in contravention of subsection (1) of this section, or sells any such oils, having reason to believe that they will be so used; or
- (b) contravenes or fails to comply with any provision of subsection (3) of this section or furnishes a false certificate under that subsection;

he shall be liable at the option of the Commissioners either to a customs penalty equal to three times the value of the oils in respect of which the offence was committed (including, in the case of imported oils, the full amount of duty chargeable thereon) or to a customs penalty of one hundred pounds, and the oils shall be forfeited.

(5) The Commissioners may make regulations for giving effect to this section and in particular—

- (a) requiring a person licensed under this section or owning or possessing a heavy oil vehicle to keep such accounts and records in such manner as may be prescribed by the regulations, and to preserve such books and documents relating to the sale, purchase, receipt and disposal by him of heavy oils for such period as may be so prescribed;

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- (b) regulating the storage of heavy oils by such persons as may be so prescribed;
- (c) empowering officers of customs and excise to enter any premises occupied by a person dealing in hydrocarbon oils or owning or possessing a heavy oil vehicle and to inspect any hydrocarbon oils on those premises, and requiring any such person to produce to such an officer any books or documents of whatsoever nature relating to the sale, purchase, receipt or disposal by him of hydrocarbon oils or the use of any such vehicle;
- (d) empowering such officers to examine any heavy oil vehicle and any goods carried thereon, and requiring a person in charge of any such vehicle to produce to such an officer any books or documents of whatsoever nature carried by him or on the vehicle relating to the vehicle or the said goods.

(6) If any person contravenes or fails to comply with any provision of the regulations made under this section, or obstructs, molests or hinders an officer in the execution of any powers conferred upon him by any such provision, he shall for each offence be liable to a customs penalty of one hundred pounds.

(7) For the purposes of this section—

- (a) the expression “heavy oils” means any hydrocarbon oils as defined in subsection (9) of section two of the Finance Act, 1928, not being light oils as defined in subsection (3) of that section;
- (b) the expression “heavy oil vehicle” means a mechanically propelled vehicle which is constructed or adapted to use heavy oils as fuel;
- (c) the expression “rebate” means rebate under subsection (3) of the said section two;
- (d) the expression “vehicle” does not include any such vehicle as is mentioned in sub-paragraphs (a), (b) or (c) of paragraph 4 of the Second Schedule to the Finance Act, 1920 (which, as amended by the Seventh Schedule to the

18 & 19
Geo. 5. c. 1710 & 11
Geo. 5. c. 18.

Finance Act, 1933, relate to agricultural and other machines), or any vehicle being a road roller;

- (e) oils shall be deemed to be used as fuel for a vehicle if they are used as fuel for any engine with which the vehicle is equipped, whether for the propulsion of the vehicle or not.

3.—(1) Sub-paragraph (c) of paragraph 3 of the Second Schedule to the Finance Act, 1920 (which as amended by the Seventh Schedule to the Finance Act, 1933, relates to hackney carriages not chargeable with duty under the foregoing provisions of that paragraph) shall cease to have effect and the hackney carriages to which it relates shall be chargeable with duty under sub-paragraph (b) of that paragraph, and accordingly the said sub-paragraph (b) shall have effect as if the words from “which are propelled” to “light oils” were omitted therefrom.

(2) Sub-paragraph (c) (iv) of paragraph 5 of the said Schedule (which as amended as aforesaid relates to goods vehicles not chargeable with duty under the foregoing provisions of sub-paragraph (c) of that paragraph) shall cease to have effect and the goods vehicles to which it relates shall be chargeable with duty under sub-paragraph (c) (iii) of that paragraph, and accordingly the said sub-paragraph (c) (iii) shall have effect as if the words “which” are not chargeable with duty under the foregoing provisions of this sub-paragraph” were substituted for the words “which are not constructed or adapted to use as fuel any fuel other than light oils.”

(3) This section shall come into operation on the first day of August, nineteen hundred and thirty-five:

Provided that, where the amount of duty chargeable on a licence taken out for a vehicle for the year nineteen hundred and thirty-five, or any part thereof expiring after the said first day of August, exceeds the amount which would have been chargeable thereon if this section had come into operation on the first day of January, nineteen hundred and thirty-five, the following provisions shall have effect:—

- (a) if the licence has been taken out before and is in force on the said first day of August, the licence holder shall be entitled, on application

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PART I.

—cont.

23 & 24
Geo. 5. c.19.Reduced
licence
duties on
heavy oil
vehicles.

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PART I.
—cont.

made within six months after the passing of this Act to the council of the county or county borough with which the vehicle is for the time being registered, to be repaid by that council so much of the duty paid as bears to the said excess the same proportion as the period commencing on the said first day of August and ending on the date of the expiration of the licence bears to the whole period by reference to which the duty paid was computed ;

- (b) if the licence is taken out or surrendered on or after the said first day of August, this section shall, for the purpose of computing the amount of duty chargeable thereon, or the amount of rebate payable in respect thereof, as the case may be, be deemed to have come into operation on the said first day of January.

(4) All repayments made by a council under the last foregoing subsection shall be made in such manner as the Treasury may direct, and the amount of any such repayments shall be refunded to the council by the Minister of Transport out of the Road Fund constituted under the Roads Act, 1920, in such manner as the Treasury may direct.

10 & 11
Geo. 5. c. 72.

Amend-
ments as
to classi-
fication of
certain
vehicles for
purposes of
duty.

