

*Status: Point in time view as at 20/03/1991.*

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## SCHEDULES

### SCHEDULE 1

Section 1.

“ TABLE OF RATES OF DUTY ON WINE AND MADE-WINE

<i>Description of wine or made-wine</i>	<i>Rates of duty per hectolitre</i>
	£
Wine or made-wine of a strength not exceeding 2 per cent.	12.06
Wine or made-wine of a strength exceeding 2 per cent. but not exceeding 3 per cent.	20.09
Wine or made-wine of a strength exceeding 3 per cent. but not exceeding 4 per cent.	28.12
Wine or made-wine of a strength exceeding 4 per cent. but not exceeding 5 per cent.	36.17
Wine or made-wine of a strength exceeding 5 per cent. but not exceeding 5.5 per cent.	44.20
Wine or made-wine of a strength exceeding 5.5 per cent. but not exceeding 15 per cent. and not being sparkling	120.54
Sparkling wine or sparkling made-wine of a strength exceeding 5.5 per cent. but not exceeding 15 per cent.	199.04
Wine or made-wine of a strength exceeding 15 per cent. but not exceeding 18 per cent.	207.89
Wine or made-wine of a strength exceeding 18 per cent. but not exceeding 22 per cent.	239.80
Wine or made-wine of a strength exceeding 22 per cent.	239.80plus £18.96 for every 1 per cent. or part of 1 per cent. in excess of 22 per cent.”

VALID FROM 01/05/1993

### SCHEDULE 2

Section 7.

#### AMENDMENTS RELATING TO BEER DUTY

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VALID FROM 01/10/1991

SCHEDULE 3

Section 10.

MODIFICATION OF ENACTMENTS EXTENDED TO NORTHERN IRELAND

**PART I**

THE VEHICLES (EXCISE) ACT 1971

*Introduction*

1 The <sup>M5</sup>Vehicles (Excise) Act 1971 shall be amended as follows.

**Marginal Citations**

M5 1971 c. 10.

*Excise duty on, and licensing of, mechanically propelled vehicles*

2 In section 1 (charge of duty) in subsection (1) for “Great Britain there shall be substituted “the United Kingdom ”.

*Exemptions from duty*

3 In section 4 (exemptions from duty of certain descriptions of vehicles) at the end there shall be added the following subsection—

“(3) In its application to Northern Ireland, this section shall have effect as if—

(a) in paragraph (b) of subsection (1) for “a local authority there were substituted “the Fire Authority for Northern Ireland and for “their there were substituted “its;

(b) in paragraph (j) of that subsection for “local authority’s there were substituted “district council’s;

(c) in subsection (2)—

(i) in the definition of “fire engine, for “the Fire Services Act 1947 there were substituted “the Fire Services (Northern Ireland) Order 1984;

(ii) in the definition of “weight unladen, for “section 190(2) of the Road Traffic Act 1988 there were substituted “Article 2(3) of the Road Traffic (Northern Ireland) Order 1981;

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- (iii) in the definition of “local authority’s watering vehicle, for “local authority’s there were substituted “district council’s and for the words “local authority, in each place where they occur, there were substituted “district council; and
- (iv) in the definition of “street lighting authority, for “local authority or Minister there were substituted “Northern Ireland department.”
- 4 In section 5 (exemptions from duty in connection with vehicle testing, etc.) at the end there shall be added the following subsection—
- “(4) In its application to Northern Ireland, this section shall have effect as if—
- (a) in subsection (2) for the word “Minister’s there were substituted “Department’s; and
- (b) for subsection (3) there were substituted the following subsection—
- (”) In this section—
- “authorised person means an inspector of vehicles within the meaning of Article 2(2) of the Road Traffic (Northern Ireland) Order 1981;
- “compulsory test means an examination to obtain a vehicle test certificate under Article 33 of the Road Traffic (Northern Ireland) Order 1981 without which a vehicle licence cannot be obtained for the vehicle under this Act, or an examination to obtain a goods vehicle certificate, public service vehicle licence or certificate of inspection under Article 53, 60(1) or 67 respectively of that Order;
- “the relevant certificate means a vehicle test certificate, a goods vehicle certificate, a public service vehicle licence (those expressions having the same meanings as they have in the Road Traffic (Northern Ireland) Order 1981) a certificate of inspection within the meaning of Article 67(2) of that Order, a type approval certificate within the meaning of Article 31A of that Order or a Department’s approval certificate within the meaning of that Article.””
- 5 (1) In section 7 (miscellaneous exemptions from duty)—
- (a) in paragraph (b) of subsection (2) after “1978 there shall be inserted “or Article 30(3) of the Health and Personal Social Services (Northern Ireland) Order 1972 ”, and
- (b) in paragraph (c) of that subsection after “subsection there shall be inserted “subsection (2C) below ”.
- (2) In subsection (2A) of that section in the definition of “appointee after “1975 there shall be inserted “or the Social Security (Northern Ireland) Act 1975 ”.

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(3) After subsection (2B) of that section there shall be inserted the following subsections—

“(2C) A mechanically propelled vehicle suitable for use by persons having a particular disability that so incapacitates them in the use of their limbs that they have to be driven and cared for by a full-time constant attendant and registered in the name of such a disabled person under this Act shall not be chargeable with any duty under this Act by reason of its use by or for the purposes of that disabled person or by reason of its being kept for such use where—

- (a) the disabled person is sufficiently disabled to be eligible under the Health and Personal Social Services (Northern Ireland) Order 1972 for an invalid tricycle but too disabled to drive it; and
- (b) no vehicle exempted from duty under subsection (2) above is (or by virtue of that subsection is deemed to be) registered in his name under this Act.

(2D) Subsection (2C) above applies only in relation to Northern Ireland.”

(4) In subsection (4A) of that section at the end there shall be added “or a health and social services body, as defined in Article 7(6) of the Health and Personal Social Services (Northern Ireland) Order 1991 or a Health and Social Services Trust established under that Order”.

(5) Subsection (5) of that section shall be omitted.

*Liability to pay duty and consequences of non-payment*

6 (1) In section 9 (additional liability for keeping unlicensed vehicle) in subsection (5) after “1948 there shall be inserted “or the Probation Act (Northern Ireland) 1950”.

(2) At the end of that section there shall be added the following subsection—

“(9) In its application to Northern Ireland, this section shall have effect as if for subsection (7) there were substituted the following subsection—

- (”) A sum payable by virtue of any order made under this section by a court shall be recoverable as a sum adjudged to be paid by a conviction and treated for all purposes as a fine within the meaning of section 20 of the Administration of Justice Act (Northern Ireland) 1954.””

7 In section 13 (temporary licences) in subsection (2A) after “body, where it occurs for the first time, there shall be inserted “(other than a Northern Ireland department)”.

8 In section 18 (alteration of vehicle or its use) at the end there shall be added the following subsection—

“(10) In its application to Northern Ireland, this section shall have effect as if—

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- (a) for subsection (8) there were substituted the following subsection—
- (?) Where duty has been paid under this Act in respect of a vehicle either—
- (a) as an agricultural tractor under Schedule 3, or
- (b) as a farmer’s goods vehicle under Schedule 4, duty at a higher rate shall not become chargeable in respect of that vehicle by reason only that it is used by the person in whose name it is registered for conveying to or from any agricultural land in his occupation livestock owned by him in connection with the agricultural activities carried on by him on that land; but this subsection shall not have effect in relation to a vehicle used for conveying any livestock which for the time being is part of the stock in trade of a dealer in cattle and is conveyed in the course of his business as such dealer.”; and
- (b) subsection (9) were omitted.”
- 9 (1) In section 18A (additional liability in relation to alteration of vehicle or its use) in subsection (10) after “1973 there shall be inserted “or the Probation Act (Northern Ireland) 1950 ”.
- (2) After subsection (12) of that section there shall be inserted the following subsection—
- “(12A) In its application to Northern Ireland, this section shall have effect as if—
- (a) in subsections (3) and (5) for “plated weight, in each place, there were substituted “relevant maximum weight or, as the case may be, relevant maximum train weight;
- (b) in subsection (6) for “plated with the higher plated weight there were substituted “rated at the higher relevant maximum weight or, as the case may be, the higher relevant maximum train weight; and
- (c) for subsection (11) there were substituted the following subsections—
- (?) A sum payable by virtue of any order made under this section by a court shall be recoverable as a sum adjudged to be paid by a conviction and treated for all purposes as a fine within the meaning of section 20 of the Administration of Justice Act (Northern Ireland) 1954.
- (11A) In this section “relevant maximum weight and “relevant maximum train weight have the same meaning as in Schedule 4 to this Act.””
- 10 (1) Section 18B (combined transport of goods) shall be amended as follows.
- (2) In subsection (2), for “Great Britain there shall be substituted “the United Kingdom ”.
- (3) At the end there shall be inserted the following subsection—

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- “(5) In its application to Northern Ireland, this section shall have effect as if—
- (a) for “plated gross weight, in each place, there were substituted “relevant maximum weight; and
  - (b) for “plated train weight, in each place, there were substituted “relevant maximum train weight.”

*Registration and registration marks, etc.*

- 11 In section 22 (failure to fix, and obscuration of, marks and signs) at the end there shall be added the following subsection—

“(4) In its application to Northern Ireland, subsection (1) above shall have effect as if for paragraph (b) of the proviso there were substituted the following paragraph—

- (”) in a case where the charge relates to a vehicle to which Article 34 of the Road Traffic (Northern Ireland) Order 1981 applies by virtue of paragraph (2)(b) thereof, that he had no opportunity of so registering the vehicle and that the vehicle was being driven on a road for the purposes of or in connection with its examination under Article 33 of the said Order of 1981 in circumstances in which its use is exempted from paragraph (1) of the said Article 34 by regulations under paragraph (5) thereof.”

