

Finance Act 1995

CHAPTER 4

FINANCE ACT 1995

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- 130 Exchange gains and losses: general.
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- 160

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- 163 Short title.

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The Alcoholic Liquor Duties Act 1979

- 1 In section 4(1) of the Alcoholic Liquor Duties Act 1979...
- 2 Section 9 of that Act (remission of duty on spirits...
- 3 In section 10 of that Act (remission of duty on...
- 4 In section 24(1)(a) of that Act (restriction on distiller or...
- 5 In sections 75, 77, 79 and 80 of that Act...
- In section 77(2) of that Act (provisions supplemental to powers...
- 7 For section 78 of that Act (additional provisions relating to...

The Finance Act 1994

8 In paragraph 3(1)(d) of Schedule 5 to the Finance Act...

SCHEDULE 3 — Amusement Machine Licence Duty

Introductory

1 The Betting and Gaming Duties Act 1981 shall be amended...

Amusement machine licences

2 (1) In section 21 (gaming machine licences)—

Amusement machine licence duty

3 (1) In subsection (1) of section 22 (duty on gaming...

Rate of duty

4 (1) In subsection (1) of section 23 (determination of rate...

Restrictions on provision of machines

5 In section 24 (restrictions on provision of gaming machines)—

Meaning of "amusement machine"

- 6 (1) For subsections (1) to (3) of section 25 (meaning...
- 7 After section 25 there shall be inserted the following section—...

Supplementary provisions

- 8 (1) In section 26 (supplementary provisions)—(a) for the words...
- 9 (1) In sections 31 and 33(2) (protection of officers and...
- 10 In Schedule 3 (bingo duty)— (a) in paragraph 5(1)(b), for...
- 11 (1) In Schedule 4 (supplementary provisions in relation to gaming...

Consequential amendment of the Customs and Excise Management Act 1979

12 In section 102(3)(a) of the Customs and Excise Management Act...

SCHEDULE 4 — Vehicle Excise and Registration

Part I — INTRODUCTION

In this Schedule "the 1994 Act" means the Vehicle Excise...

Part II — EXEMPTIONS

Abolition of certain exemptions

2 The following paragraphs of Schedule 2 to the 1994 Act...

Exemption for police vehicles

3 In Schedule 2 to the 1994 Act the following shall...

Exemption for vehicles used between different parts of land

4 In Schedule 2 to the 1994 Act the following shall...

18

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	Commencement
5	This Part of this Schedule shall come into force on Part III — RATES
	General
6	(1) In Schedule 1 to the 1994 Act (annual rates
	Motorcycles
7	(1) Paragraph 2 of Schedule 1 to the 1994 Act
	Buses etc.
8	In Schedule 1 to the 1994 Act the following shall
	Special vehicles
9	(1) Part IV of Schedule 1 to the 1994 Act
	Special concessionary vehicles
10	
	Recovery vehicles
11	(1) Paragraph 5 of Schedule 1 to the 1994 Act
	Vehicles used for exceptional loads
12	
	Haulage vehicles
13	(1) Paragraph 7 of Schedule 1 to the 1994 Act
	Goods vehicles
14	(1) Part VIII of Schedule 1 to the 1994 Act
	Charge at higher rate
15	In section 17 of the 1994 Act (exceptions from charge
	Commencement
16	(1) This Part of this Schedule shall apply in relation Part IV — RATES: SUPPLEMENTARY
	Introduction
17	This Part of this Schedule (which supplements provisions of Part

Issue of vehicle licences

In section 7(3) of the 1994 Act (matters that may...

Exchange of licences

19 In section 15(4) of the 1994 Act (exchange of licences...

Exceptions from charge at higher rate

20 In section 16 of the 1994 Act (exceptions from charge...

Combined road and rail transport

21 In section 20 of the 1994 Act (combined road and...

Relevant higher rate used in calculating penalty

22 In section 39 of the 1994 Act (relevant higher rate...

Relevant period used in calculating penalty

23 In section 40(2) of the 1994 Act (relevant period used...

False or misleading information etc.

- 24 In section 45 of the 1994 Act (false or misleading...
- 25 In section 60(2) of the 1994 Act (orders subject to...