4.—(1) A mechanically propelled vehicle constructed or adapted for use and used for the conveyance of a machine or contrivance and no other load except articles used in connection with the machine or contrivance shall, notwithstanding that the machine or contrivance is built in as part thereof, be chargeable with duty under paragraph 5 of the Second Schedule to the Finance Act, 1920 (which, as amended by the Seventh Schedule to the Finance Act, 1933, relates to goods vehicles), as if the machine or contrivance were burden and were not to be included in the unladen weight of the vehicle for the purpose of computing the amount of the duty :

Provided that nothing in this subsection shall apply to any vehicle chargeable with duty under paragraph 4 of the said Schedule.

(2) Sub-paragraph (a) of paragraph 4 of the said Schedule (which, as amended as aforesaid, charges the minimum duty on certain agricultural vehicles) shall have effect as if after the words " farming implements "

there were inserted the words "a living van for the accommodation of persons employed in connection with the vehicle."

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(3) Sub-paragraph (b) of the said paragraph 4 (which as so amended charges the minimum duty on vehicles designed, constructed, and used for the purpose of trench digging and other excavation work) shall have effect as if for the words "and other excavation work" there were substituted the words "or any kind of excavating or shovelling work."

(4) A snow plough shall not be deemed to be a trailer for the purpose of the said paragraph 5.

(5) The provisions of this section which relate to snow ploughs shall come into operation on the first day of October, nineteen hundred and thirty-five, and the other provisions of this section shall come into operation on the first day of January, nineteen hundred and thirty-six.

5.—(1) Any excise duty chargeable on beer by reference to the worts thereof shall, in the case of a brewer for sale, be chargeable and be deemed always to have been chargeable as if priming and colouring solutions were worts.

Amend-
ments as to
duties of
excise on
beer.

(2) The Commissioners may make regulations for giving effect to the foregoing provision of this section, and in particular for regulating the preparation, use, storage and removal of such solutions as aforesaid, for enabling such solutions to be warehoused without payment of duty, and for applying to such solutions (subject to such modifications and exceptions as may be prescribed by the regulations) any enactment relating to or containing provisions incidental to the excise duty on beer.

(3) For the purpose of securing the collection of the excise duty on beer, the Commissioners may also make regulations requiring a brewer for sale to produce to a person specially authorised by them for the purpose any books or documents whatsoever relating to his business as a brewer.

(4) If any person contravenes or fails to comply with any regulations made under this section, he shall for each offence be liable to an excise penalty of one hundred pounds.

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—*cont.*Amend-
ment as to
polariscopic
test of
sugar.

6.—(1) Where the Commissioners are satisfied that any sugar chargeable with a duty of customs or excise has been so treated, whether by the addition of invert sugar or otherwise, as to reduce the polarisation thereof, the sugar shall be chargeable with the duty as if it were of a polarisation exceeding ninety-nine degrees.

(2) This section shall be deemed to have had effect as from the sixteenth day of April, nineteen hundred and thirty-five.

Exemption
of educa-
tional
cinemato-
graph films
from
customs
duty.

7.—(1) No customs duty shall be charged on the importation into the United Kingdom of any cinematograph film which is certified by the Board of Education under this section.

(2) A cinematograph film produced by a person established in a foreign country shall be certified by the Board of Education under this section if the Board are satisfied that the film is entitled to exemption from customs duty under the Convention for facilitating the international circulation of films of an educational character which was signed on behalf of His Majesty at Geneva on the eleventh day of October, nineteen hundred and thirty-three.

(3) A cinematograph film produced by a person established in any country in the British Empire shall be certified by the Board of Education under this section if they are satisfied—

- (a) that the film is of an educational character, and has been certified to be of such a character by the Government of that country or by a person recognised for the purpose by that Government; and
- (b) that the laws of that country provide for a corresponding exemption from customs duty of films which have been produced by a person established in the United Kingdom.

(4) A cinematograph film produced by a person established in the United Kingdom shall be certified by the Board of Education under this section if the Board are satisfied that the film is of an educational character.

(5) Where on the importation of any cinematograph film the Commissioners are satisfied that an application has been or will be made to the Board of Education for a certificate under this section and—

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- (a) in the case of a film produced by a person established in a foreign country, that it has been certified as being of an international educational character under Article IV of the said Convention; and
- (b) in the case of a film produced by a person established in a country in the British Empire, that it has been certified in accordance with the provisions of paragraph (a) of subsection (3) of this section;

the Commissioners shall, subject to such conditions as they think fit to impose for the protection of the revenue, allow the film to be imported without payment of duty.

(6) The Board of Education, after consultation with the Scottish Education Department and the Ministry of Education for Northern Ireland, may appoint a body of persons to give advice and assistance to the Board in connection with the discharge of their functions under this section, and the expenses of any such body, to such an amount as may be approved by the Treasury, shall be paid by the Board.

(7) The expenses of the Board of Education under this section shall be defrayed out of moneys provided by Parliament, but there shall be charged on applications for certificates under this section such fees as the Board, with the approval of the Treasury, may fix, and those fees shall be appropriated in aid of the moneys provided by Parliament as aforesaid.

(8) In this section—

- (a) the expression “the British Empire” has the same meaning as in the Import Duties Act, 22 & 23 1932, except that it includes all territories in respect of which a mandate of the League of Nations is being exercised by the Government of the United Kingdom; Geo. 5. c. 8.
- (b) the expression “cinematograph film” means a developed negative or positive cinematograph

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film and includes both a gramophone record or other form of sound reproduction complementary to such a film and a developed negative or positive sound track;

and for the purposes of this section a person carrying on business shall be deemed to be established in the country in which his principal place of business is situated, and any other person shall be deemed to be established in the country in which he is resident.