*Miscellaneous*

- 12 In section 27 (duty to give information) at the end there shall be added the following subsection—

“(4) In its application to Northern Ireland, subsection (1)(a) above shall have effect as if for “a chief officer of police there were substituted “the Chief Constable of the Royal Ulster Constabulary.”

- 13 After section 28 (institution of proceedings in England and Wales) there shall be inserted the following section—

**“28A Institution of proceedings in Northern Ireland.**

Section 28 of this Act shall also apply in relation to the institution of proceedings in Northern Ireland, but as if—

- (a) for any reference in that section to England and Wales there were substituted a reference to Northern Ireland; and
- (b) in subsection (4) of that section for the words from the beginning to “county court there were substituted “In a court of summary jurisdiction or before a county court.”

- 14 In section 31 (admissibility of records as evidence) at the end there shall be added the following subsection—

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“(5) In its application to Northern Ireland, this section shall have effect as if in subsection (2) for “subsection (1) of section 10 of the Civil Evidence Act 1968 there were substituted “subsection (1) of section 6 of the Civil Evidence Act (Northern Ireland) 1971.”

15 In section 32 (evidence of admissions in certain proceedings) the existing provision shall be numbered as subsection (1) and after that subsection there shall be added the following subsection—

“(2) Subsection (1) above shall apply in Northern Ireland as if—

- (a) for the words “England and Wales there were substituted “Northern Ireland; and
- (b) for the words from “rules to “1949 there were substituted “magistrates’ courts rules as defined in Article 2(3) of the Magistrates’ Courts (Northern Ireland) Order 1981.”

16 In section 34 (fixing amount payable on pleas of guilty by absent accused) the existing provision shall be numbered as subsection (1) and after that subsection there shall be added the following subsection—

“(2) In its application to Northern Ireland, subsection (1) above shall have effect as if—

- (a) for “section 12(2) of the Magistrates’ Courts Act 1980 and “the said section 12(2) there were substituted “Article 24(2) of the Magistrates’ Courts (Northern Ireland) Order 1981 and “the said Article 24(2) respectively; and
- (b) for the words from “or in to “1980 there were substituted “or by affidavit or in the manner prescribed by magistrates’ courts rules as defined by Article 2(3) of the Magistrates’ Courts (Northern Ireland) Order 1981.”

17 In section 35 (application of fines etc.) in subsection (2) after “Scotland there shall be inserted “or Northern Ireland ”.

#### *Supplementary*

18 In section 37 (regulations), at the end of paragraph (a) of subsection (1) there shall be inserted the words “and for different parts of the United Kingdom ”.

19 In section 40 (short title, etc.) for subsection (3) there shall be substituted—

“(3) This Act extends to Northern Ireland.”

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### *Schedules*

20 In Part I of Schedule 1 (annual rate of duty on certain mechanically propelled vehicles) after paragraph 3 there shall be added the following paragraph—

“4 In its application to Northern Ireland, this Part of this Schedule shall have effect as if—

- (a) in paragraph 2(a), for “1933 there were substituted “1935; and
- (b) in paragraph 3, in the definition of “weight unladen, for “section 190(2) of the Road Traffic Act 1988 there were substituted “Article 2(3) of the Road Traffic (Northern Ireland) Order 1981.”

21 In Schedule 2 (annual rates of duty on hackney carriages) at the end of Part I there shall be added the following paragraph—

- “5 (1) A vehicle falling within this Schedule shall not be chargeable with duty at the rate appropriate to a hackney carriage unless a licence granted under Article 61 of the Road Traffic (Northern Ireland) Order 1981 is in force with respect to that vehicle.
- (2) This paragraph applies only to Northern Ireland.”

22 In Schedule 4 (annual rates of duty on goods vehicles) at the end of Part I there shall be added the following paragraph—

- “16 (1) This Schedule shall apply to Northern Ireland subject to the following modifications.
- (2) Any reference to a plated gross weight or a plated train weight shall be construed as if it were a reference to a relevant maximum weight or a relevant maximum train weight.
- (3) Paragraph 5 above shall have effect as if for sub-paragraph (1) there were substituted the following paragraph—
- (”) This paragraph applies to a goods vehicle—
- (a) which has a relevant maximum weight or a relevant maximum train weight exceeding 3,500 kilograms or, in the case of a vehicle which has neither a relevant maximum weight nor a relevant maximum train weight, a design weight exceeding 3,500 kilograms; and
  - (b) which is for the time being authorised for use on roads by virtue of an order under Article 29(3) of the Road Traffic (Northern Ireland) Order 1981 (authorisation of special vehicles).”



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(4) Paragraph 9 above shall have effect as if for sub-paragraphs (1) and (2) there were substituted the following sub-paragraphs—

(”) Any reference in this Schedule to the relevant maximum weight of a goods vehicle or trailer is a reference—

(a) where the vehicle or trailer is required by regulations under Article 28 of the Road Traffic (Northern Ireland) Order 1981 to have a maximum gross weight in Great Britain for the vehicle or trailer marked on a plate attached to the vehicle or trailer, to the maximum gross weight in Great Britain marked on such a plate;

(b) where a vehicle or trailer on which the maximum gross weight in Great Britain is marked by the same means as would be required by regulations under the said Article 28 if those regulations applied to the vehicle or trailer, to the maximum gross weight in Great Britain so marked on the vehicle or trailer;

(c) where a maximum gross weight is not marked on a vehicle or trailer as mentioned in paragraph (a) above, to the notional maximum gross weight of the vehicle or trailer ascertained in accordance with the Goods Vehicles (Ascertainment of Maximum Gross Weights) Regulations (Northern Ireland) 1976 (or any regulations replacing those regulations, whether with or without amendments).

(2) Any reference in this Schedule to the relevant maximum train weight of a vehicle is a reference to the maximum gross weight which may not be exceeded in Great Britain for an articulated vehicle consisting of the vehicle in question and any semi-trailer which may be drawn by it.”

(5) Paragraph 15(1) above shall have effect as if in the definition of “unladen weight for the words from “the Road to “that Act there were substituted “the Road Traffic (Northern Ireland) Order 1981 by virtue of Article 2(3) of that Order.”

23

In Schedule 4A (duty on vehicles used for carrying or drawing exceptional loads) at the end there shall be added the following paragraph—

“5 In its application to Northern Ireland, this Schedule shall have effect as if—

(a) in paragraph 1 above for the words referring to section 44 of the Road Traffic Act 1988 there were substituted “Article 29(3) of the Road Traffic (Northern Ireland) Order 1981;

(b) in paragraph 4 above—

(i) in the definition of “exceptional load for the words referring to section 41 of the Road Traffic Act 1988 there were substituted “Article 28 of the Road Traffic (Northern Ireland) Order 1981; and

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- (ii) in the definition of “specified amount for the words from “Road Traffic to “that Act there were substituted “Road Traffic (Northern Ireland) Order 1981 have the same meanings as in that Order.”

## PART II

### SECTION 11 OF THE FINANCE ACT 1976

24 In section 11 of the <sup>M6</sup>Finance Act 1976, for subsection (5) there shall be substituted the following subsection—

“(5) In its application to Northern Ireland, this section shall have effect as if in subsection (2)—

(a) for paragraph (b) there were substituted the following paragraph—

(?) the relevant maximum weight or, as the case may be, the relevant maximum train weight of the vehicle;”

and

(b) in paragraph (c) for the words “plated weights there were substituted “relevant maximum weight or, as the case may be, such relevant maximum train weight.”

#### Marginal Citations

**M6** 1976 c. 40.

VALID FROM 25/07/1991

## SCHEDULE 4

Section 11.

### REGISTERED EXCISE DEALERS AND SHIPPERS

After Part VIIIA of the <sup>M7</sup>Customs and Excise Management Act 1979 there shall be inserted—

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## “PART VIII B

### REGISTERED EXCISE DEALERS AND SHIPPERS

#### **Registered excise dealers and shippers.**

- 100(G) For the purpose of administering, collecting or protecting the revenues derived from duties of excise, the Commissioners may by regulations under this section (in this Act referred to as “registered excise dealers and shippers regulations”)—
- (a) confer or impose such powers, duties, privileges and liabilities as may be prescribed in the regulations upon any person who is or has been a registered excise dealer and shipper; and
  - (b) impose on persons other than registered excise dealers and shippers, or in respect of any goods of a class or description specified in the regulations, such requirements or restrictions as may by or under the regulations be prescribed with respect to registered excise dealers and shippers or any activities carried on by them.
- (2) The Commissioners may approve, and enter in a register maintained by them for the purpose, any revenue trader who applies for registration under this section and who appears to them to satisfy such requirements for registration as they may think fit to impose.
- (3) In the customs and excise Acts “registered excise dealer and shipper means a revenue trader approved and registered by the Commissioners under this section.
- (4) The Commissioners may approve and register a person under this section for such periods and subject to such conditions or restrictions as they may think fit or as they may by or under the regulations prescribe.
- (5) The Commissioners may at any time for reasonable cause revoke or vary the terms of their approval or registration of any person under this section.
- (6) The regulations may make provision for treating revenue traders as approved and registered under this section in cases where they are members of a group of companies (within the meaning of the regulations) which is approved and registered in accordance with the regulations.