Meaning of "revenue weight"

26 Immediately before section 61 of the 1994 Act there shall...

Interpretation

27 (1) In subsection (3) of section 61 of the 1994...

Certificates as to vehicle weight

After section 61 of the 1994 Act there shall be... 28

Commencement

29 Paragraph 16 above shall apply for the purposes of this... Part V — LICENCES

Applications for licences

(1) In section 7 of the 1994 Act (issue of... 30

Duration of trade licences

31 (1) In section 13 of the 1994 Act (duration of...

Payment for licences by cheque

- (1) The following section shall be inserted after section 19... 32 Part VI — REGISTRATION
- 33 In section 21 of the 1994 Act (registration of vehicles)...
- 34 (1) Section 22 of the 1994 Act (registration regulations) shall... Part VII — OFFENCES
- 35 (1) In section 31 of the 1994 Act (relevant period...
- 36 (1) The following section shall be inserted after section 32...

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37	(1) In section 37(2) of the 1994 Act (penalty where Part VIII — PROCEEDINGS
38	Part IX — Transitionals
20	Higher rate not to apply (1) This personnel applies where a vehicle license is taken
39	(1) This paragraph applies where a vehicle licence is taken
	Regulations
40	(1) This paragraph applies where regulations to determine the seating Part X — Special Reliefs
	Relief where exemption abolished
41	(1) This paragraph applies where— (a) a vehicle licence is
	Relief where vehicle changes category
42	(1) This paragraph applies where paragraph 41 above does not
SC 1 2 3 4 5 6 7 8 9	Part III of the Finance Act 1994 (insurance premium tax) (1) Section 53 (registration of insurers) shall be amended as Section 53 shall be further amended by inserting the following The following section shall be inserted after section 53— Information (1) Section 59 (review of Commissioners' decisions) shall be amended In section 73(1) (interpretation) after the entry relating to "conduct" (1) In Schedule 7 (information, powers, etc.) paragraphs 2(1) (1) In Schedule 7 the following shall be inserted after
SC	CHEDULE 6 — Amendments in connection with charge under Schedule A
	The Taxes Act 1988
1 2 3 4 5 6 7 8 9 10	In section 18(3) of that Act (Cases under Schedule D), Sections 22 and 23 of that Act (assessments to income
11 12 13 14 15 16	In section 368(3) and (4) of that Act (exclusion of

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18 19 20	(1) In Chapter I of Part X of that Act
21	
22	
23 24	
25	
26 27 28	In section 692(1) of that Act (reimbursement of settlor), for In section 779(13)(a) of that Act (definition of relevant tax In section 832(1) of that Act (interpretation of the Tax
	The Capital Allowances Act 1990 (c. 1)
29	
30 31	
32	
33	
34 35	
33	
	The Taxation of Chargeable Gains Act 1992 (c. 12)
36 37	
	The Finance (No. 2) Act 1992 (c. 48)
38	In paragraph 2(1) of Schedule 10 to the Finance (
SC 1 2	HEDULE 7 —
SC	HEDULE 8 — Life assurance business Part I — GENERAL AMENDMENTS
	Classes of life assurance business
1 2 3 4 5 6 7 8 9	In section 431(2) of the Taxes Act 1988 (interpretative provisions After section 431A of the Taxes Act 1988 insert— Classes In section 432C(2) of the Taxes Act 1988 after "assets (1) Section 438 of the Taxes Act 1988 is amended (1) Section 440 of the Taxes Act 1988 is amended In section 440A of the Taxes Act 1988, in subsection In section 76(1)(d) of the Taxes Act 1988 after "pension In Schedule 19AA to the Taxes Act 1988, in the (1) The Taxation of Chargeable Gains Act 1992 is amended
	Linked assets

Linked assets

- 11
- (1) In section 431(2) of the Taxes Act 1988, for...(1) In the following provisions for "linked solely" substitute "...