Customs
duty on
rice
in the husk.
22 & 23
Geo. 5. c. 53

8.—(1) There shall be charged on the importation into the United Kingdom of rice in the husk a duty of customs at the rate of two-thirds of a penny per pound, and the Ottawa Agreements Act, 1932, shall have effect as if the said duty were chargeable under section one of that Act :

Provided that subsection (2) of the said section one shall not apply in relation to the said duty, but the foregoing provisions of this section shall be deemed not to be in force at any time when the agreement between His Majesty's Government in the United Kingdom and the Government of India, set out in Part VI of the First Schedule to the said Act, is not in force within the meaning of that Act.

(2) This section shall be deemed to have had effect as from the sixteenth day of April, nineteen hundred and thirty-five.

Customs
duty on
soya beans.

9.—(1) Soya beans shall cease to be exempted from the general ad valorem duty chargeable under Part I of the Import Duties Act, 1932, and accordingly that Act shall have effect as if the words "Soya beans" were omitted from the First Schedule thereto.

(2) This section shall come into operation on the first day of August, nineteen hundred and thirty-five.

Valuation of
goods for
purpose of
ad valorem
duties.

10.—(1) For the purposes of any enactment for the time being in force whereunder a duty of customs is chargeable on goods by reference to their value, the value of any imported goods shall be taken to be the price which they would fetch on a sale in the open market at the time of importation, and duty shall be paid on that value as fixed by the Commissioners.

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(2) For the purposes of computing the price aforesaid it shall be assumed—

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—cont.

- (a) that the goods to be valued are to be delivered to the buyer at the port or place of importation, freight, insurance, commission and all other costs, charges and expenses incidental to the making of the contract of sale and the delivery of the goods at that port or place (except any duties of customs) having been paid by the seller; and
- (b) that the price is the sole consideration for the sale of the said goods; and
- (c) that neither the seller nor any person associated in business with him has any interest, direct or indirect, in the subsequent re-sale or disposal of the said goods; and
- (d) that there has not been and will not be any commercial relationship between the seller and the buyer, whether created by contract or otherwise, other than that created by the sale of the said goods.

(3) Where the goods to be valued are manufactured in accordance with a patented invention or are goods to which a registered design has been applied, it shall also be assumed for the purpose of computing the price aforesaid that the buyer is not the patentee or the proprietor of the design and has not paid any sum or given any consideration by way of royalty or otherwise in respect of the patent or design and, on payment of the price, will be entitled to deal with the goods free from any restriction as regards the patent or design.

(4) Where a trade mark is used in the United Kingdom in relation to goods of the class or description to which the goods to be valued belong for the purpose of indicating that goods in relation to which it is used are goods of a foreign supplier of the goods to be valued or of a person to whom he has assigned the goodwill of the business in connection with which the trade mark is so used, it shall also be assumed for the purpose of computing the price aforesaid that the goods to be valued are sold under that trade mark, unless it is shown to the satisfaction of the Commissioners that the goods to be

A.D. 1935. valued have not at any time been, and security is given to the satisfaction of the Commissioners that they will not be, so sold by or on behalf of the foreign supplier or any such person as aforesaid.

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PART I.
—cont.

(5) For the purposes of this section—

(a) two persons shall be deemed to be associated in business with one another if, whether directly or indirectly, either of them has any interest in the business or property of the other or both have a common interest in any business or property or some third person has an interest in the business or property of both of them;

(b) the expression “foreign supplier,” in relation to any goods to be valued, means any person by whom those goods have been grown, produced, manufactured, selected, dealt with or offered for sale outside the United Kingdom, and includes any other person associated in business with such a person as aforesaid;

(c) the expression “trade mark” includes a trade name and a get-up.

(6) Subsections (1) and (2) of section fifteen of the Import Duties Act, 1932, shall cease to have effect, and subsections (3) and (4) of that section (which relate to regulations) and section sixteen of that Act (which relates to the determination of disputes as to value) shall have effect for the purpose of this section as they had effect for the purpose of the said section fifteen.

Power to charge reduced duty in lieu of general ad valorem duty in exceptional cases.

11.—(1) If, as respects goods of any class or description which are chargeable or which it is apprehended will shortly become chargeable with the general ad valorem duty, it appears to the Import Duties Advisory Committee that, having regard to any exceptional circumstances, the said duty ought to be reduced, the Committee may recommend to the Treasury that, in lieu of being charged with the said duty, the said goods ought to be charged—

(a) with a duty equal to such percentage less than ten per cent. of the value of the goods as may be specified in the recommendation; or

(b) with whichever is the lower of the following two duties, namely,—

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—cont.

(i) a duty chargeable by reference to weight or other measure of quantity at such rate as may be specified in the recommendation; or

(ii) a duty equal to such percentage not exceeding ten per cent. of the value of the goods as may be so specified.

(2) The Treasury, after receiving a recommendation under the last foregoing subsection, may, after consultation with the appropriate Department, by order direct that such duty of customs as is specified in the recommendation shall be charged under this section, in lieu of the general ad valorem duty, on the importation into the United Kingdom of goods of the class or description so specified, and references in any enactment to the general ad valorem duty or to duty chargeable under the Import Duties Act, 1932, or under Part I thereof shall, unless the context otherwise requires, be deemed to include, in relation to such goods, a reference to the duty chargeable under this section :

Provided that no order made under this section as respects goods which are not chargeable with the general ad valorem duty at the date when the order is made shall have effect until the date on which that duty would otherwise have become chargeable thereon.

(3) Subsections (1), (3), (4), and (5) of section nineteen of the Import Duties Act, 1932, shall apply to any order made under this section as if it were an order made by the Treasury under the said Act other than an order imposing a duty of customs, and in this section the expression "appropriate Department" has the same meaning as in that Act.