#### **Registered excise dealers and shippers regulations.**

- 100(H) (a) regulating the approval and registration of persons as registered excise dealers and shippers and the variation or revocation of any such approval or registration or of any condition or restriction to which such an approval or registration is subject;
- (b) regulating any activities carried on by or for a registered excise dealer and shipper and, in particular, the importation, exportation, buying, selling, loading, unloading, delivery, movement, holding, deposit, security, treatment or removal of, or the carrying out of operations on, or the effecting of any other transaction relating to, any goods of a class or description subject to a duty of excise;
- (c) authorising a registered excise dealer and shipper to carry out or arrange for the carrying out of any prescribed activity falling within paragraph (b) above in relation to goods chargeable with a duty of excise which has not been

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- paid, but subject to prescribed conditions or restrictions and to prescribed requirements for the payment of the unpaid duty;
- (d) exempting registered excise dealers and shippers from compliance with such provisions made by or under the customs and excise Acts as may be prescribed, or applying such provisions in relation to registered excise dealers and shippers with prescribed modifications or adaptations, or applying in relation to registered excise dealers and shippers such substitute provisions as may be prescribed in place of any such provisions;
  - (e) requiring, except as otherwise permitted by the Commissioners, goods which are subject to a duty of excise that has not been paid and which are not consigned to an excise warehouse—
    - (i) to be consigned to a registered excise dealer and shipper; and
    - (ii) to be accompanied by such documents in such form and such manner and containing such particulars as may be prescribed;
  - (f) imposing on a registered excise dealer and shipper liability for the payment of duties of excise chargeable on any goods or, in prescribed cases, imposing joint and several liability for the payment of any such duties on a registered excise dealer and shipper and some other person specified in the regulations who, if not a registered excise dealer and shipper, would have been liable for their payment apart from this paragraph;
  - (g) for securing and collecting any duty of excise for the payment of which a registered excise dealer and shipper is or may be liable;
  - (h) for determining, in relation to goods which are the subject of a transaction involving a registered excise dealer and shipper, the duties of excise chargeable, the rates of those duties and the persons liable to pay them and the time at which and manner in which payment is to be made and, in that connection, prescribing the method of charging the duties;
  - (j) permitting payment of excise duty by a registered excise dealer and shipper to be deferred, subject to compliance with prescribed conditions;
  - (k) for relieving registered excise dealers and shippers from liability to pay excise duty on goods in prescribed circumstances;
  - (l) for cases where a registered excise dealer and shipper acts as agent for some other person (whether a registered excise dealer and shipper or not);
  - (m) requiring registered excise dealers and shippers to keep and make available for inspection such records relating to their activities as such as may be prescribed;
  - (n) for goods in the United Kingdom which are liable to a duty of excise which has not been paid to be subject to forfeiture for any breach of—
    - (i) registered excise dealers and shippers regulations, so far as relating to goods chargeable with a duty of excise which has not been paid, or
    - (ii) any condition or restriction imposed by or under any such regulations so far as so relating.
- (2) Registered excise dealers and shippers regulations may make different provision for persons or goods of different classes or descriptions, for different circumstances and for different cases.
- (3) In this section “prescribed means prescribed in registered excise dealers and shippers regulations or prescribed by the Commissioners under any such regulations.

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### **Contravention of regulations etc.**

100J If any person contravenes any provision of registered excise dealers and shippers regulations or fails to comply with any condition or restriction which the Commissioners impose upon him under section 100G above or by or under any such regulations, he shall be liable on summary conviction to a penalty of any amount not exceeding level 5 on the standard scale and any goods in respect of which the offence was committed shall be liable to forfeiture.”

#### **Marginal Citations**

M7 1979 c. 2.

VALID FROM 25/07/1991

## SCHEDULE 5

Section 12.

### PROTECTION OF THE REVENUES DERIVED FROM EXCISE DUTIES

After Part IX of the <sup>M8</sup>Customs and Excise Management Act 1979 there shall be inserted—

#### “PART IXA

### PROTECTION OF THE REVENUES DERIVED FROM EXCISE DUTIES

#### **Duty of revenue traders to keep records.**

- 118A) The Commissioners may by regulations require every revenue trader—
- (a) to keep such records as may be prescribed in the regulations; and
  - (b) to preserve those records for such period not exceeding six years as may be prescribed in the regulations or for such lesser period as the Commissioners may require.
- (2) Regulations under this section—
- (a) may make different provision for different cases; and
  - (b) may be framed by reference to such records as may be specified in any notice published by the Commissioners in pursuance of the regulations and not withdrawn by a further notice.
- (3) Any duty imposed under this section to preserve records may be discharged by the preservation of the information contained therein by such means as the Commissioners may approve.
- (4) Where any information is preserved in accordance with subsection (3) above, a copy of any document forming part of the records in question shall, subject to the following provisions of this section, be admissible in evidence in any proceedings, whether civil or criminal, to the same extent as the records themselves.

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- (5) The Commissioners may, as a condition of approving under subsection (3) above any means of preserving information contained in any records, impose such reasonable requirements as appear to them necessary for securing that the information will be as readily available to them as if the records themselves had been preserved.
- (6) A statement contained in a document produced by a computer shall not by virtue of subsection (4) above be admissible in evidence—
- (a) in civil proceedings in England and Wales, except in accordance with sections 5 and 6 of the Civil Evidence Act 1968;
  - (b) in criminal proceedings in England and Wales, except in accordance with sections 69 and 70 of the Police and Criminal Evidence Act 1984 and Part II of the Criminal Justice Act 1988;
  - (c) in civil proceedings in Scotland, except in accordance with sections 13 and 14 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1968;
  - (d) in criminal proceedings in Scotland, except in accordance with the said sections 13 and 14, which shall, for the purposes of this section, apply with the necessary modifications to such proceedings;
  - (e) in civil proceedings in Northern Ireland, except in accordance with sections 2 and 3 of the Civil Evidence Act (Northern Ireland) 1971; and
  - (f) in criminal proceedings in Northern Ireland, except in accordance with Article 68 of the Police and Criminal Evidence (Northern Ireland) Order 1989 and Part II of the Criminal Justice (Evidence Etc.) (Northern Ireland) Order 1988.
- (7) Notwithstanding the preceding provisions of this section, in criminal proceedings the court may, for special cause, require oral evidence to be given of any matter of which evidence could ordinarily be given by means of a certificate under—
- (a) section 5(4) of the Civil Evidence Act 1968,
  - (b) section 13(4) of the Law Reform (Miscellaneous Provisions) Scotland Act 1968, or
  - (c) section 2(4) of the Civil Evidence Act (Northern Ireland) 1971.

**Duty of revenue traders and others to furnish information and produce documents.**

118B) Every revenue trader shall—

- (a) furnish to the Commissioners, within such time and in such form as they may reasonably require, such information relating to—
  - (i) any goods or services supplied by or to him in the course or furtherance of a business, or
  - (ii) any goods in the importation or exportation of which he is concerned in the course or furtherance of a business,
 as they may reasonably specify; and
- (b) upon demand made by an officer, produce or cause to be produced for inspection by that officer—
  - (i) at the principal place of business of the revenue trader or at such other place as the officer may reasonably require, and
  - (ii) at such time as the officer may reasonably require,
 any documents relating to the goods or services or to the supply, importation or exportation.

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- (2) Where, by virtue of subsection (1) above, an officer has power to require the production of any documents from a revenue trader—
  - (a) he shall have the like power to require production of the documents concerned from any other person who appears to the officer to be in possession of them; but
  - (b) if that other person claims a lien on any document produced by him, the production shall be without prejudice to the lien.
- (3) For the purposes of this section, the documents relating to the supply of goods or services, or the importation or exportation of goods, in the course or furtherance of any business shall be taken to include—
  - (a) any profit and loss account and balance sheet, and
  - (b) any records required to be kept by virtue of section 118A above, relating to that business.
- (4) An officer may take copies of, or make extracts from, any document produced under subsection (1) or (2) above.
- (5) If it appears to an officer to be necessary to do so, he may, at a reasonable time and for a reasonable period, remove any document produced under subsection (1) or (2) above and shall, on request, provide a receipt for any document so removed.
- (6) Where a lien is claimed on a document produced under subsection (2) above, the removal of the document under subsection (5) above shall not be regarded as breaking the lien.
- (7) Where a document removed by an officer under subsection (5) above is reasonably required for the proper conduct of a business he shall, as soon as practicable, provide a copy of the document, free of charge, to the person by whom it was produced or caused to be produced.
- (8) Where any documents removed under the powers conferred by this section are lost or damaged, the Commissioners shall be liable to compensate their owner for any expenses reasonably incurred by him in replacing or repairing the documents.

#### **Entry and search of premises and persons.**

- 118(1) For the purpose of exercising any powers under the customs and excise Acts an officer may at any reasonable time enter premises used in connection with the carrying on of a business.
- (2) Where an officer has reasonable cause to believe that any premises are used in connection with the supply, importation or exportation of goods of a class or description chargeable with a duty of excise and that any such goods are on those premises, he may at any reasonable time enter and inspect those premises and inspect any goods found on them.
  - (3) If a justice of the peace or, in Scotland, a justice (within the meaning of section 462 of the Criminal Procedure (Scotland) Act 1975) is satisfied on information on oath—
    - (a) that there is reasonable ground for suspecting that a fraud offence which appears to be of a serious nature is being, has been or is about to be committed on any premises, or
    - (b) that evidence of the commission of such an offence is to be found there,

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he may issue a warrant in writing authorising, subject to subsections (6) and (7) below, any officer to enter those premises, if necessary by force, at any time within the period of one month beginning with the date of the issue of the warrant and search them.

- (4) Any officer who enters premises under the authority of a warrant under subsection (3) above may—
- (a) take with him such other persons as appear to him to be necessary;
  - (b) seize and remove any documents or other things whatsoever found on the premises which he has reasonable cause to believe may be required as evidence for the purposes of proceedings in respect of a fraud offence which appears to him to be of a serious nature; and
  - (c) search or cause to be searched any person found on the premises whom he has reasonable cause to believe to be in possession of any such documents or other things;
- but no woman or girl shall be searched by virtue of this subsection except by a woman.
- (5) In subsections (3) and (4) above “a fraud offence means an offence under any provision of section 167(1), 168 or 170 below.
- (6) The powers conferred by a warrant under this section shall not be exercisable—
- (a) by more than such number of officers as may be specified in the warrant; nor
  - (b) outside such times of day as may be so specified; nor
  - (c) if the warrant so provides, otherwise than in the presence of a constable in uniform.
- (7) An officer seeking to exercise the powers conferred by a warrant under this section or, if there is more than one such officer, that one of them who is in charge of the search shall provide a copy of the warrant endorsed with his name as follows—
- (a) if the occupier of the premises concerned is present at the time the search is to begin, the copy shall be supplied to the occupier;
  - (b) if at the time the occupier is not present but a person who appears to the officer to be in charge of the premises is present, the copy shall be supplied to that person; and
  - (c) if neither paragraph (a) nor paragraph (b) above applies, the copy shall be left in a prominent place on the premises.

