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SCHEDULES

SCHEDULE 12

AMENDMENTS ARISING FROM CHAPTER II OF PART II OF THIS ACT

PART I

AMENDMENTS OF THE INCOME TAX ACTS

The War Damage (Public Utility Undertakings, &c.) Act 1949

(12, 13 & 14 Geo. 6. c. 36)

- 1 In section 28(2), the following shall be substituted for paragraph (b)—
“(b) the profits or gains of any person chargeable to income tax under Case VIII of Schedule D ;”.

The Income Tax Act 1952

(15 & 16 Geo. 6. & 1 Eliz. 2. c. 10)

- 2 In subsections (1) and (4) of section 34 and in section 35, for the words " Schedules A and B " in each place where they occur there shall be substituted the words " Schedule B " .
- 3 In section 123(1), in paragraph (a) of Case III, after the word " periods " there shall be inserted the words " but not including any payment chargeable under Case VIII of Schedule D " ; and in Case VI for the words " any of the foregoing Cases " there shall be substituted the words " any other Case of Schedule D " .
- 4 In section 153, in subsection (1), for the words " the proviso to paragraph 1 of Schedule A " there shall be substituted the words " Schedule 7 to the Finance Act 1963 " , and in subsection (5), for the words " the proviso to paragraph 1 of Schedule A " there shall be substituted the words " section 26(1) of the Finance Act 1963 " .
- 5 (1) At the end of section 162(4) there shall be inserted the words " In the case of an asset being land, the annual value of the use of the asset shall be taken for the purposes of this subsection to be the annual value of the land determined in accordance with Schedule 5 to the Finance Act 1963 " .
- (2) This paragraph shall have effect in relation to tax for the year 1963-64.
- 6 In section 169, the following subsections shall be inserted at the end—
- “(4) This section shall not apply to any rents or other sums in respect of which the person entitled to them is chargeable to tax under Case VIII of Schedule D or would be so chargeable if he were not exempt from tax.
- (5) Any payment made for the period ending on the 15th May in any year in respect of yearly interest secured on land in Scotland shall be treated for the

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purposes of this section as if it had become due at the commencement of that period.”

7 In section 170, the following subsection shall be inserted at the end—

“(5) Except as provided by section 16 (6) of the Finance Act 1963, this section shall not apply to any rents or other sums in respect of which the person entitled to them is chargeable to tax under Case VIII of Schedule D or would be so chargeable if he were not exempt from tax.”

8 In subsections (1) and (2) of section 180, for the words "the proviso to paragraph 1 of Schedule A" in each place where they occur there shall be substituted the words " Schedule 7 to the Finance Act 1963 ".

9 In section 262, in subsection (5), for the words " for the purposes of a claim by the company for relief under section one hundred and one of this Act" there shall be substituted the words " in computing profits or gains of the company for the purposes of Case VIII of Schedule D ", and in subsection (8), after the words " Schedule B, income ", there shall be inserted the words " (other than yearly or other interest) ", and for the words from " means lands" to " heritages" there shall be substituted the words " includes any interest in or right over land ".

10 In section 270(6)(a), for the words " Schedule A " there shall be substituted the words " Case VIII of Schedule D ".

11 (1) Section 313 shall be amended as provided by the following sub-paragraphs.

(2) For the words " the owner" there shall be substituted the words " in the case ".

(3) For paragraphs (a) and (b) there shall be substituted the following—

“(a) the deduction of a sum in respect of payments in the year of assessment for maintenance, repairs, insurance or management of the estate, or in respect of allowances for machinery or plant provided for use or used on the estate, is provided for by section 15(3) of the Finance Act 1963 or section 72 of the Finance Act 1960 ; and

(b) owing to the insufficiency of rents and receipts to which the owner of the estate becomes entitled in the year, whether from the estate or other property, the sum cannot be deducted (other amounts deductible under Case VIII of Schedule D being treated as deductible in priority to that sum),”.

(4) In paragraph (i) of the proviso, for the words " of the units of assessment included therein " there shall be substituted the words " parts thereof ".

(5) In paragraph (ii) of the proviso, for the words " where units of assessment included in the estate" there shall be substituted the words " payments or allowances in respect of parts thereof which ", and for the word " units " in the third place where it occurs there shall be substituted the word " parts ".

12 In section 315, in the definitions of "agricultural income" and " forestry income " for the words " Schedule A " in each place where they occur there shall be substituted the words " Case VIII of Schedule D " ; and in the definition of " estate ", for the words from " or houses " to the end there shall be substituted the words " (including any houses or other buildings) managed as one estate ".

