



# Finance Act 1959

## 1959 CHAPTER 58

### PART V

#### MISCELLANEOUS

- 35 Estate duty: amendments as to exclusion of donor, or owner of an interest, from possession or benefit**
- (1) In the case of persons dying after the coming into operation of this section, any provision of the enactments relating to estate duty which imposes, in connection with a gift of property or the disposition or determination of an interest in property, a condition that property shall have been possessed or enjoyed by a person to the entire exclusion of another person or of any benefit to him by contract or otherwise shall be applied in accordance with the following provisions of this section.
  - (2) In the case of property being an interest in land, or being chattels, retention or assumption by the said other person of actual occupation of the land or actual enjoyment of an incorporeal right over the land, or actual possession of the chattels, shall be disregarded if for full consideration in money or money's worth.
  - (3) In the case of a gift, a benefit which the said other person obtained by virtue of any associated operations (as defined by section fifty-nine of the Finance Act, 1940) of which the gift is one shall be treated as a benefit to him by contract or otherwise.
  - (4) This section shall be construed as one with Part I of the Finance Act, 1894.
  - (5) In the application of this section to Scotland, for references to chattels there shall be substituted references to corporeal moveables.