**Order for access to recorded information, etc.**

- 118(1) Where, on an application by an officer, a justice of the peace or, in Scotland, a justice (within the meaning of section 462 of the Criminal Procedure (Scotland) Act 1975) is satisfied that there are reasonable grounds for believing—
- (a) that an offence in connection with a duty of excise is being, has been or is about to be committed, and
  - (b) that any recorded information (including any document of any nature whatsoever) which may be required as evidence for the purpose of any proceedings in respect of such an offence is in the possession of any person,
- he may make an order under this section.
- (2) An order under this section is an order that the person who appears to the justice to be in possession of the recorded information to which the application relates shall—



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- (a) give an officer access to it, and
  - (b) permit an officer to remove and take away any of it which he reasonably considers necessary,
- not later than the end of the period of seven days beginning with the date of the order or the end of such longer period as the order may specify.
- (3) The reference in subsection (2)(a) above to giving an officer access to the recorded information to which the application relates includes a reference to permitting the officer to take copies of it or to make extracts from it.
  - (4) Where the recorded information consists of information contained in a computer, an order under this section shall have effect as an order to produce the information in a form in which it is visible and legible and, if the officer wishes to remove it, in a form in which it can be removed.
  - (5) This section is without prejudice to sections 118B and 118C above.

**Procedure when documents etc. are removed.**

- 118E) An officer who removes anything in the exercise of a power conferred by or under section 118C or 118D above shall, if so requested by a person showing himself—
- (a) to be the occupier of premises from which it was removed, or
  - (b) to have had custody or control of it immediately before the removal,
- provide that person with a record of what he removed.
- (2) The officer shall provide the record within a reasonable time from the making of the request for it.
  - (3) Subject to subsection (7) below, if a request for permission to be granted access to anything which—
    - (a) has been removed by an officer, and
    - (b) is retained by the Commissioners for the purposes of investigating an offence,
 is made to the officer in overall charge of the investigation by a person who had custody or control of the thing immediately before it was so removed or by someone acting on behalf of such a person, the officer shall allow the person who made the request access to it under the supervision of an officer.
  - (4) Subject to subsection (7) below, if a request for a photograph or copy of any such thing is made to the officer in overall charge of the investigation by a person who had custody or control of the thing immediately before it was so removed, or by someone acting on behalf of such a person, the officer shall—
    - (a) allow the person who made the request access to it under the supervision of an officer for the purpose of photographing it or copying it, or
    - (b) photograph or copy it, or cause it to be photographed or copied.
  - (5) Where anything is photographed or copied under subsection (4)(b) above, the photograph or copy shall be supplied to the person who made the request.
  - (6) The photograph or copy shall be supplied within a reasonable time from the making of the request.
  - (7) There is no duty under this section to grant access to, or to supply a photograph or copy of, anything if the officer in overall charge of the investigation for the purposes

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of which it was removed has reasonable grounds for believing that to do so would prejudice—

- (a) that investigation;
  - (b) the investigation of an offence other than the offence for the purposes of the investigation of which the thing was removed; or
  - (c) any criminal proceedings which may be brought as a result of—
    - (i) the investigation of which he is in charge; or
    - (ii) any such investigation as is mentioned in paragraph (b) above.
- (8) Any reference in this section to the officer in overall charge of the investigation is a reference to the person whose name and address are endorsed on the warrant or order concerned as being the officer so in charge.

#### **Failure of officer to comply with requirements under section 118E.**

118(F) Where, on an application made as mentioned in subsection (2) below, the appropriate judicial authority is satisfied that a person has failed to comply with a requirement imposed by section 118E above, the authority may order that person to comply with the requirement within such time and in such manner as may be specified in the order.

- (2) An application under subsection (1) above shall be made—
  - (a) in the case of a failure to comply with any of the requirements imposed by subsections (1) and (2) of section 118E above, by the occupier of the premises from which the thing in question was removed or by the person who had custody or control of it immediately before it was so removed, and
  - (b) in any other case, by the person who has such custody or control.
- (3) In this section “the appropriate judicial authority means—
  - (a) in England and Wales, a magistrates’ court;
  - (b) in Scotland, the sheriff; and
  - (c) in Northern Ireland, a court of summary jurisdiction, as defined in Article 2(2)(a) of the Magistrates’ Courts (Northern Ireland) Order 1981.
- (4) Any application for an order under this section—
  - (a) in England and Wales, shall be made by way of complaint; or
  - (b) in Northern Ireland, shall be made by way of civil proceedings on complaint.
- (5) Sections 21 and 42(2) of the Interpretation Act (Northern Ireland) 1954 (rules and orders regulating procedure of courts etc and assignment of business to particular courts) shall apply as if any reference in those provisions to any enactment included a reference to this section.

#### **Offences under Part IXA.**

118G If any person fails to comply with any requirement imposed under section 118A(1) or section 118B above, he shall be liable on summary conviction to a penalty of any amount not exceeding level 5 on the standard scale.”

#### **Marginal Citations**

M8 1979 c.2.

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VALID FROM 25/07/1991

SCHEDULE 6

Section 27.

RESTRICTION OF HIGHER RATE RELIEF: BENEFICIAL LOANS ETC

.....

VALID FROM 25/07/1991

SCHEDULE 7

Section 48.

BASIC LIFE ASSURANCE AND GENERAL ANNUITY BUSINESS

.....

VALID FROM 25/07/1991

SCHEDULE 8

Section 49.

PENSION BUSINESS: PAYMENTS ON ACCOUNT  
OF TAX CREDITS AND DEDUCTED TAX

.....

VALID FROM 25/07/1991

SCHEDULE 9

Section 50.

FRIENDLY SOCIETIES

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VALID FROM 25/07/1991

SCHEDULE 10

Section 51.

BUILDING SOCIETIES: QUALIFYING SHARES

.....

VALID FROM 25/07/1991

SCHEDULE 11

Section 52.

BUILDING SOCIETIES: MARKETABLE SECURITIES

.....

VALID FROM 25/07/1991

SCHEDULE 12

Section 54.

SECURITIES: NEW ISSUES

.....

VALID FROM 26/02/1992

SCHEDULE 13

Section 58.

MANUFACTURED DIVIDENDS AND INTEREST

*The new arrangements*

1 After Schedule 23 to the Taxes Act 1988 there shall be inserted—

“SCHEDULE 23A

Section 736A.

MANUFACTURED DIVIDENDS AND INTEREST

*Interpretation*

1 (1) In this Schedule—

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“approved stock lending arrangement means an arrangement such as is mentioned in subsection (1), (2) or (2A) of section 129 and in relation to which that section and section 149B(9) of the 1979 Act apply;

“dividend manufacturer has the meaning given by paragraph 2(1) below;

“dividend manufacturing regulations means regulations made by the Treasury under this Schedule;

“interest manufacturer has the meaning given by paragraph 3(1) below;

“manufactured dividend, “manufactured interest and “manufactured overseas dividend shall be construed respectively in accordance with paragraphs 2, 3 and 4 below, as shall references to the gross amount thereof;

“market maker, in relation to any shares, stock or other securities, means a person who—

- (a) holds himself out at all normal times in compliance with the rules of the Stock Exchange as willing to buy and sell shares, stock or other securities of the kind concerned at a price specified by him, and

- (b) is recognised as doing so by the Council of the Stock Exchange, but subject to any regulations under sub-paragraph (2) below;

“overseas dividend means any interest, dividend or other annual payment payable in respect of any overseas securities;

“overseas dividend manufacturer has the meaning given by paragraph 4(1) below;

“overseas securities means—

- (a) shares, stock or other securities issued by a government or public or local authority of a territory outside the United Kingdom or by any other body of persons not resident in the United Kingdom; and

- (b) quoted Eurobonds held in a recognised clearing system, within the meaning of section 124;

“overseas tax means tax under the law of a territory outside the United Kingdom;

“overseas tax credit means any such credit under the law of a territory outside the United Kingdom in respect of overseas tax as corresponds to a tax credit;

“prescribed means prescribed in dividend manufacturing regulations;

“recognised clearing house means a recognised clearing house within the meaning of the Financial Services Act 1986;

“recognised investment exchange means a recognised investment exchange within the meaning of that Act;

“securities includes any loan stock or similar security;

“transfer includes any sale or other disposal;

“unapproved manufactured payment, subject to any regulations under sub-paragraph (2) below, means—

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- (a) any manufactured dividend, manufactured interest or manufactured overseas dividend paid in connection with an unapproved stock lending arrangement, and
- (b) any manufactured dividend or manufactured interest not falling within paragraph (a) above which is paid in respect of United Kingdom securities or United Kingdom equities by a person other than one who is—
  - (i) a market maker in relation to United Kingdom securities or United Kingdom equities of the kind in question, or
  - (ii) in such circumstances as may be prescribed, a member, of a prescribed class or description, of a prescribed recognised investment exchange, or
  - (iii) in such circumstances as may be prescribed, a prescribed recognised clearing house, and which is so paid otherwise than in connection with an approved stock lending arrangement;

“unapproved stock lending arrangement means an arrangement such as is mentioned in subsection (1), (2) or (2A) of section 129, but which, in consequence of regulations under subsection (4) of that section, is not an approved stock lending arrangement;

“United Kingdom equities means shares of any company resident in the United Kingdom;

“United Kingdom securities means securities of the government of the United Kingdom, of any public or local authority in the United Kingdom or of any company or other body resident in the United Kingdom, but does not include quoted Eurobonds held in a recognised clearing system, within the meaning of section 124, or United Kingdom equities.