12.—(1) The minimum liquor licence duties payable under Scale 3 of the First Schedule to the Finance (1909–10) Act, 1910, in respect of premises in urban areas in Great Britain with a population of five thousand and upwards shall be reduced, in the case of a publican's licence, to ten pounds and, in the case of a beer-house licence, to six pounds ten shillings.

Reduction of minimum duty on certain liquor licences.

10 Edw. 7
& 1 Geo. 5.
c. 8.

(2) The foregoing provision of this section shall come into operation on the first day of October, nineteen hundred and thirty-five :

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PART I.
—cont.

Provided that, where the amount of duty chargeable in respect of premises in Scotland for the full year commencing on the twenty-ninth day of May, nineteen hundred and thirty-five, exceeds the amount which would have been so chargeable if subsection (1) of this section had come into operation on the said twenty-ninth day of May, the following provisions shall have effect:—

- (a) if the licence is taken out for the said year or a part thereof commencing before the said first day of October, so much of the duty chargeable thereon as is equal to two-thirds of the said excess shall, on an application made to the Commissioners within six months after the passing of this Act, be refunded or, in so far as the duty has not been paid, remitted, and if the business for the purpose of which or in connection with which the licence was granted is discontinued before that date the amount to be refunded or remitted under this paragraph shall be deducted from the amount of the repayment or remission (if any) obtainable on the surrender of the licence;
- (b) if the licence is taken out for a part of the year commencing on or after the said first day of October, or if the said business is discontinued on or after that date, subsection (1) of this section shall, for the purpose of computing the amount of the duty chargeable thereon or the amount of the repayment or remission (if any) obtainable on the surrender thereof, as the case may be, be deemed to have come into operation on the said twenty-ninth day of May.

Relief from
duty on
liquor
licences
when busi-
ness discon-
tinued.

13.—(1) Where the holder of any wholesale dealer's or retailer's licence taken out under Part II of the Finance (1909–10) Act, 1910, satisfies the Commissioners that the business for the purpose of which or in connection with which the licence was granted has been temporarily discontinued by reason of the licensed premises having been destroyed or seriously damaged or closed with a view to their demolition or alteration, he shall, on making application as hereafter provided and surrendering the licence to the Commissioners, be entitled to obtain

repayment, or, in so far as the duty has not been paid, remission, of such part of the duty for the year as bears to the full amount of that duty the same proportion as the period during which the business is not carried on, or the part thereof falling within the year, bears to a whole year.

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—cont.

(2) Where such an application is granted, the licence holder shall be entitled, at the expiration of the period aforesaid, to take out a wholesale dealer's or retailer's licence, as the case may be, on payment of such an amount in respect of excise duty as would have been payable by him had he been a new beginner at the expiration of that period.

(3) Any such application shall be made to the Commissioners within one month after the discontinuance of the business or within such longer period as the Commissioners may in any special case allow, and before making the application the licence holder shall give notice to the registered owner of the licensed premises of his intention to make it.

(4) Section three of the Finance Act, 1915, (which provides for repayment of duty on certain liquor licences as from the date of the surrender thereof in the case of a permanent discontinuance of business) shall have effect as if for the words "date of the surrender" there were substituted the words "date when the business was discontinued."

5 & 6 Geo. 5.
c. 62.

14. If any spirits delivered in bottle from a warehouse for home consumption are sold by a dealer in or retailer of spirits at a strength lower than that by reference to which the customs duty or the excise duty chargeable thereon was computed, he shall, for each offence, be liable on summary conviction to a fine not exceeding fifty pounds.

Penalty for diluting spirits after computation of duty.

15. Where a person is convicted of an offence under section one hundred and eighty-six of the Customs Consolidation Act, 1876, (which relates to evasions of duties of customs and of the laws and restrictions of the customs relating to the importation, unshipping, landing and delivery of goods) the court may, if it thinks fit, in lieu of ordering him to pay a penalty, order him to be imprisoned for a term not exceeding two years.

Amendment of penalty under 39 & 40 Vict. c. 36, s. 186.

A.D. 1935.

PART I
—*cont.*Power to
require
production
of docu-
ments
relating to
imported
goods.

16.—(1) Where an entry of goods has been delivered for the purposes of any Act relating to the customs, an officer of customs and excise may, at any time within three years after the delivery, require any person concerned with the importation of the goods to furnish, in such form as the officer may require, any information relating to the goods, and to produce any books or documents of whatever nature relating to the goods.

(2) If such a person fails to comply with any such requirement, he shall, for each offence, be liable to a customs penalty of fifty pounds.

9 Edw. 7.
c. 43.

(3) Section one of the Revenue Act, 1909, shall cease to have effect in so far as it relates to importers of goods and their agents, but save as aforesaid the powers conferred by this section shall be in addition to and not in derogation of any powers under any other Act relating to the customs to require information or the production of books or documents relating to imported goods.

PART II.

INCOME TAX.

Income tax
for
1935-36.

17.—(1) Income tax for the year 1935-36 shall be charged at the standard rate of four shillings and sixpence in the pound, and, in the case of an individual whose total income exceeds two thousand pounds, at such higher rates in respect of the excess over two thousand pounds as Parliament may hereafter determine.

(2) All such enactments as had effect with respect to the income tax charged for the year 1934-35 shall have effect with respect to the income tax charged for the year 1935-36.

Higher
rates of
income
tax for
1934-35.

18. Income tax for the year 1934-35 in respect of the excess of the total income of an individual over two thousand pounds shall be charged at rates in the pound which respectively exceed the standard rate by amounts equal to the amounts by which the rates at which income tax was charged in respect of the said excess for the year 1933-34 respectively exceeded the standard rate for that year.

19.—(1) An individual who proves that his total income does not exceed one hundred and twenty-five pounds shall be entitled to exemption from income tax.