13 14 15	 Section 432A of the Taxes Act 1988 is amended Section 432C of the Taxes Act 1988 is amended Section 432D of the Taxes Act 1988 is amended
	Receipts to be brought into account
16	(1) For section 83 of the Finance Act 1989 substitute—
	Supplementary provisions as to apportionment
17	(1) In section 432B of the Taxes Act 1988 (apportionment
	Franked investment income: supplementary provisions
18 19	(1) Chapter V of Part VI of the Taxes Act(1) Section 434 of the Taxes Act 1988 is amended
	Computation of losses
20	(1) For section 434A of the Taxes Act 1988 substitute—
	Treatment of interest and annuities
21	(1) After section 434A of the Taxes Act 1988 insert—
	Interest on repayment of advance corporation tax
22	
	Capital allowances
23 24	(1) After section 434C of the Taxes Act 1988 (inserted
∠ -1	
25	Treatment of tax-free income
25	(1) In the Taxes Act 1988 omit—
26	Taxation of pure reinsurance business
26	After section 439 of the Taxes Act 1988 insert— Taxation
	Life reinsurance business: separate charge on profits
27	(1) After section 439A of the Taxes Act 1988 (inserted
	Provisions applicable to charge under Case I of Schedule D
28 29	(1) After section 440A of the Taxes Act 1988 insert—
_,	Overseas life assurance business
30	In section 441(1) of the Taxes Act 1988 omit the
31	In section 441A of the Taxes Act 1988 for subsections
32 33	After section 441A of the Taxes Act 1988 insert— Treatment In paragraph 1(2) of Schedule 19AA to the Taxes Act

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Taxation of investment return where risk reinsured

effects for the Finance Act 1995. (See end of Document for details)

- 34 After section 442 of the Taxes Act 1988 insert— Taxation...
 - Part II APPLICATION OF PROVISIONS TO OVERSEAS LIFE INSURANCE COMPANIES
- 35 (1) After paragraph 5 of Schedule 19AC to the Taxes...
- In paragraph 5(1) of Schedule 19AC to the Taxes Act...
- 37 In paragraph 6 of Schedule 19AC to the Taxes Act...
- 38 After paragraph 6 of Schedule 19AC to the Taxes Act...
- 39 For paragraph 7 of Schedule 19AC to the Taxes Act...
- 40 (1) Paragraph 8 of Schedule 19AC to the Taxes Act...
- In paragraph 9(1) of Schedule 19AC to the Taxes Act...
- 42 After paragraph 9 of Schedule 19AC to the Taxes Act...
- 43 (1) In paragraph 10(1) of Schedule 19AC to the Taxes...
- 44 After paragraph 10 of Schedule 19AC to the Taxes Act...
- 45 (1) Paragraph 11 of Schedule 19AC to the Taxes Act...
- 46 After paragraph 11 of Schedule 19AC to the Taxes Act...
- 47 In paragraph 12(1) of Schedule 19AC to the Taxes Act...
- 48 After paragraph 14 of Schedule 19AC to the Taxes Act...
- 49 (1) Schedule 8A to the Finance Act 1989 is amended...

Part III — SUPPLEMENTARY PROVISIONS

Penalties

50 In the Table in section 98 of the Taxes Management...

Miscellaneous

51 (1) The Taxes Act 1988 is amended as follows.

Commencement

- 52 The amendment made by paragraph 43(2) above shall be deemed...
- 53 (1) The amendments made by paragraph 17 above have effect...
- The amendment made by paragraph 22 above applies in relation...
- 55 (1) Subject to sub-paragraphs (2) and (3) below, the amendments...
- 56 The amendments made by paragraphs 41(a) and 43(1) above have...
- 57 (1) Except as provided by paragraphs 52 to 56 above,...
- Any power to make regulations exercisable by virtue of an...

SCHEDULE 9 — Transfer of Life Insurance Business

Consequential amendment of references to sanctioned transfers

1 (1) In the enactments specified in sub-paragraph (2) below, for...

Modification of the Taxes Act 1988 in relation to overseas life insurance companies

2 (1) Schedule 19AC to the Taxes Act 1988 (modification of...

Modification of the Capital Allowances Act 1990

Modification of the Taxation of Chargeable Gains Act 1992

4 In subsection (5) of section 213 of the Taxation of...

- 5 In subsection (7) of section 214A of that Act of...
- 6 (1) Schedule 7B to that Act of 1992 (modification of...

SCHEDULE 10 — Friendly Societies

Tax exempt life or endowment business

1 (1) Section 460 of the Taxes Act 1988 (exemption from...

Maximum benefits payable to members

2 (1) Section 464 of that Act (maximum benefits payable to...