- (2) Dividend manufacturing regulations may amend sub-paragraph (1) above—
  - (a) by changing the definition for the time being of “market maker”; or
  - (b) by changing the definition for the time being of “unapproved manufactured payment”.

*Manufactured dividends on United Kingdom equities*

- 2 (1) This paragraph applies in any case where, under a contract or other arrangements for the transfer of United Kingdom equities, one of the parties (the “dividend manufacturer”) is required to pay to the other (“the recipient”) an amount representative of a dividend on the equities; and in this Schedule the “manufactured dividend means any payment which the dividend manufacturer makes in discharge of that requirement.
- (2) If, in a case where this paragraph applies, the dividend manufacturer is a company resident in the United Kingdom, then, for all purposes of the Tax Acts, the manufactured dividend shall be treated as if it were a dividend of, and paid by, the dividend manufacturer (and shall accordingly be a distribution of the dividend manufacturer for those purposes).

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- (3) If, in a case where this paragraph applies, the dividend manufacturer is not such a company as is mentioned in sub-paragraph (2) above (so that section 737 applies in relation to the dividend manufacturer) the manufactured dividend shall for all purposes of the Tax Acts be treated in relation to the recipient and all persons claiming title through or under him—
- (a) as if the manufactured dividend were a dividend on the United Kingdom equities,
  - (b) as if any amount required in consequence of section 737 to be deducted by the dividend manufacturer on account of income tax in respect of the gross amount of the manufactured dividend were required to be accounted for by him as advance corporation tax in respect of the dividend, and
  - (c) as if any certificate of deduction of tax required in consequence of that section to be issued in connection with the manufactured dividend were the tax credit certificate that would have been issued had the manufactured dividend in fact been a dividend on the United Kingdom equities.
- (4) For the purposes of sub-paragraph (3)(b) above, the gross amount of a manufactured dividend is the aggregate of the amount of the manufactured dividend and the amount of the tax credit that would have been issued in respect thereof had the manufactured dividend in fact been a dividend on the United Kingdom equities.

*Manufactured interest on United Kingdom securities*

- 3 (1) This paragraph applies in any case where, under a contract or other arrangements for the transfer of United Kingdom securities, one of the parties (the “interest manufacturer”) is required to pay to the other ( “the recipient”) an amount representative of a periodical payment of interest on the securities; and in this Schedule the “manufactured interest means any payment which the interest manufacturer makes in discharge of that requirement.
- (2) If, in a case where this paragraph applies, the interest manufacturer is a company resident in the United Kingdom, then, for all purposes of the Tax Acts, the gross amount of the manufactured interest shall be treated as if it were the gross amount of a periodical payment of interest on the securities, but made by the interest manufacturer.
- (3) If, in a case where this paragraph applies, the interest manufacturer is not such a company as is mentioned in sub-paragraph (2) above (so that section 737 applies in relation to the interest manufacturer) the gross amount of the manufactured interest shall for all purposes of the Tax Acts be treated in relation to the recipient, and all persons claiming title through or under him, as if it were the gross amount of a periodical payment of interest on the securities, but made by the interest manufacturer.
- (4) For the purposes of this paragraph the gross amount of any manufactured interest is an amount equal to the gross amount of that periodical payment of interest of which the manufactured interest is representative, as mentioned in sub-paragraph (1) above.

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#### *Manufactured overseas dividends*

- 4 (1) This paragraph applies in any case where, under a contract or other arrangements for the transfer of overseas securities, one of the parties (the “overseas dividend manufacturer”) is required to pay to the other (“the recipient”) an amount representative of an overseas dividend on the overseas securities; and in this Schedule the “manufactured overseas dividend means any payment which the overseas dividend manufacturer makes in discharge of that requirement.
- (2) Subject to sub-paragraph (3) below, where this paragraph applies the gross amount of the manufactured overseas dividend shall be treated for all purposes of the Tax Acts as an annual payment, within section 349, but—
- (a) the amount which is to be deducted from that gross amount on account of income tax shall be an amount equal to the relevant withholding tax on that gross amount; and
  - (b) in the application of sections 338(4)(a) and 350(4) in relation to manufactured overseas dividends the references to Schedule 16 shall be taken as references to dividend manufacturing regulations;
- and paragraph (a) above is without prejudice to any further amount required to be deducted under dividend manufacturing regulations by virtue of sub-paragraph (8) below.
- (3) If, in a case where this paragraph applies, the overseas dividend manufacturer is not resident in the United Kingdom and the manufactured overseas dividend is paid by him otherwise than in the course of a trade which he carries on through a branch or agency in the United Kingdom, sub-paragraph (2) above shall not apply; but if the manufactured overseas dividend is received by a person resident in the United Kingdom (the “United Kingdom recipient”), then unless the United Kingdom recipient shows either—
- (a) that the overseas dividend manufacturer was entitled to payment of the overseas dividend as the registered holder of the overseas securities, or
  - (b) that the overseas dividend manufacturer was entitled to payment of the overseas dividend directly or indirectly from a person from whom he acquired the overseas securities, or to whom he transferred them, and who was so entitled to the payment,
- the United Kingdom recipient shall account for and pay an amount of tax in respect of the manufactured overseas dividend equal to that which the overseas dividend manufacturer would have been required to account for and pay had he been resident in the United Kingdom; and any reference in this Schedule to an amount deducted under sub-paragraph (2) above includes a reference to an amount of tax accounted for and paid under this sub-paragraph.
- (4) Where a manufactured overseas dividend is paid after deduction of the amount required by sub-paragraph (2) above, or where the amount of tax required under sub-paragraph (3) above in respect of such a dividend has been accounted for and paid, then for all purposes of the Tax Acts as they



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apply in relation to persons resident in the United Kingdom or to persons not so resident but carrying on business through a branch or agency in the United Kingdom—

- (a) the manufactured overseas dividend shall be treated in relation to the recipient, and all persons claiming title through or under him, as if it were an overseas dividend of an amount equal to the gross amount of the manufactured overseas dividend, but paid after the withholding therefrom, on account of overseas tax, of the amount deducted under sub-paragraph (2) above; and
  - (b) the amount so deducted shall accordingly be treated in relation to the recipient, and all persons claiming title through or under him, as an amount so withheld instead of as an amount on account of income tax.
- (5) For the purposes of this paragraph—
- (a) “relevant withholding tax, in relation to the gross amount of a manufactured overseas dividend, means an amount of tax representative of—
    - (i) the amount (if any) that would have been deducted by way of overseas tax from an overseas dividend on the overseas securities of the same gross amount as the manufactured overseas dividend; and
    - (ii) the amount of the overseas tax credit (if any) in respect of such an overseas dividend;
  - (b) the gross amount of a manufactured overseas dividend is an amount equal to the gross amount of that overseas dividend of which the manufactured overseas dividend is representative, as mentioned in sub-paragraph (1) above; and
  - (c) the gross amount of an overseas dividend is an amount equal to the aggregate of—
    - (i) so much of the overseas dividend as remains after the deduction of the overseas tax (if any) chargeable on it;
    - (ii) the amount of the overseas tax (if any) so deducted; and
    - (iii) the amount of the overseas tax credit (if any) in respect of the overseas dividend.
- (6) Dividend manufacturing regulations may make provision with respect to the rates of relevant withholding tax which are to apply in relation to manufactured overseas dividends in relation to different overseas territories, but in prescribing those rates the Treasury shall have regard to—
- (a) the rates at which overseas tax would have fallen to be deducted, and
  - (b) the rates of overseas tax credits,
- in overseas territories, or in the particular overseas territory, in respect of payments of overseas dividends on overseas securities.
- (7) Dividend manufacturing regulations may make provision for a person who, in any chargeable period, is an overseas dividend manufacturer to be entitled in prescribed circumstances to set off against each other, in accordance with the regulations—

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- (a) overseas tax in respect of any overseas dividends, or amounts deducted under sub-paragraph (2) above from any manufactured overseas dividends, received by him in that chargeable period, and
  - (b) the sums due from him on account of the amounts deducted by him under sub-paragraph (2) above from the manufactured overseas dividends paid by him in that chargeable period,
- and account to the Board for, or as the case may be, claim credit in respect of, the balance.
- (8) Dividend manufacturing regulations may also make provision for cases where a manufactured overseas dividend is paid or otherwise dealt with in circumstances such that, had it been an overseas dividend in respect of the overseas securities, it would have been—
- (a) a relevant foreign dividend, within the meaning of section 123,
  - (b) a foreign dividend, within the meaning of that section,
  - (c) interest on a quoted Eurobond held in a recognised clearing system, within the meaning of section 124, or
  - (d) an overseas public revenue dividend, within the meaning of Part III,
- and, notwithstanding anything in sub-paragraph (2) or (3) above, any such regulations may provide for deductions of an amount determined by reference to the gross amount of the manufactured overseas dividend to be made from the manufactured overseas dividend on account of income tax similar to the deductions that would, in the case of an overseas dividend, be made under subsection (2) or (3) of section 123 or under Part III, as the case may be, and for Parts III and IV of Schedule 3 to apply with prescribed modifications in relation thereto.

