



Finance Act 1946

1946 CHAPTER 64 9 and 10 Geo 6

U.K.

An Act to grant certain duties, to alter other duties, and to amend the law relating to the Public Revenue and the National Debt, and to make further provision in connection with Finance. [1st August 1946]

1 ^{F1} **U.K.**

Textual Amendments

F1 S. 1 repealed by Finance Act 1951 (c. 43), s. 44(9), Sch. 7

2 ^{F2} **U.K.**

Textual Amendments

F2 S. 2 repealed by Customs and Excise Act 1952 (c. 44), s. 320, Sch. 12 Pt. I; Finance Act 1962 (c. 44), ss. 3(3)(5), 34(7), Schs. 6, 11 Pt. II

3 ^{F3} **U.K.**

Textual Amendments

F3 S. 3 repealed by Customs and Excise Act 1952 (c. 44), s. 320, Sch. 12 Pt. I

4 ^{F4} **U.K.**

Status: Point in time view as at 01/02/1991.
Changes to legislation: There are currently no known outstanding effects for the Finance Act 1946. (See end of Document for details)

.....
Textual Amendments
F4 S. 4 repealed by Statute Law Revision Act 1950 (c. 6)

5 F5 **U.K.**

.....
Textual Amendments
F5 S. 5 repealed by Finance Act 1947 (c. 35), s. 74, Sch. 11 Pt. I

6 F6 **U.K.**

.....
Textual Amendments
F6 S. 6 repealed by Customs and Excise Act 1952 (c. 44), s. 320, Sch. 12 Pt. I

7 F7 **U.K.**

.....
Textual Amendments
F7 S. 7 repealed by Finance Act 1952 (c. 33), s. 76(8), Sch. 14 Pt. II

8 F8 **U.K.**

.....
Textual Amendments
F8 S. 8 repealed by Finance Act 1957 (c. 49), s. 42(5), Sch. 9 Pt. I

9 F9 **U.K.**

.....
Textual Amendments
F9 S. 9 repealed by Customs and Excise Act 1952 (c. 44), s. 320, Sch. 12 Pt. I; Statute Law Revision Act 1953 (c. 5); Statute Law (Repeals) Act 1971 (c. 52)

10 F10 **U.K.**

.....
Textual Amendments
F10 S. 10 repealed by Finance Act 1959 (c. 58), s. 37(5), Sch. 8 Pt. I

Status: Point in time view as at 01/02/1991.
Changes to legislation: There are currently no known outstanding effects for the Finance Act 1946. (See end of Document for details)

11^{F11} **U.K.**

Textual Amendments

F11 S. 11 repealed by [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#)

12^{F12} **U.K.**

Textual Amendments

F12 S. 12 repealed by [Licensing Act 1953 \(c. 46\)](#), s. 168, **Sch. 10**

13^{F13} **U.K.**

Textual Amendments

F13 S. 13 repealed by [Licensing \(Scotland\) Act 1959 \(c. 51\)](#), S. 200(1), **Sch. 12**

14^{F14} **U.K.**

Textual Amendments

F14 S. 14 repealed by [Vehicles \(Excise\) Act 1949 \(c. 89\)](#), s. 30, **Sch. 7**

15–23^{F15} **U.K.**

Textual Amendments

F15 Pt. II (ss. 15–23) repealed by [Purchase Tax Act 1963 \(c. 9\)](#), s. 41(1), **Sch. 4 Pt. 1**

24, 25.^{F16} **U.K.**

Textual Amendments

F16 Ss. 24, 25 repealed (with savings) by [Income Tax Act 1952 \(c. 10\)](#), s. 527, **Sch. 52**

26^{F17} **U.K.**

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1946. (See end of Document for details)

Textual Amendments

F17 S. 26 repealed (with savings) by [Income Tax Act 1952 \(c. 10\)](#), s. 527, [Sch. 25](#); [Income Tax \(Repayment of Post-War Credits\) Act 1959 \(c. 28\)](#), s. 1(7)

27–35 ^{F18} **U.K.**

Textual Amendments

F18 Ss. 27–35 repealed (with savings) by [Income Tax Act 1952 \(c. 10\)](#), s. 527, [Sch. 25](#)

PART IV. **U.K.**

EXCESS PROFITS TAX AND THE NATIONAL DEFENCE CONTRIBUTION.