Qualifying policies

- 3 In paragraph 3 of Schedule 15 to that Act (friendly...
- 4 (1) This paragraph applies to any policy which—

SCHEDULE 11 — Personal pensions: income withdrawals

Introductory

1 (1) Chapter IV of Part XIV of the Taxes Act...

Interpretation

2 (1) Section 630 (interpretation) is amended as follows.

Conditions of approval: benefits that may be provided

3 (1) Section 633(1) (conditions of approval: benefits that may be...

Income withdrawals

4 After section 634 (annuity to member) insert— Income withdrawals by...

Lump sum to member

5 (1) Section 635 (lump sum to member) is amended as...

Annuity after death of member

6 In section 636 (annuity after death of member), in subsection...

Income withdrawals after death of member

7 After section 636 (annuity after death of member) insert—Income...

Lump sum on death of member

8 For section 637 (lump sum on death of member) substitute—...

Other restrictions on approval

9 In section 638 (other restrictions on approval), after subsection (7)...

Maximum amount of deductions

10 In section 640 (maximum amount of deductions), in subsection (3)...

Treatment of personal pension income

In section 643 (employer's contributions and personal pension income, &c.),...

Tax charge on return of contributions after pension date

12 Omit the heading before section 648A and after that section...

SCHEDULE 12 — Contractual Savings Schemes

Introduction

1 In this Schedule references to section 326 are to section...

Curtailment of schemes

2 (1) The following provisions of section 326, namely—

European institutions

3 (1) Section 326 shall be further amended as follows.

Certification: Treasury specifications

4 (1) Section 326 shall be further amended as follows.

Treasury authorisation

5 (1) Section 326 shall be further amended by inserting the...

Section 326: supplementary

6 (1) Section 326 shall be further amended by inserting the...

Payments under certain contracts

7 (1) Any terminal bonus, interest or other sum payable under...

Transitional

8 (1) The Treasury may by regulations provide that at the...

SCHEDULE 13 — Enterprise Investment Scheme

Introduction

1 The Taxation of Chargeable Gains Act 1992 shall be amended...

Amendments of section 150A

2 (1) Section 150A (enterprise investment scheme) shall be amended as...

Reduction of relief

3 The following section shall be inserted after section 150A—Enterprise...

Re-investment

- 4 (1) The following section shall be inserted after section 150B—...
- SCHEDULE 14 Venture Capital Trusts: Meaning of "qualifying holdings"
- SCHEDULE 15 Venture Capital Trusts: Relief from Income Tax
- SCHEDULE 16 —
- SCHEDULE 17 Settlements: liability of settlor
 - Part I THE NEW PROVISIONS
- 1 In Part XV of the Taxes Act 1988 (settlements) the...
 - Part II MINOR AND CONSEQUENTIAL AMENDMENTS OF THE TAXES ACT 1988
- 2 In section 125(3)(a) of the Taxes Act 1988, for the...
- 3 In section 339(1)(a) of the Taxes Act 1988, for "section...
- 4 (1) Section 347A of the Taxes Act 1988 (annual payments...
- 5 In section 360A(2)(b) of the Taxes Act 1988, for "section...
- 6 In section 417(3)(b) of the Taxes Act 1988, for "section...
- 7 In section 505(6) of the Taxes Act 1988, for "section...
- Before section 677 of the Taxes Act 1988 insert the...
- 9 (1) Section 677 of the Taxes Act 1988 is amended...
- 10 In section 678 of the Taxes Act 1988, omit subsection...
- 11 After section 682 of the Taxes Act 1988 insert—Supplementary...
- 12 For the heading before section 686 of the Taxes Act...
- 13 In section 686 of the Taxes Act 1988 (liability to...
- 14 (1) Section 687 of the Taxes Act 1988 (payments under...
- Omit section 689 of the Taxes Act 1988 (recovery from...
- 16 In section 694(3) of the Taxes Act 1988, for "Chapters...
- 17 (1) Section 720 of the Taxes Act 1988 is amended...
- 18 In section 745(6) of the Taxes Act 1988, for "section...
- 19 In section 783(10)(b) of the Taxes Act 1988, for "section...
- 20 In section 839(3) of the Taxes Act 1988, for subsection...
 - Part III CONSEQUENTIAL AMENDMENTS OF OTHER ENACTMENTS

Taxes Management Act 1970 (c.9)

- 21 In section 27(2) of the Taxes Management Act 1970, for...
- 22 In section 31(3) of the Taxes Management Act 1970 (including...
- 23 In column 1 of the Table in section 98 of...