*Dividends and interest passing through the market*

- 5 (1) Sub-paragraph (2) below applies in any case where, under a contract or other arrangements for the transfer of securities, a party ( “the payment manufacturer) who satisfies the following condition, that is to say, that he is entitled either—
- (a) to a dividend or a periodical payment of interest as the registered holder of the securities, or
  - (b) to payment, whether directly or indirectly, of any such dividend or interest from a person from whom he acquired the securities or to whom he transferred them,
- is required to pay to the other party ( “the recipient) an amount representative of that dividend or interest; and in this paragraph the “manufactured payment means any payment which the payment manufacturer makes in discharge of that requirement.
- (2) Where this sub-paragraph applies—
- (a) paragraphs 2, 3 and 4 above and section 737 shall not apply in relation to the manufactured payment,
  - (b) the dividend or interest shall be treated for all purposes of the Tax Acts as the income of the recipient and not as the income of the payment manufacturer, and

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- (c) the manufactured payment shall not be regarded as the income of the recipient,  
but this sub-paragraph is subject to sub-paragraphs (3) and (4) below.
- (3) In any case where—
- (a) any dividend or interest would, apart from the application or, as the case may be, the subsequent application of this sub-paragraph, be treated by virtue of any provision of this paragraph as the income of a person (the “subsequent manufacturer”) who is a party to a further contract or other arrangements for the transfer of securities, and
- (b) under that contract or those arrangements, the subsequent manufacturer is required to pay to the other party (the “subsequent recipient”) an amount representative of the dividend or interest (the “subsequent manufactured payment”),
- sub-paragraph (4) below shall apply instead of sub-paragraph (2) above (and, on any second or subsequent application of this sub-paragraph, instead of sub-paragraph (4) below as it last applied).
- (4) Where this sub-paragraph applies—
- (a) paragraphs 2, 3 and 4 above and section 737 shall not apply in relation to the manufactured payment or any subsequent manufactured payment;
- (b) the dividend or interest shall be treated for all purposes of the Tax Acts as the income of the subsequent recipient (or, on a second or subsequent application of sub-paragraph (3) above, the last of them) and not as the income of any other person; and
- (c) neither the manufactured payment nor any subsequent manufactured payment shall be regarded as the income of the recipient or of any subsequent recipient;
- but this sub-paragraph is subject to any subsequent application of sub-paragraph (3) above.
- (5) Notwithstanding anything in sub-paragraphs (1) to (4) above, in any case where—
- (a) the dividend or interest is an overseas dividend,
- (b) the payment manufacturer or a subsequent manufacturer is resident in the United Kingdom but the recipient or a subsequent recipient is not so resident, and
- (c) the rates of overseas tax or overseas tax credit applicable to the overseas dividend in relation to the payment manufacturer or subsequent manufacturer falling within paragraph (b) above are different from what they would have been in relation to the recipient or subsequent recipient falling within that paragraph, had the overseas dividend been paid directly to him,
- dividend manufacturing regulations may, in such cases as may be prescribed, make provision for tax to be charged on, or for credit in respect of tax to be given to, such one of the manufacturers falling within paragraph (b) above as may be determined in accordance with the regulations, at such rates as may be so determined.

*Status: Point in time view as at 20/03/1991.*

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- (6) Any reference in this paragraph to securities is a reference to United Kingdom equities, United Kingdom securities or overseas securities.

*Unapproved manufactured payments*

- 6 (1) This paragraph applies where a person makes an unapproved manufactured payment.
- (2) Where the unapproved manufactured payment is a manufactured dividend paid by a company, any advance corporation tax paid by the company in respect of the manufactured dividend—
- (a) shall not be set against any liability of the company to corporation tax as mentioned in section 239;
  - (b) shall not be surrendered under, or otherwise treated as mentioned in, section 240; and
  - (c) shall not be utilised in any other way for the purposes of the Tax Acts;
- and no franked investment income of a company shall be used to frank (within the meaning of section 241(5)) the manufactured dividend.
- (3) Where the unapproved manufactured payment is manufactured interest paid by a company—
- (a) relief shall not be given to the company under any provision of the Tax Acts in respect of any amount which the company is required to deduct from the payment on account of income tax; and
  - (b) the company shall not be entitled under paragraph 5(1) of Schedule 16 to claim to set income tax borne by deduction from payments received by it against the income tax which it is liable to pay in respect of the payment of manufactured interest.
- (4) Where the unapproved manufactured payment is a manufactured overseas dividend—
- (a) relief shall not be given to any person under any provision of the Tax Acts in respect of any amount which he is required to deduct from the payment on account of income tax; and
  - (b) a person shall not be entitled under or by virtue of this Schedule to set—
    - (i) overseas tax in respect of overseas dividends received by him, or
    - (ii) an amount deducted under paragraph 4(2) above in respect of manufactured overseas dividends received by him,
 against any income tax which he is liable to pay in respect of the payment of the manufactured overseas dividend.
- (5) If it appears to an inspector that, notwithstanding the foregoing provisions of this paragraph, franked investment income of a company has been used to frank a manufactured dividend which is an unapproved manufactured payment, he may make an assessment on the dividend manufacturer under sub-paragraph (3) of paragraph 3 of Schedule 13 and that sub-paragraph

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shall accordingly apply in relation to the amount of advance corporation tax in question.

- (6) If it appears to an inspector that, notwithstanding the foregoing provisions of this paragraph, income tax on income received by an interest manufacturer has been set against an amount deducted by the interest manufacturer on account of income tax on a payment of manufactured interest which is an unapproved manufactured payment, the inspector may make an assessment on the interest manufacturer under paragraph 4 of Schedule 16 and that paragraph shall accordingly apply in relation to the amount of income tax in question.
- (7) In this paragraph “relief means relief by way of—
- (a) deduction in computing profits or gains; or
  - (b) deduction or set off against income or total profits.

*Irregular manufactured payments*

- 7 (1) Except where paragraph 5(2) or (4) above applies, in any case where (apart from this paragraph)—
- (a) an amount paid by way of manufactured dividend would exceed the amount of the dividend of which it is representative, or
  - (b) the aggregate of—
    - (i) an amount paid by way of manufactured interest or manufactured overseas dividend, and
    - (ii) the tax required to be accounted for in connection with the making of that payment,would exceed the gross amount (as determined in accordance with paragraph 3 or 4 above) of the interest or overseas dividend of which it is representative, as the case may be,
- the payment shall, to the extent of an amount equal to the excess, not be regarded for the purposes of this Schedule as made in discharge of the requirement referred to in paragraph 2(1), 3(1) or 4(1) above, as the case may be, but shall instead to that extent be taken for all purposes of the Tax Acts to constitute a separate fee for entering into the contract or other arrangements under which it was made, notwithstanding anything in paragraphs 2 to 4 above.
- (2) Dividend manufacturing regulations may make provision in such circumstances and for such purposes of the Tax Acts as may be prescribed for such a fee as is mentioned in sub-paragraph (1) above to be treated as paid in any case that would fall within that sub-paragraph, apart from paragraph 5 above; and, without prejudice to the generality of the foregoing, any such regulations may in particular provide—
- (a) for the amount of the fee to be determined in accordance with the regulations, and
  - (b) for such of the persons mentioned in that paragraph as may be prescribed to be treated as paying or, as the case may be, as receiving the fee,

and it is immaterial for the purposes of paragraph (b) above whether or not the person prescribed would, apart from paragraph 5 above, have been regarded by virtue of sub-paragraph (1) above as paying or receiving a

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fee, or as paying it to, or receiving it from, any other person prescribed under paragraph (b) above.

(3) For the purpose of giving relief under any provision of the Tax Acts in a case falling within paragraph 3(1) or 4(1) above where (apart from this paragraph) the aggregate referred to in sub-paragraph (1)(b) above would be less than the gross amount there mentioned—

- (a) the gross amount of the manufactured interest or manufactured overseas dividend shall be taken to be an amount equal to the aggregate referred to in sub-paragraph (1)(b) above, except where paragraph 6 above applies, and
- (b) where paragraph 6 above applies, the gross amount of the manufactured interest or manufactured overseas dividend shall be taken to be only the amount referred to in sub-paragraph (1)(b)(i) above,

notwithstanding anything in paragraph 3, 4 or 6 above.

(4) In this paragraph “relief means relief by way of—

- (a) deduction in computing profits or gains; or
- (b) deduction or set off against income or total profits.

*Dividend manufacturing regulations: general*

8 (1) Dividend manufacturing regulations may make provision for—

- (a) such manufactured dividends, manufactured interest or manufactured overseas dividends as may be prescribed, or
- (b) such dividend manufacturers, interest manufacturers or overseas dividend manufacturers as may be prescribed,

to be treated in prescribed circumstances otherwise than as mentioned in paragraph 2, 3 or 4 above for the purposes of such provisions of the Tax Acts as may be prescribed.

(2) Dividend manufacturing regulations may make provision with respect to—

- (a) the accounts and other records which are to be kept,
- (b) the vouchers which are to be issued or produced,
- (c) the returns which are to be made,
- (d) the manner in which amounts required to be deducted or accounted for under or by virtue of this Schedule on account of tax are to be accounted for and paid,

by dividend manufacturers, interest manufacturers or overseas dividend manufacturers in connection with the manufacturing of dividends, interest or overseas dividends.

(3) Dividend manufacturing regulations may—

- (a) make provision for prescribed provisions of the Management Act to apply in relation to manufactured dividends, manufactured interest or manufactured overseas dividends with such modifications, specified in the regulations, as the Treasury think fit;

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(b) make such further provision with respect to the administration, assessment, collection and recovery of amounts required to be deducted or accounted for under or by virtue of this Schedule on account of tax as the Treasury think fit.

(4) Dividend manufacturing regulations may make different provision for different cases.”

*Power to obtain information in connection with dealings in securities*

2 In Schedule 18 to the <sup>M19</sup>Finance Act 1986, in paragraph 9(1)(b) (power by regulations to substitute for section 21(1) of the Management Act provision that the Board may exercise the powers conferred by section 21 in such circumstances as may be specified) after the words “conferred by section 21 there shall be inserted the words “in relation to such persons (whether market makers or not) and ”.

**Marginal Citations**

**M19** 1986 c. 41.

*Manufactured dividends etc: amendments of section 737*

3 (1) Section 737 of the Taxes Act 1988 (manufactured dividends: treatment of tax deducted) shall be amended in accordance with the following provisions of this paragraph.

(2) For subsection (1) there shall be substituted—

“(1) Subject to the provisions of this section and of Schedule 23A, where, under a contract or other arrangements for the transfer of securities, one of the parties (the “dividend manufacturer) is required to pay to the other an amount representative of a periodical payment of interest on the securities, section 350(1) and Schedule 16 shall apply as if the payment by the dividend manufacturer (the “manufactured dividend) were an annual payment made, after due deduction of tax, wholly out of a source other than profits or gains brought into charge to income tax.”