A.D. 1935.

—
PART II.
—*cont.*

(2) An individual who, not being exempt as aforesaid, proves that his total income is less than one hundred and forty pounds, shall be entitled to have the amount of income tax payable in respect of his total income, if it would but for the provisions of this subsection exceed a sum equal to one-fifth of the amount by which his total income exceeds one hundred and twenty-five pounds, reduced to that sum.

Exemption from, and reduction of, tax in certain cases.

(3) All such provisions of the Income Tax Acts as apply in relation to deductions of tax under section forty of the Finance Act, 1927, shall, with any necessary modifications, apply in relation to exemptions from or reductions of tax under this section.

17 & 18
Geo. 5. c. 10.

20. Subsection (1) of section eighteen of the Finance Act, 1920, (which, as amended by section forty of the Finance Act, 1927, and section eight of the Finance (No. 2) Act, 1931, provides for a deduction of tax on one hundred and fifty pounds in the case of married persons) shall have effect as if the words "one hundred and seventy pounds" were substituted for the words "one hundred and fifty pounds."

Personal allowance of married persons.
21 & 22
Geo. 5. c. 49.

21. Subsection (1) of section twenty-one of the Finance Act, 1920, (which, as amended by section forty of the Finance Act, 1927, and section eight of the Finance (No. 2) Act, 1931, provides for a deduction of tax on fifty pounds in respect of one child and on forty pounds in respect of each subsequent child) shall have effect as if the words "each such child" were substituted for the words "one child," and as if the words "and in respect of each subsequent child to a deduction of forty pounds" were omitted.

Deduction in respect of children.

22. Subsection (2) of section forty of the Finance Act, 1927, (which, as amended by section eight of the Finance (No. 2) Act, 1931, provides for the reduction of the tax remaining chargeable after the allowance of other reliefs by a sum equal to half the amount so remaining chargeable or half the tax on one hundred and seventy-five pounds, whichever is the less) shall have effect as if the words "two thirds" were substituted for the words "one half" in both places where they

Relief from balance of tax chargeable after allowance of other reliefs.

A.D. 1935. occur, and as if the words "one hundred and thirty-five pounds" were substituted for the words "one hundred and seventy-five pounds".

—
PART II.
—cont.

Amendment
as to relief
in respect of
life
insurance
premiums
&c.
8 & 9 Geo. 5.
c. 40.

23. Subsection (3) of section thirty-two of the Income Tax Act, 1918, (which restricts the allowance of tax to be made under that section in respect of life insurance premiums and other payments) shall have effect as if at the end thereof there were inserted the following new paragraph:—

"(f) shall be given at a rate of tax greater than one-third of the standard rate—

(i) where the taxable income of the claimant does not exceed one hundred and thirty-five pounds, in respect of any premiums or payments to which his claim relates; or

(ii) where the taxable income of the claimant exceeds one hundred and thirty-five pounds, in respect of the amount, if any, by which such premiums or payments exceed the amount by which his taxable income exceeds one hundred and thirty-five pounds.

In this paragraph the expression "taxable income" in relation to a claimant means his total income less any amount on which he is, by virtue of subsection (1) of section forty of the Finance Act, 1927, entitled to relief by way of a deduction of tax."

Continuance
of allowance
for repairs
under
13 & 14
Geo. 5. c. 14.
s. 28.

24. Section twenty-eight of the Finance Act, 1923, (which relates to the allowance for repairs and which was continued in force by section thirty of the Finance Act, 1933, until the fifth day of April, nineteen hundred and thirty-six) shall continue in force until the fifth day of April, nineteen hundred and thirty-seven.

Deduction
from profits
of contri-
butions
paid to
rationalise
industry.

25.—(1) Notwithstanding anything contained in Rule 3 of the Rules applicable to Cases I and II of Schedule D, where a person pays, wholly and exclusively for the purposes of a trade in respect of which he is chargeable under Case I of Schedule D, a contribution in furtherance of a scheme which is for the time being certified by the Board of Trade under this section, the contribution shall, in so far as it is paid in furtherance of the primary object of the scheme, be allowed to be deducted as an expense in computing the profits or gains of the said trade.

A.D. 1935.

PART II.
—cont.

(2) The Board of Trade shall certify a scheme under this section if they are satisfied—

- (a) that the primary object of the scheme is the elimination of redundant works or machinery or plant from use in an industry in the United Kingdom; and
- (b) that the scheme is in the national interest and in the interest of the said industry as a whole; and
- (c) that such number of persons engaged in the said industry as are substantially representative of the industry are liable to pay contributions in furtherance of the primary object of the scheme by agreement between them and the body of persons carrying out the scheme.

References in this subsection to an industry in the United Kingdom shall include references to the business carried on by owners of ships or of a particular class of ships, wherever the business is carried on, and in relation to that business references in this subsection to works or machinery or plant shall include references to ships.

(3) The Board of Trade shall cancel any certificate granted under this section if they cease to be satisfied as to any of the matters referred to in the last foregoing subsection.

(4) In the event of the repayment, whether directly or by way of distribution of assets on a winding-up or otherwise, of a contribution or any part thereof which has been allowed to be deducted under this section, the deduction of the contribution, or of so much thereof as has been repaid, shall be deemed to be an unauthorised deduction in respect of which an additional assessment shall be made under subsection (1) of section one hundred and twenty-five of the Income Tax Act, 1918, and notwithstanding anything contained in the Income Tax Acts the time within which such an additional assessment and any consequential assessment to surtax may be made shall not expire before the end of the third year following the year of assessment in which the repayment was made.