13 In section 345(2), the following paragraph shall be inserted at the end—

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- “(f) any payment to which the said section 170 applies by virtue of section 16(6) of the Finance Act 1963.”
- 14 In section 425(3) for the words from " as to which " to the end there shall be substituted the words " which are deductible in computing profits or gains of the company for the purposes of Case VIII of Schedule D ".
- 15 In section 451(1), for the words from "Schedule A in " to "Schedule D" there shall be substituted the words " Schedule D in respect of any land (including an interest in or right over land) vested in them ".
- 16 In Schedule 23, in Part I, in paragraph 1, for the words " Schedules A and B " there shall be substituted the words " Schedule B ", and in paragraph 4, in sub-paragraph (2), after the words " upon him " there shall be inserted the words " or on any question as to the annual value of land ", for the words " his appeal " there shall be substituted the words " the matter ", after the words " was made " there shall be inserted the words " or the land is situated " and for the word " appeal" where it last occurs there shall be substituted the word " determination ", and in sub-paragraph (3), for the word " appeal " there shall be substituted the word " matter " and after the word " against" there shall be inserted the words " or, as the case may be, the question of annual value ".

The Finance Act 1952

(15 & 16 Geo. 6. & 1 Eliz. 2. c. 33)

- 17 (1) Section 26 shall be amended as provided by the following sub-paragraphs.
- (2) In subsection (6), for the words from "section one hundred and seventy-five" to the end there shall be substituted the words " Case VIII of Schedule D ".
- (3) In subsection (7)—
- (a) for the words from " is chargeable " to " payable to him " there shall be substituted the words " becomes entitled to any rent under a lease comprising the tied premises and other premises ";
 - (b) for the words "the section in question, his liability under that section" there shall be substituted the words " Case VIII of Schedule D, his liability in respect of the rent ";
 - (c) for the words from " of the land " to " may be " there shall be substituted the word " thereof ".
- (4) In subsection (9) for the word " (5)" there shall be substituted the word " (3) ".
- (5) For subsection (10) there shall be substituted the following—
- “(10) In this section ' lease ' includes an agreement for a lease if the term to be covered by the lease has begun, and any tenancy, but does not include a mortgage or heritable security, and ' lessor' shall be construed accordingly, and includes the successors in title of a lessor.”

The Finance Act 1960

(8 & 9 Eliz. 2. c. 44)

- 18 (1) Section 72 shall be amended as provided by the following sub-paragraphs.

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- (2) In subsection (2)(b), for the words from " the owner " to the end there shall be substituted the words " a person entitled to rents or receipts falling within Case VIII of Schedule D for the maintenance, repair or management of premises in respect of which those rents or receipts arise. "
- (3) In subsection (3), for the words " or his maintenance claim in respect of the land or houses referred to in paragraph (b) thereof " there shall be substituted the words " or in computing his profits or gains for the purposes of Case VIII of Schedule D " .
- (4) In subsection (4)(b)(ii), for the words from " on a maintenance claim " to the end there shall be substituted the words " in computing profits or gains for purposes of Case VIII of Schedule D, means expenditure on maintenance, repairs and management of the premises which under Schedule 4 to the Finance Act 1963 is deductible in computing those profits or gains " .
- (5) In subsection (7), for the words " or a maintenance claim, as the case may be " there shall be substituted the words " in the case mentioned in paragraph (a) of subsection (2) of this section and by notice in writing to the surveyor in the case mentioned in paragraph (b) thereof " ; for the words " land or houses " where they first occur, there shall be substituted the words " premises " ; and for the words " or of the land or houses in question " there shall be substituted the words " or, as the case may be, payments made in that or a subsequent year of assessment for the maintenance, repair or management of the relevant premises have been taken into account in an assessment or claim to repayment of tax which has been finally determined " .
- (6) In subsection (8), after the word " claim " where first occurring, there shall be inserted the words " or in computing profits or gains for the purposes of Case VIII of Schedule D " ; and for the words " the said section one hundred and seventy-six " there shall be substituted the words " Case VIII of Schedule D " .

The Finance Act 1961

(9 & 10 Eliz. 2. c. 36)

- 19 (1) In section 20(1) for the words from " paragraph (a)" to " under Schedule A) " there shall be substituted " section 47 of the Finance Act 1963 (accommodation occupied by holder of an office or employment) ", the words from " or in which" to " such a person " shall be omitted, and for the words " owned and occupied by a charity " there shall be substituted the words " occupied otherwise than by the holder of the office " .
- (2) This paragraph shall have effect in relation to tax for the year 1963-64.

The Finance Act 1962

(10 & 11 Eliz. 2. c. 44)

- 20 In Schedule 9, in paragraph 17(3)—
 - (a) for the words from " under section one hundred and one " in the first place where they occur to " enactments " there shall be substituted the words " in computing his profits or gains for purposes of Case VIII of Schedule D, but where it has been taken into account in computing those profits or gains " ;
 - (b) for the words from " expenditure so incurred " to the end there shall be substituted the words " payments made by him which are deductible in computing his profits or gains for purposes of Case VIII of Schedule D " .