(3) For subsection (3) there shall be substituted—

“(3) Subsection (1) above shall not apply in any case where—

- (a) the dividend manufacturer is a company resident in the United Kingdom; or
- (b) the manufactured dividend is a manufactured overseas dividend, within the meaning of Schedule 23A.”

(4) Subsection (4) (purchase of securities by dividend manufacturer resident in the United Kingdom from person not so resident) shall cease to have effect; and for subsection (5) (dividend manufacturers not resident in the United Kingdom) there shall be substituted—

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“(5) Where the dividend manufacturer in relation to the contract or other arrangements mentioned in subsection (1) above is not resident in the United Kingdom and the manufactured dividend is paid by him otherwise than in the course of a trade which he carries on through a branch or agency in the United Kingdom, that subsection shall not apply; but if the manufactured dividend is received by a person resident in the United Kingdom (the “United Kingdom recipient), then unless the United Kingdom recipient shows either—

- (a) that the dividend manufacturer was entitled to payment of the dividend as the registered holder of the securities, or
- (b) that the dividend manufacturer was entitled to payment of the dividend directly or indirectly from a person from whom he acquired the securities, or to whom he transferred them, and who was so entitled to the payment,

the United Kingdom recipient shall be assessable and chargeable with an amount of income tax in respect of the manufactured dividend equal to that which the dividend manufacturer would have been required to account for and pay had he been resident in the United Kingdom.”

(5) After that subsection there shall be inserted—

“(5A) Where this section applies in relation to a manufactured dividend, relief shall not be given to any person under any provision of the Tax Acts in respect of any amount which he is required to deduct from the manufactured dividend on account of income tax; and in this subsection “relief means relief by way of—

- (a) deduction in computing profits or gains; or
- (b) deduction or set off against income or total profits.”

(6) In subsection (6) (definitions)—

- (a) for the definitions of “broker and “market maker there shall be substituted—

“ “dividend manufacturing regulations means regulations made by the Treasury under Schedule 23A;

“prescribed means prescribed in dividend manufacturing regulations;

“recognised investment exchange means a recognised investment exchange within the meaning of the Financial Services Act 1986;”  
and

- (b) after the definition of “securities there shall be inserted—

“ “transfer includes any sale or other disposal;”.

(7) After subsection (7) there shall be inserted—

“(7A) Where the dividend manufacturer—

- (a) is not resident in the United Kingdom but carries on a trade through a branch or agency in the United Kingdom, or
- (b) is a member, of a prescribed class or description, of a prescribed recognised investment exchange,



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dividend manufacturing regulations may make provision for this section and such other provisions of the Tax Acts as may be prescribed to apply with prescribed modifications in connection with the manufactured dividend or any tax required to be deducted or accounted for in respect of it.

(7B) Without prejudice to the generality of subsection (7A) above, dividend manufacturing regulations made by virtue of that subsection may, in particular, include provision—

- (a) entitling the dividend manufacturer to any prescribed relief to which he would not otherwise be entitled;
- (b) denying the dividend manufacturer any prescribed relief to which he would otherwise be entitled;
- (c) prescribing the manner in which amounts required to be deducted or accounted for on account of tax are to be accounted for and paid;

and, without prejudice to the generality of paragraph (c) above, any regulations made for the purpose specified in that paragraph may include provision, in a case falling within subsection (7A)(a) above, for the manufactured dividend to be a relevant payment for the purposes of Schedule 16 and for that Schedule to apply in relation to it with such modifications as may be prescribed.”

*Consequential provisions*

4 In section 738 of that Act, subsection (2) (which confers power to amend the definitions of “broker and “market maker in section 737(6)) shall cease to have effect; and in subsection (4)—

- (a) for the words “subsections (2) and there shall be substituted the word “subsection ”; and
- (b) for the words “contract for the sale of securities there shall be substituted the words “contract or other arrangements for the transfer of securities ”.

VALID FROM 25/07/1991

SCHEDULE 14

Section 59.

CAPITAL ALLOWANCES: VAT CAPITAL GOODS SCHEME

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*Status: Point in time view as at 20/03/1991.*

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VALID FROM 25/07/1991
<p>SCHEDULE 15 <span style="float: right;">Section 73.</span></p> <p>RELIEF FOR COMPANY TRADING LOSSES</p> <p>.....</p>

VALID FROM 25/07/1991
<p>SCHEDULE 16 <span style="float: right;">Section 89.</span></p> <p>SETTLEMENTS: SETTLORS</p> <p>.....</p>

VALID FROM 25/07/1991
<p>SCHEDULE 17 <span style="float: right;">Section 90.</span></p> <p>SETTLEMENTS: BENEFICIARIES</p> <p>.....</p>

VALID FROM 25/07/1991
<p>SCHEDULE 18 <span style="float: right;">Section 91.</span></p> <p>SETTLEMENTS: BENEFICIARIES (MISCELLANEOUS)</p> <p>.....</p>

SCHEDULE 19 Section 123.

REPEALS

<p><b>Commencement Information</b></p> <p><b>I3</b> <a href="#">Sch. 19</a> partly in force at 1.12.1988 due to commencement of Part VI</p>
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VALID FROM 25/07/1991

## PART I

### BETTING AND GAMING DUTIES

Chapter	Short title	Extent of repeal
1981 c. 63.	The Betting and Gaming Duties Act 1981.	<p>In section 14(1)(b), the words “payable after the end of that period and”.</p> <p>In Schedule 2, in paragraph 5, in sub-paragraph (1), the words “of the duty” and, in sub-paragraph (2), the word “duty” and, in paragraph 6(1), “(3)(c)”.</p>

VALID FROM 25/07/1991

## PART II

### BEER DUTY

Chapter	Short title	Extent of repeal
1979 c. 4.	The Alcoholic Liquor Duties Act 1979.	<p>In section 1(3), paragraph (b) and the word “or” immediately preceding it.</p> <p>Section 2(6).</p> <p>In section 3, in subsection (3), the words “Subject to subsection (5) below”, and subsection (5).</p> <p>In section 4(1), the definitions of “brewer” and “brewer for sale” and of “limited licence to brew beer”.</p> <p>Sections 37 to 40.</p> <p>Section 45(2).</p> <p>Section 50.</p>

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		Section 53.
		Sections 71A and 72.
1982 c. 39.	The Finance Act 1982.	Section 9(3) and (4).
1985 c. 54.	The Finance Act 1985.	In Schedule 3, paragraphs 3 and 4.
1986 c. 41.	The Finance Act 1986.	Section 4(1).
		In section 8(2)(a), the words “47(3), 48(2)”.
1988 c. 39.	The Finance Act 1988.	In Schedule 1, in Part II, paragraphs 1(2), 2(2), 3 and 11.
1989 c. 26.	The Finance Act 1989.	Section 3.
These repeals have effect in accordance with section 7 of this Act.		

### PART III

#### VEHICLES EXCISE DUTY: GENERAL

Chapter	Short title	Extent of repeal
1971 c. 10.	The Vehicles (Excise) Act 1971.	In section 4(1)(ka), the words “(other than mowing machines). Section 7(4). Section 38(4). Schedule 6.
1972 c. 10 (N.I.).	The Vehicles (Excise) Act (Northern Ireland) 1972.	In section 4(1)(ka), the words “(other than mowing machines). Section 7(4). Section 35(4). Schedule 7.
1982 c. 39.	The Finance Act 1982.	Section 5(6). Section 6(7).
1985 c. 54.	The Finance Act 1985.	In Schedule 2, in Part I, paragraph 1.

- 1 The repeals in section 4 of each of the Vehicles (Excise) Act 1971 (“the 1971 Act) and the Vehicles (Excise) Act (Northern Ireland) 1972 (“the 1972 Act) are deemed to have come into force on 20th March 1991.

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- 3 The repeals of section 38(4) of, and Schedule 6 to, the 1971 Act, section 35(4) of, and Schedule 7 to, the 1972 Act and sections 5(6) and 6(7) of the Finance Act 1982, so far as relating to the application of those provisions for the purpose of section 4(1)(g) of either the 1971 Act or the 1972 Act, are deemed to have come into force on 20th March 1991.

VALID FROM 25/07/1991

- 4 The repeal in Schedule 2 to the Finance Act 1985, and the repeals mentioned in note 3 above so far as relating to the application of the repealed provisions for the purpose of any provision of the 1971 Act or the 1972 Act other than section 4(1)(g), have effect in relation to licences taken out after 20th March 1991.

VALID FROM 01/10/1991

#### PART IV

#### VEHICLE EXCISE DUTY: NORTHERN IRELAND

##### Commencement Information

**14** Sch. 19 Pt. IV: s. 10 wholly in force (1.10.1991) see s.10(3) and S.I. 1991/2021, art.2

Chapter	Short title	Extent of repeal
<i>Acts of the Parliament of the United Kingdom</i>		
1971 c. 10.	The Vehicles (Excise) Act 1971.	Section 7(5).
1974 c. 39.	The Consumer Credit Act 1974.	In Schedule 4, paragraph 50.
1975 c. 7.	The Finance Act 1975.	Section 58.
1975 c. 45.	The Finance (No. 2) Act 1975.	Section 6.
1977 c. 36.	The Finance Act 1977.	Section 6.
1978 c. 42.	The Finance Act 1978.	Section 9.
1979 c. 5.	The Hydrocarbon Oil Duties Act 1979.	In Schedule 1, paragraph 5.
1980 c. 48.	The Finance Act 1980.	Section 5.
1981 c. 35.	The Finance Act 1981.	Section 8.
1982 c. 39.	The Finance Act 1982.	Sections 6 and 7(2) and (4). Schedule 4 and, in Schedule 5, Part B.
1983 c. 28.	The Finance Act 1983.	Section 4(6) and (7).