(5) For the purpose of this section a sum received by any person by way of repayment of contributions shall be deemed to be by way of repayment of the last

A.D. 1935. contribution paid by him, and, if the sum exceeds the amount of that contribution, by way of repayment of the penultimate contribution so paid, and so on.

—
PART II.
—cont.

16 & 17
Geo. 5. c. 22.

(6) In computing for the purposes of section thirty-three of the Finance Act, 1926 (which relates to relief in respect of certain losses), whether and to what extent a loss has been sustained by any person in the year 1934–35, or in the period which under section thirty-four of that Act would be taken to be the year preceding the year 1935–36, this section shall be deemed to have come into operation at the commencement of the year 1934–35, or of that period, as the case may be.

(7) The Board of Trade may at any time require the body of persons carrying out a scheme certified under this section to produce any books or documents of whatever nature relating to the scheme, and, if the requirement is not complied with, the Board may cancel the certificate.

(8) Anything required or authorised to be done under this section by the Board of Trade may be done by the President, a secretary, under-secretary, or assistant secretary of the Board or any person authorised in that behalf by the President of the Board.

(9) In this section, the expression “contribution,” in relation to a scheme, does not include a sum paid by a person by way of loan or subscription of share capital, or in consideration of the transfer of assets to him, or by way of a penalty for contravening or failing to comply with the scheme.

Amendment
as to assess-
ment on
change of
office.

26.—(1) Where a person, on entering upon any office (in this section referred to as a “new office”), ceases to hold any other office (in this section referred to as an “old office”) and—

- (a) but for the provisions of this section the tax payable by him on the emoluments of the said offices would have been computed by reference to the provisions of subsections (4) and (5) of section forty-five of the Finance Act, 1927; and
- (b) his average monthly net emoluments arising from the new office for the first twelve months of his tenure thereof, or for such shorter period as his tenure thereof endures, do not exceed by more than twenty per cent. his average monthly

net emoluments arising from the old office for the last twelve months of his tenure thereof, or for such shorter period as his tenure thereof endured; and

- (c) the nature of the duties of the old and the new offices respectively was and is such as to require the holder thereof to devote substantially the whole of his time to the performance of those duties;

that person shall, on giving notice as hereinafter provided, be entitled to require that all his emoluments arising from the new office as well as from the old office shall be assessed as if they had arisen from one and the same office, and thereupon any assessment already made shall be adjusted accordingly and any tax overpaid shall be repaid.

(2) A person giving notice under this section shall give it in writing to the surveyor not later than the expiration of the eighteen months next after the end of the year of assessment within which he entered upon the new office.

(3) In this section—

- (a) the expression “emoluments” has the same meaning as in section forty-five of the Finance Act, 1927;
- (b) the expression “net emoluments” in relation to an office for any period means the emoluments of the office for that period after the deduction of any amount paid or borne for that period by the holder of the office which would be allowable under the provisions of the Income Tax Acts for the purpose of computing an assessment to income tax under Schedule E;
- (c) the expression “office” means an office or an employment the emoluments of which are chargeable wholly under Schedule E.

(4) This section shall apply to any person who entered upon a new office in the year 1933-34 or the year 1934-35 as it applies to persons entering upon a new office in any subsequent year:

Provided that no assessment for any year before the year 1934-35 shall be adjusted under this section.

A.D. 1935.

PART III.

NATIONAL DEBT AND LOCAL LOANS.

National Debt.

Provisions
as to
permanent
annual
charge
for the
National
Debt.

27.—(1) The permanent annual charge for the National Debt for the financial year ending on the thirty-first day of March, nineteen hundred and thirty-six, shall be the sum of two hundred and twenty-four million pounds instead of the sum of three hundred and fifty-five million pounds.

(2) The Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under and for the purposes of subsection (1) of section one of the War Loan Act, 1919, for providing any sums required during the said financial year for the purposes mentioned in paragraph (a) or paragraph (b) of subsection (4) of section twenty-three of the Finance Act, 1928, and the amount required by the said subsection (4) to be issued from the permanent annual charge for the National Debt for the purposes aforesaid in that year shall be decreased by the amount raised under this subsection.

9 & 10
Geo. 5. c. 37.

(3) Any securities created and issued to raise money under the last preceding subsection shall be deemed to have been created and issued under subsection (1) of section one of the War Loan Act, 1919.

Local Loans.

Power to
issue new
securities
in lieu of
Local Loans
stock.
50 & 51
Vict. c. 16.

28. The Treasury may from time to time, in lieu of creating Local Loans stock under section eight of the National Debt and Local Loans Act, 1887, create and issue, for the purposes for which Local Loans stock may be created, such securities bearing such rate of interest and subject to such conditions as to redemption, repayment or otherwise as they think fit.

Provision
for redemp-
tion and
conversion
of Local
Loans
stock and
new secu-
rities.

29.—(1) The Treasury may also from time to time create and issue such securities bearing such rate of interest and subject to such conditions as aforesaid for any of the following purposes—

(a) for raising money for the redemption of any Local Loans stock or any securities created

under this or the last foregoing section (hereafter referred to as "new Local Loans securities");

A.D. 1935.

—
PART III.

—cont.

- (b) for the purpose of exchange, as hereafter provided, with any such stock or securities, and for raising such money (if any) as may be required as further consideration for any such exchange;
- (c) for raising money for the repayment to the Exchequer of sums issued out of the Consolidated Fund as provided in the next following section.

(2) The notice of redemption of Local Loans stock referred to in subsection (3) of section eight of the National Debt and Local Loans Act, 1887, shall, instead of being a resolution of the House of Commons as provided in subsection (4) of that section, be a notice given by the Treasury and published in the London Gazette, and the mode of redemption shall be such as may be determined by the notice, but save as aforesaid nothing in this Act shall affect the provisions of the said subsections (3) and (4).