Finance Act 1989 (c.26)

- 24 In section 59(1)(c) of the Finance Act 1989, for "section...
- 25 In section 60 of the Finance Act 1989, omit subsection...

Finance Act 1990 (c.29)

26 In section 25(12)(b) of the Finance Act 1990, for "section...

Taxation of Chargeable Gains Act 1992 (c.12)

- 27 For section 77 of the Taxation of Chargeable Gains Act...
- 28 In section 78 of the Taxation of Chargeable Gains Act...
- 29 (1) Section 79 of the Taxation of Chargeable Gains Act...
- 30 In section 97 of the Taxation of Chargeable Gains Act...
- 31 In section 286 of the Taxation of Chargeable Gains Act...
- 32 In Schedule 1 to the Taxation of Chargeable Gains Act...

SCHEDULE 18 — Deceased persons' estates

Introductory

1 Part XVI of the Taxes Act 1988 shall be amended...

Limited interests in residue

2 (1) In section 695 (limited interests in residue), the words...

Absolute interests in residue

3 (1) In section 696 (absolute interests in residue), for subsection...

Supplemental provisions relating to section 696

4 (1) After subsection (1) of section 697 (calculation of residuary...

Special provisions as to successive interests in residue

5 (1) For subsection (2) of section 698 (special provisions as...

Adjustments and information

6 After subsection (4) of section 700 (adjustments and information) there...

Interpretation

7 Subsection (14) of section 701 (cases where residuary income has...

SCHEDULE 19 —

SCHEDULE 20 — Claims etc. not included in returns

Making of claims

1 In Schedule 1A to the Management Act (claims etc. not...

Keeping and preserving of records

2 After paragraph 2 of that Schedule there shall be inserted...

Amendments of claims

3 In paragraph 3 of that Schedule (amendments of claims), in...

Giving effect to claims and amendments

4 (1) At the beginning of sub-paragraph (1) of paragraph 4...

Power to enquire into claims

5 In paragraph 5 of that Schedule (power to enquire into...

SCHEDULE 21 — Self-assessment etc: transitional provisions

Notice of liability

1 Section 7 of the Management Act (notice of liability) shall...

Payments on account of income tax

2 (1) Section 59A of that Act (payments on account of...

Partnerships

3 (1) This paragraph applies in the case of a partnership...

SCHEDULE 22 — Prevention of exploitation of SCHEDULE 2 TO ITTOIA 2005
(SO FAR AS RELATING TO OVERLAP PROFIT)

Part I — CASES I AND II OF SCHEDULE D

Increase of profits or gains of transitional period

- (1) This paragraph applies where, in the case of a...
- 2 (1) This paragraph applies where, in the case of a...

Increase of profits or gains of transitional overlap period

- 3 (1) This paragraph applies where, in the case of a...
- 4 (1) This paragraph applies where, in the case of a...
- 5 (1) This paragraph applies where, in the case of a...
 Part II CASES III, IV AND V OF SCHEDULE D

Increase of trade etc. profits or gains arising in 1995-96 and 1996-97

6 (1) This paragraph applies where, in the case of any...

Increase of trade etc. profits or gains arising in transitional overlap period

- 7 (1) This paragraph applies where, in the case of any...
- 8 (1) This paragraph applies where, in the case of any...

Increase of interest arising in 1995-96 and 1996-97

9 (1) This paragraph applies where, in the case of any...

Increase of other income arising in 1995-96 and 1996-97

10 (1) This paragraph applies where, in the case of any...
Part III — PROCEDURAL AND OTHER PROVISIONS

Time limits for purposes of paragraphs 1, 2, 4, 6 and 8 to 10

11 (1) Nothing in subsection (2) or (3) of section 29...

Advance notice for purposes of paragraphs 3, 5 and 7

12 (1) An officer of the Board shall not so amend...

Penalties not to apply in certain cases

13 (1) Where a relevant return (as originally made) states— Part IV — INTERPRETATION

Relevant changes for purposes of paragraphs 1, 3, 6 and 7

14 (1) Any accounting change or change of business practice is...