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		In Schedule 3, paragraphs 7 and 12.
1984 c. 43.	The Finance Act 1984.	Section 5(4).
1986 c. 41.	The Finance Act 1986.	Section 3(5).
		In Schedule 2, Part II.
1987 c. 16.	The Finance Act 1987.	Section 2(4).
		In Schedule 1, paragraphs 6, 9, 11, 13, 15, 17, 19 and 21.
1988 c. 39.	The Finance Act 1988.	Section 4(5).
		In Schedule 2, paragraph 6.
1989 c. 26.	The Finance Act 1989.	Section 14(2), (4) and (6).
1990 c. 29.	The Finance Act 1990.	Section 5(4) and (6).
		In Schedule 2, Part III.
<i>Act of the Parliament of Northern Ireland</i>		
1972 c. 10 (N.I.).	The Vehicles (Excise) Act (Northern Ireland) 1972.	The whole Act.
<i>Orders in Council</i>		
S.I. 1972/1100 (N.I. 11).	The Finance (Northern Ireland) Order 1972.	Article 1(4).
		Part IV.
S.I. 1980/704 (N.I. 6).	The Criminal Justice (Northern Ireland) Order 1980.	In Schedule 1, paragraphs 62 and 63.
S.I. 1981/154 (N.I. 1).	The Road Traffic (Northern Ireland) Order 1981.	In Schedule 7, paragraphs 14 and 15.
S.I. 1981/1675 (N.I. 26).	The Magistrates' Courts (Northern Ireland) Order 1981.	In Schedule 6, paragraphs 126 and 127.
These repeals have effect in accordance with section 10 of this Act.		

VALID FROM 25/07/1991

## PART V

### INCOME TAX AND CORPORATION TAX

Chapter	Short title	Extent of repeal
1970 c. 9.	The Taxes Management Act 1970.	Section 78(4).

*Status: Point in time view as at 20/03/1991.*

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1985 c. 54.	The Finance Act 1985.	Section 86(2A). In section 68(7A), the word “and” at the end of paragraph (f).
1988 c. 1.	The Income and Corporation Taxes Act 1988.	In section 76(1)(d), the words “general annuity business”. In section 114(3), paragraph (c) and the word “and” immediately preceding it. In section 243, in subsection (1), the words “or 394” and subsections (5) and (6)(b). Section 339A. In section 343, in subsection (3), the words from the beginning to “subsection (6) below; and”, subsection (6) and, in subsection (7), the words from “then no relief” to “subject to that”. Section 349(3)(e). Section 354(3). In section 367(1), the definition of the expression “large caravan”. In section 393, subsections (2) to (6) and, in subsection (11), the words from “and a claim under subsection (2)” onwards. Section 394. Section 432A(2)(b) and (d). In section 436, in subsection (1), the words “general annuity business or”, in subsection (3), in paragraph (c), the words “or general annuity business” and, in paragraph (e), the words “general annuity business or”, and in subsection (4), the words

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“general annuity business or”.

Section 437(2) to (5).

In section 446, in subsection (1), the words “and general annuity business” and subsections (2) and (3).

In section 447, subsection (3) and, in subsection (4), the words “or 446”.

Section 448(3)(a).

In section 465(3) the words “and (c)”.

In section 474(1)(b), the words “and general annuity business”.

Section 518(6).

In section 590, subsections (5) and (6).

Section 726.

In section 737, in subsection (2), the words “otherwise than by virtue of section 476(5)(a)”, and subsection (4).

Section 738(2).

In section 843(4), the words “394”.

In Schedule 5, in paragraph 2(3)(a), the word “or” immediately following the words “section 380”.

In Schedule 7, paragraphs 3(2) and (3) and 6.

In Schedule 15, paragraph 3(1)(c) and the word “and” immediately preceding it.

In Schedule 28, paragraph 3(4)(a).

In Schedule 29, in the Table in paragraph 32, the entry relating to section 78(4) of



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		the Taxes Management Act 1970.
		In Schedule 30, in paragraph 2(2)(a), the word “or” where first occurring and, in paragraph 3(1)(b), the word “or”.
1988 c. 39.	The Finance Act 1988.	In Schedule 8, in paragraph 1(3), the word “and” at the end of paragraph (g).
1989 c. 26.	The Finance Act 1989.	Section 62(2). Section 63. Section 87(3).
1990 c. 1.	The Capital Allowances Act 1990.	In section 2(1), the word “and” at the end of paragraph (a). In section 3(3), the words “(as defined in section 8(1))”. In section 26(1), the word “and” at the end of paragraph (e). In Schedule 1, paragraph 8(16).
1990 c. 29.	The Finance Act 1990.	Section 25(2)(h). In section 27, subsections (1) and (3). Section 61. In Schedule 6, paragraph 6. In Schedule 7, paragraph 8. In Schedule 14, paragraph 7.
2	The repeal in section 86 of the Taxes Management Act 1970 has effect in accordance with paragraph 1(2) of Schedule 15 to this Act.	
4	The following repeals have effect in relation to losses incurred in accounting periods ending on or after 1st April 1991—	
	(a) the repeals in sections 114, 243, 343, 393, 518 and 843 of, the repeals in Schedules 5 and 30 to, and the repeal of section 394 of, the Income and Corporation Taxes Act 1988;	
	(b) the repeal in Schedule 1 to the Capital Allowances Act 1990;	
	(c) the repeal of section 61 of, and the repeal in Schedule 14 to, the Finance Act 1990.	

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5	The repeals of section 339A of the Income and Corporation Taxes Act 1988 and section 27(1) and (3) of the Finance Act 1990 have effect in relation to accounting periods beginning on or after 19th March 1991.
6	The following repeals have effect for the year 1991-92 and subsequent years of assessment— <ol style="list-style-type: none"> <li>(a) the repeals of sections 354(3) and 726 of the Income and Corporation Taxes Act 1988;</li> <li>(b) the repeals in sections 367(1) and 737(2) of, and in Schedule 7 to, that Act;</li> <li>(c) the repeal of section 63 of the Finance Act 1989.</li> </ol>
7	The repeals in section 465 of, and Schedule 15 to, the Income and Corporation Taxes Act 1988 apply in relation to policies issued in pursuance of contracts made on or after the day on which this Act is passed.
8	The repeal of section 590(5) and (6) of the Income and Corporation Taxes Act 1988 has effect in accordance with section 36 of this Act.
9	The repeals of sections 737(4) and 738(2) of the Income and Corporation Taxes Act 1988 have effect in accordance with section 58 of this Act.
10	The repeal of section 62(2) of the Finance Act 1989 has effect in accordance with section 40 of this Act.
11	The repeals in sections 2(1), 3(3) and 26(1) of the Capital Allowances Act 1990 have effect in relation to any chargeable period or its basis period ending on or after 6th April 1990.
12	The repeal of section 25(2)(h) of the Finance Act 1990 has effect in relation to gifts made on or after 19th March 1991.

VALID FROM 25/07/1991

## PART VI

### CAPITAL GAINS

Chapter	Short title	Extent of repeal
1970 c. 10.	The Income and Corporation Taxes Act 1970.	In section 342, the words “or Housing for Wales”, in each place where they occur.  In section 342A, the words “or Housing for Wales”, in each place where they occur.
1979 c. 14.	The Capital Gains Tax Act 1979.	Section 126C.
1980 c. 48.	The Finance Act 1980.	Section 80(2).
1981 c. 35.	The Finance Act 1981.	Section 88(2) to (6).
1984 c. 43.	The Finance Act 1984.	Section 63(3).

*Status: Point in time view as at 20/03/1991.*

*Changes to legislation: Finance Act 1991 is up to date with all changes known to be in force on or before 12 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

		In section 64(2)(b), the words from “as defined” to “1973”.
1986 c. 41.	The Finance Act 1986.	Section 58(5).
1988 c. 39.	The Finance Act 1988.	In Schedule 9, in paragraph 3(2)(e), the words from “(postponement” to “asset)”.
1988 c. 50.	The Housing Act 1988.	In Schedule 17, in Part II, paragraph 93.
1989 c. 26.	The Finance Act 1989.	In Schedule 14, in paragraph 6(5)(c), the words “and (5)”.
1990 c. 29.	The Finance Act 1990.	Section 70(5).
2	The repeals of section 80(2) of the Finance Act 1980 and section 63(3) of the Finance Act 1984 have effect in relation to disposals on or after 19th March 1991.	
4	The remaining repeals (other than the repeal in Schedule 9 to the Finance Act 1988) have effect in accordance with section 92 of this Act.	

VALID FROM 01/01/1992

## PART VII

### STAMP DUTY

Chapter	Short title	Extent of repeal
9 Geo. 4 c. 80.	The Bankers’ Composition (Ireland) Act 1828.	The whole Act.
54 & 55 Vict. c. 39.	The Stamp Act 1891.	Sections 29, 30 and 31. In Schedule 1 the heading “bank note”.
1952 c. 13 (N.I.).	The Finance Act (Northern Ireland) 1952.	Sections 4 and 5.
1970 c. 21 (N.I.).	The Finance Act (Northern Ireland) 1970.	Section 7. In Schedule 2, paragraphs 5 and 18.
1972 c. 41.	The Finance Act 1972.	Section 134(5).

These repeals have effect in accordance with section 115 of this Act.

*Status: Point in time view as at 20/03/1991.*

*Changes to legislation: Finance Act 1991 is up to date with all changes known to be in force on or before 12 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 25/07/1991

## PART VIII

### TRADING FUNDS

Chapter	Short title	Extent of repeal
1973 c. 63.	The Government Trading Funds Act 1973.	In section 2(1)(b) and (2), the words “at values or amounts determined by him in accordance with Treasury directions”.

**Status:**

Point in time view as at 20/03/1991.

**Changes to legislation:**

Finance Act 1991 is up to date with all changes known to be in force on or before 12 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.