36 Termination of excess profits tax. **U.K.**

Excess profits tax shall not be chargeable in respect of the profits of any accounting period beginning after the end of the year nineteen hundred and forty-six or in respect of so much of the profits of any accounting period beginning before the end of that year as is apportionable to the part thereof falling after the end of that year, and accordingly the enactments specified in the Seventh Schedule to this Act shall have effect subject to the amendments specified in that Schedule.

Modifications etc. (not altering text)

C1 The text of s. 36 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

37 Relief from excess profits tax for terminal expenses. **U.K.**

(1) Subject to the provisions of this section, if any person who, in a chargeable accounting period ending on the thirty-first day of December, nineteen hundred and forty-six, carried on a trade or business the profits of which for any chargeable accounting period are charged to excess profits tax, makes a claim for relief under this section and proves that, within the period specified in subsection (2) of this section, any terminal expenses, as defined in subsection (3) of this section, have been incurred in connection with the trade or business, he shall be entitled to require—

(a) in the case of costs of deferred repairs and renewals, that the profits of the trade or business for the accounting period to which in the opinion of the Commissioners the costs are reasonably and properly attributable, or, where those costs are in their opinion reasonably and properly attributable to more than one accounting period, the profits of the trade or business for each of the accounting periods, shall, for the purposes of excess profits tax, be treated as reduced by the amount of the said costs, or the part of that amount which is, in the opinion of the Commissioners, reasonably and properly attributable to that period, as the case may be ;

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1946. (See end of Document for details)

- (b) in the case of rehabilitation costs, that the profits of the trade or business for the chargeable accounting period ending on the said thirty-first day of December, shall, for the purposes of excess profits tax, be treated as reduced by the amount of the said costs.
- (2) The period referred to in subsection (1) of this section is the year nineteen hundred and forty-seven:
Provided that if the person making the claim complies with either of the following conditions, that is to say, either—
- (a) that he produces to the Commissioners before the end of March, nineteen hundred and forty-eight, or such later date as they may allow, particulars of work required to be done, as at the said thirty-first day of December, and satisfies them that that work was not completed before the end of the year nineteen hundred and forty-seven ; or
- (b) that he furnishes to the Commissioners before the said end of March, or such later date as they may allow, a preliminary statement in respect of any such work, setting out such information as is available to him as to the position in respect thereof, and, before the end of March, nineteen hundred and forty-nine, or such later date as the Commissioners may allow, produces to them the particulars, and satisfies them as to the matters, specified in paragraph (a) of this proviso,
- the said period shall be treated as extended, in relation to any terminal expenses incurred on doing that work, until the end of March, nineteen hundred and fifty-two.
- (3) For the purposes of this Part of this Act, the expression “terminal expenses” means expenses incurred by the person carrying on the trade or business, consisting of costs of deferred repairs and renewals, as defined in subsection (4) of this section, and rehabilitation costs, as defined in subsection (5) of this section:
Provided that so much of any expenses as has been or is to be met directly or indirectly by the Crown or by any government or public or local authority, whether in the United Kingdom or elsewhere, or by any person other than the person carrying on the trade or business, shall be left out of account.
- (4) For the purposes of this section, the expression “costs of deferred repairs and renewals” means expenditure on repairs and renewals necessary to maintain assets in an effective working condition, being repairs and renewals which have been deferred by reason of conditions prevailing as a consequence of the war and which would, if they had not been deferred, have been carried out in an accounting period constituting or including a chargeable accounting period:
Provided that the said expression does not include any expenditure which, if the repairs and renewals had not been deferred, would not have fallen to be allowed in computing for the purposes of excess profits tax the profits arising from the trade or business in an accounting period constituting or including a chargeable accounting period.
- (5) For the purposes of this section, the expression “rehabilitation costs” means—
- (a) expenditure on the removal of works designed to afford protection from hostile attack ;
- (b) where the trade or business was, as a consequence of the war, removed in whole or in part to a different place, expenditure on again removing the trade or business or that part thereof back to the place where it was carried on before the first mentioned removal, or, where the trade or business or that part thereof is not removed back to that place, expenditure on removing it to some other

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1946. (See end of Document for details)

place up to the amount which would have been incurred in removing it back to that place ;

- (c) where any buildings, plant, machinery or other physical assets held for the purposes of the trade or business were, either as regards lay-out or otherwise, altered so as to adapt them to conditions prevailing as a result of the war, any expenditure incurred on again altering the assets so as to readapt them to peace-time requirements, except so far as that expenditure consists of costs of deferred repairs and renewals or represents an improvement of the character or condition of the assets as compared with their character and condition before the first mentioned alteration.