(3) Where it is proposed to redeem any Local Loans stock or any new Local Loans securities, the Treasury may arrange for giving an option, subject to such conditions and on such terms as the Treasury may determine and with or without payment of any further consideration, to any holders of the stock or securities to be redeemed to take in exchange securities created under this section.

(4) All stock or securities redeemed or surrendered for the purpose of an exchange under this section shall be cancelled forthwith.

(5) The Treasury may make rules with respect to the exchange of stock or securities as aforesaid, and may by those rules provide, with the necessary modifications, for any of the matters for which provision could be made under section twenty-nine of the National Debt (Conversion) Act, 1888, and may also by those rules apply, with the necessary modifications, any of the provisions of Part IV of that Act (whether repealed or not) which they think it expedient to apply.

51 & 52
Vict. c. 2.

A.D. 1935.

PART III.

—cont.

Charge on
Consoli-
dated Fund
and general
provisions
as to new
securities.

30.—(1) Any sums required to be paid in respect of the interest, or the expenses of issue or management, of new Local Loans securities shall be paid out of the income account of the Local Loans Fund, and any sums required to be paid in respect of the principal of such securities or in respect of the redemption of any Local Loans stock shall be paid out of the capital account of that Fund, and any such sum, in so far as it cannot be paid as aforesaid, shall be charged on and issued out of the Consolidated Fund or the growing produce thereof.

(2) For the purpose of providing for the issue of sums out of the Consolidated Fund under the last foregoing subsection in respect of the principal of the said securities or the redemption of the said stock, the Treasury may raise money in any manner in which they are authorised to raise money under and for the purposes of subsection (1) of section one of the War Loan Act, 1919, and any securities created and issued to raise money under this subsection shall for all purposes be deemed to have been created and issued under the said subsection (1).

(3) The Bank of England may advance to the Treasury any sums which the Treasury have power to raise under the last foregoing subsection.

(4) The Treasury shall from time to time lay before Parliament a statement of any sums issued out of the Consolidated Fund under this section, and any sums so issued shall be repayable to the Exchequer out of such account of the Local Loans Fund in such manner and at such times as the Treasury may direct.

(5) New Local Loans securities in the form of stock or registered bonds shall be transferable in like manner as Local Loans stock, and any person having power to invest in Local Loans stock shall have the like power to invest in any new Local Loans securities.

55 & 56 Vict.
c. 48;
56 & 57 Vict.
c. 69.

(6) Section thirteen of the National Debt and Local Loans Act, 1887, section four of the Bank Act, 1892, and the First Schedule to the Savings Bank Act, 1893, shall have effect as if references to Local Loans stock included references to new Local Loans securities, and section sixteen and paragraph (9) of section seventeen of the National Debt and Local Loans Act, 1887, shall apply for the purposes of this Part of this Act as they apply for the purposes of that Act.

31. If, at any time after Local Loans stock has been exchanged or redeemed under this Part of this Act, the Treasury are satisfied that the assets of the Local Loans Fund exceed in value its liabilities by an amount not less than ten million pounds, they may, if they think fit, by notice published in the London Gazette direct that such relief shall be given from such outstanding obligations to the Fund either in respect of interest or in respect of capital as may be specified in the notice :

A.D. 1935.
 —
 PART III.
 —cont.
 Power to reduce obligations to the Local Loans Fund.

Provided that the Treasury shall not give such a direction as will, in their opinion, reduce the said excess to less than five million pounds.

PART IV.

MISCELLANEOUS AND GENERAL.

32. There shall, in accordance with the directions of the Treasury, be transferred to the Exchequer from the Road Fund constituted under the Roads Act, 1920, the sum of four million, four hundred and seventy thousand pounds.

Transfer of sum from Road Fund to Exchequer.

33.—(1) Subsection (1) of section fifteen of the Finance Act, 1894 (which exempts from estate duty certain annuities not exceeding twenty-five pounds) shall have effect, in the case of an annuity purchased or provided by a person dying after the passing of this Act, as if the words “fifty-two pounds” were substituted for the words “twenty-five pounds.”

Further relief of small annuities from estate duty.
 57 & 58 Vict. c. 30.

(2) An annuity of less than one hundred and four pounds which would, but for the fact that it exceeds fifty-two pounds, be exempted from estate duty under the provisions of the said subsection as amended by this section, shall be chargeable with estate duty as if it were an annuity of twice the amount by which it exceeds fifty-two pounds and as if the said provisions were not in force.

34.—(1) The Summary Jurisdiction Acts (Northern Ireland) shall, notwithstanding any special provisions to the contrary contained in any enactment relating to His Majesty’s revenue under the control of the Commissioners of Inland Revenue or the Commissioners of

Summary proceedings in revenue cases in Northern Ireland.

A.D. 1935. Customs and Excise, apply to all informations, complaints, and other summary proceedings in Northern Ireland under or by virtue of any such enactment :

PART IV.
—cont.

Provided that nothing in this subsection shall affect the provisions of section two hundred and fifty-seven of the Customs Consolidation Act, 1876 (which relates to the time within which proceedings may be brought).

(2) A resident magistrate in Northern Ireland shall have power to reduce the amount of any pecuniary penalty which he has power to impose for an offence against any such enactment as aforesaid, notwithstanding that the amount of the penalty is prescribed by that enactment.

(3) Where any person arrested in Northern Ireland without a warrant for an offence against any enactment relating to the Customs is brought before a resident magistrate, or before a justice of the peace sitting out of petty sessions, the magistrate or justice may from time to time remand him in custody for such period (not exceeding eight clear days) as the magistrate or justice thinks fit, or may discharge him upon his entering into a recognizance, with or without sureties, to appear at the time and place named in the recognizance.