Relevant transactions for purposes of paragraphs 1, 3, 6 and 7

- 15 Any self-cancelling transaction or transaction with a connected person is...
- 16 (1) An agreement by which the person by whom a...
- 17 (1) For the purposes of paragraph 15 above, any question...

Relevant arrangements for purposes of paragraph 9

18 (1) Any arrangements under which—(a) interest arises at irregular...

Relevant arrangements for purposes of paragraph 10

19 Any arrangements under which income arises at irregular intervals during...

Relevant transactions for purposes of paragraph 10

20 (1) Any transaction with a connected person is a relevant...

General

21 (1) In this Schedule "turnover", in relation to a trade,...

SCHEDULE 23 — Obligations etc. imposed on UK representatives

General imposition of obligations et ceteralaetc.

1 (1) Subject to the following provisions of this Schedule, the...

Discharge of obligations and liabilities

2 Subject to the following provisions of this Schedule—

Obligations and liabilities requiring notice

3 Where any obligation or liability such as is mentioned in...

Information requirements

4 (1) The obligations relating to the furnishing of information which...

Criminal offences and penalties Et ceteralaetc

5 (1) A person shall not by virtue of this Schedule...

Indemnities

6 An independent agent of the non-resident shall be entitled—

Meaning of "independent agent"

7 (1) In this Schedule "independent agent", in relation to the...

SCHEDULE 24 — Exchange gains and losses

Part I — AMENDMENTS OF FINANCE ACT 1993

Introduction

1 Chapter II of Part II of the Finance Act 1993...

Trading gains and losses

2 In section 128 (trading gains and losses) the following subsections...

Non-trading gains and losses

3 (1) Section 129 (non-trading gains and losses) shall be amended...

Assets and liabilities

4

Chargeable gains

5

Part II — AMENDMENTS OF OTHER PROVISIONS

Introduction

7 Paragraphs 8 to 12 below shall be deemed to have...

Interest on overdue tax

- 8 In section 87A of the Taxes Management Act 1970 (interest...
- 10 In section 91 of the Taxes Management Act 1970 (effect...

Interest on tax overpaid

- 11 In section 826 of the Taxes Act 1988 (interest on...
- 12 (1) In subsection (7) of that section (amounts of surplus...

SCHEDULE 25 — Controlled Foreign Companies

Introduction

1 In this Schedule—(a) paragraph 2 contains an amendment designed...

The principal amendment

2 The following section shall be inserted after section 747 of...

Connected amendments

- In section 747 of the Taxes Act 1988 (imputation of...
- 4 In section 748 of the Taxes Act 1988 (limitations on...
- 5 In section 750 of the Taxes Act 1988 (territories with...

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1995. (See end of Document for details)

- (1) Schedule 24 to the Taxes Act 1988 (assumptions for...
- The following section shall be inserted after section 168 of...

SCHEDULE 26 — Change in ownership of investment company: deductions

Introductory

The Taxes Act 1988 shall have effect subject to the...

Main provisions

After section 768A there shall be inserted the following sections—...

Supplementary provisions

After Schedule 28 there shall be inserted—Schedule 28A Change...

Consequential amendments

(1) Section 769 (rules for ascertaining change in ownership of...

Application of Schedule

This Schedule shall apply in relation to a change in...

SCHEDULE 27 — Sub-contractors in the construction industry

SCHEDULE 28 — 1 2 SCHEDULE 29 — Repeals Part I — ALCOHOLIC LIQUOR Part II — ROAD FUEL GAS Part III — BETTING AND GAMING ETC. Part IV — AIR PASSENGER DUTY Part V — VEHICLE EXCISE AND REGISTRATION Part VI — VALUE ADDED TAX Part VII — INSURANCE PREMIUM TAX Part VIII — INCOME TAX, CORPORATION TAX AND CAPITAL GAINS TAX Part IX — PETROLEUM REVENUE TAX Part X — STAMP DUTY Part XI — INHERITANCE TAX: AGRICULTURAL PROPERTY Part XII — PORTS LEVY

Status:

Point in time view as at 01/04/2010.

Changes to legislation:

There are currently no known outstanding effects for the Finance Act 1995.