



Finance Act 1977

1977 CHAPTER 36

PART III

INCOME TAX, CORPORATION TAX AND CAPITAL GAINS TAX

38 Maintenance funds for historic buildings

- (1) This section applies to any settlement in relation to which the Treasury have given a direction under section 84 of the Finance Act 1976 (maintenance funds for historic buildings).
- (2) The trustees of the settlement may elect that this subsection shall have effect in relation to any year of assessment, and if they do so—
 - (a) any income arising in that year from the property comprised in the settlement which, apart from this subsection, would be treated by virtue of Part XVI of the Taxes Act (settlements) as income of the settlor shall not be so treated; and
 - (b) no sum applied in that year out of the property for the purposes mentioned in subsection (3)(a)(i) of the said section 84 (maintenance etc. of a building or land) shall be treated for any purposes of the Income Tax Acts as the income of any person—
 - (i) by virtue of any interest of that person in, or his occupation of, the building or land in question; or
 - (ii) by virtue of section 451 of the Taxes Act (sums paid to settlor otherwise than as income).
- (3) Where income arising from the property comprised in the settlement in a year of assessment for which no election is made under subsection (2) above is treated by virtue of the said Part XVI as income of the settlor, paragraph (b) of that subsection shall have effect in relation to any sums in excess of that income which are applied in that year as mentioned in that paragraph.
- (4) Any election under subsection (2) above shall be by notice in writing to the Board in such form as the Board may require and shall be made within two years of the end of the year of assessment to which it relates.

*Status: This is the original version (as it was originally enacted). This
item of legislation is currently only available in its original format.*

(5) Where—

(a) circumstances obtain for part of a year of assessment by virtue of which income arising from property comprised in the settlement is treated as income of a settlor under the said Part XVI; and

(b) no such circumstances obtain for the remainder of that year,

the foregoing provisions of this section shall apply as if each of those parts were a separate year of assessment and separate elections may be made accordingly.