(4) In this section the expression "Summary Jurisdiction Acts (Northern Ireland)" means the Summary Jurisdiction (Ireland) Acts and any Act of the Parliament of Northern Ireland, whether passed before or after the date on which this section comes into operation, amending those Acts.

(5) The enactments set out in Part I of the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

(6) The foregoing provisions of this section shall come into operation on such date as the Treasury may by order appoint.

Short title,
construc-
tion, extent
and repeals.

35.—(1) This Act may be cited as the Finance Act, 1935.

(2) Part I of this Act, so far as it relates to duties of customs, shall be construed as one with the Customs Consolidation Act, 1876, and so far as it relates to duties of excise shall be construed as one with the Acts which

relate to the duties of excise and to the management of those duties, and the expression "the Commissioners" in the said Part I means the Commissioners of Customs and Excise.

A.D. 1935.
—
PART IV.
—*cont.*

(3) Part II of this Act shall be construed as one with the Income Tax Acts.

(4) Any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by any subsequent enactment, including (unless the context otherwise requires) this Act.

(5) In this Act the expression "the United Kingdom" does not include the Isle of Man.

(6) Such of the provisions of this Act as relate to matters with respect to which the Parliament of Northern Ireland has power to make laws shall not extend to Northern Ireland.

(7) The enactments set out in Part II of the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

A.D. 1935.

SCHEDULES.

Section 1.

FIRST SCHEDULE.

REDUCED RATES OF ENTERTAINMENTS DUTY IN CASE OF
CERTAIN ENTERTAINMENTS.

| Amount of Payment. | Duty. |
|---|---|
| Where the amount of the payment, excluding the amount of duty,— | |
| Exceeds 6 <i>d.</i> and does not exceed 8½ <i>d.</i> - | One half-penny. |
| Exceeds 8½ <i>d.</i> and does not exceed 11 <i>d.</i> - | One penny. |
| Exceeds 11 <i>d.</i> and does not exceed 1/1½ <i>d.</i> - | Three half-pence. |
| Exceeds 1/1½ <i>d.</i> and does not exceed 1/4 <i>d.</i> - | Two pence. |
| Exceeds 1/4 <i>d.</i> and does not exceed 1/6½ <i>d.</i> - | Two pence half-penny. |
| Exceeds 1/6½ <i>d.</i> and does not exceed 1/9 <i>d.</i> - | Three pence. |
| Exceeds 1/9 <i>d.</i> - | Three pence for the first 1/9 <i>d.</i> and one penny for every 5 <i>d.</i> or part of 5 <i>d.</i> over 1/9 <i>d.</i> |

SECOND SCHEDULE.

A.D. 1935.

ENACTMENTS REPEALED.

Sections 34,
35.

PART I.

ENACTMENTS RELATING TO REVENUE PROCEEDINGS BEFORE
COURTS OF SUMMARY JURISDICTION IN NORTHERN IRELAND.

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---------------------------|---|---|
| 14 & 15 Vict. c. 93. | The Petty Sessions (Ireland) Act, 1851. | Section forty-two. |
| 13 & 14 Geo. 5. c. 14. | The Finance Act, 1923 | - Subsection (4) of section thirteen. |
| 18 & 19 Geo. 5. c. 17. | The Finance Act, 1928 | - Section twenty-two. |
| 20 & 21 Geo. 5. c. 28. | The Finance Act, 1930 | - In subsection (2) of section twenty-five the words from "and it is hereby declared" to the end of the subsection. |
| 24 & 25 Geo. 5. c. 32. | The Finance Act, 1934 | - Section fifteen. |

PART II.

MISCELLANEOUS ENACTMENTS.

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|-------------------------------------|----------------------------------|---|
| 9 Edw. 7. c. 43. | The Revenue Act, 1909. | In subsection (1) of section one, the words "the importer of the goods or his agent, or" and the words "as the case may be," and in subsection (2) of that section the words "the importer or his agent, or". |
| 10 Edw. 7 and 1 Geo. 5. c. 8. | The Finance (1909-10) Act, 1910. | As from the first day of October, nineteen hundred and thirty-five, in the first column of scale 3 in the First Schedule the words and figures from "and less" to "100,000" where it secondly occurs, in the second column of that scale the figures from "15 0" to "35 0," and in the third column the figures from "10 0" to "23 10". |

A.D. 1935.
—
2ND SCH.
—cont.

| Session and Chapter. | Title or Short Title. | Extent of Repeal. |
|---------------------------|-----------------------------------|--|
| 10 & 11 Geo. 5. c. 18. | The Finance Act, 1920. | In subsection (1) of section twenty-one, the words " and " in respect of each subsequent child to a deduction of forty pounds " |
| 21 & 22 Geo. 5. c. 49. | The Finance (No. 2) Act, 1931. | In the Second Schedule the words from " Exceeds 2 <i>d</i> ." to " One penny " where it first occurs. |
| 22 & 23 Geo. 5. c. 8. | The Import Duties Act, 1932. | Subsections (1) and (2) of section fifteen; and as from the first day of August, nineteen hundred and thirty-five, in the First Schedule the words " Soya beans ". |
| 23 & 24 Geo. 5. c. 19. | The Finance Act, 1933. | Section twelve; and, as from the first day of August, nineteen hundred and thirty-five, in the paragraph substituted by Part I of the Seventh Schedule the words in subparagraph (b) from " which are propelled " to " light oils," subparagraph (c) and the definition of light oils, and in the paragraph substituted by Part III of that Schedule subparagraph (c) (iv) and the words " light oils ". |

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