A trade or business shall be treated for the purposes of paragraphs (b) and (c) of this subsection as continuing to be the same trade or business notwithstanding any change in the persons carrying it on.

- (6) Where an accounting period falls partly before and partly after the end of the year nineteen hundred and forty-six, all terminal expenses incurred in that accounting period which would, apart from this subsection and subsection (2) of section thirty-three of the ^{M1}Finance Act, 1940 (which relates to the spreading of deductions over more than one accounting period), be allowable as deductions in computing the profits thereof shall be treated for the purposes of subsection (1) of this section as if they were expenses incurred after the end of that year, and where a claim is made for relief under this section, no deduction in respect of any terminal expenses to which the preceding provisions of this subsection apply shall be allowed otherwise than under subsection (1) of this section from, or in computing the profits of, any accounting period or chargeable accounting period.
- (7) Subsection (2) of section thirty-three of the Finance Act, 1940 (which relates to the spreading of deductions over more than one accounting period) shall not apply in relation to any terminal expenses incurred in any accounting period beginning at or after the end of the year nineteen hundred and forty-six.
- (8) Where relief is claimed under this section in respect of rehabilitation costs and the person making the claim is entitled for the purposes of excess profits tax to an allowance under paragraph 3 of Part I of the Seventh Schedule to the Finance (No. 2) Act, 1939, or subsection (1) of section thirty-three of the Finance Act, 1940 (which relate to exceptional depreciation allowances) and that allowance is greater than it would have been if the work which was the subject of the rehabilitation costs had been completed on the thirty-first day of December, nineteen hundred and forty-six, the relief allowable under this section in respect of those costs shall be reduced by the amount of the excess.
- (9) Where the person who, in a chargeable accounting period ending on the thirty-first day of December, nineteen hundred and forty-six, carried on a trade or business is a body corporate and was in that period a member of a group of companies—
- (a) any claim under this section shall be made, and be made only, by the principal company of the group ;
 - (b) all terminal expenses incurred after a change in the identity of the group or after the body corporate who carried on the trade or business has ceased to be a member of the group shall be left out of account and
 - (c) in the case of costs of deferred repairs and renewals, so much of the expenses as, in the opinion of the Commissioners, is reasonably and properly attributable to an accounting period during which that body corporate was not a member of the group shall be left out of account.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1946. (See end of Document for details)

- (10) Where the person who, in a chargeable accounting period ending on the thirty-first day of December, nineteen hundred and forty-six, carried on a trade or business is a body corporate and was not in that period, but subsequently becomes, a member of a group of companies, all terminal expenses incurred after the body corporate becomes a member of the group shall be left out of account.
- (11) Where the person who, in a chargeable accounting period ending on the thirty-first day of December, nineteen hundred and forty-six, carried on a trade or business, is a body corporate and was not in that period, but was previously, a member of a group of companies, so much of any costs of deferred repairs and renewals as, in the opinion of the Commissioners, is reasonably and properly attributable to an accounting period during which that body corporate was a member of the group shall be left out of account.

Modifications etc. (not altering text)

- C2** The text of s. 37 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991; this provision has been amended by [Finance Act 1948 \(c. 49\), s. 78](#) and [Finance Act 1951 \(c. 43\), s. 39](#)

Marginal Citations

- M1** [1940 c.29](#)

38 Relief for losses on sales of stock. U.K.

- (1) Subject to the provisions of this section, if any person who, in a chargeable accounting period ending on the thirty-first day of December, nineteen hundred and forty-six, carried on a trade or business the profits of which for any chargeable accounting period are charged to excess profits tax, makes a claim for relief under this section and proves that—
- (a) on the said thirty-first day of December, stock was taken of all the trading stock then held for the purposes of the trade or business ; and
- (b) that, on the sales of stock effected during the sales period, as hereinafter defined, a claimable loss has been sustained in that trade or business,

he shall be entitled to require that the profits of the trade or business for the said chargeable accounting period shall, for the purposes of excess profits tax, be treated as reduced by the amount of the claimable loss:

Provided that—

- (i) no relief shall be given under this section if the trade or business is discontinued at the end of the said chargeable accounting period ;
- (ii) where the whole or part of any loss sustained on sales of, or resulting from any fall in the value of, any of the stock held for the purposes of the trade or business on the said thirty-first day of December has been or is to be met directly or indirectly by the Crown or by any government or public or local authority, whether in the United Kingdom or elsewhere, or by any person other than the person carrying on the trade or business, such reduction, if any, shall be made in the relief given under this section as is necessary to secure that that relief does not extend to that loss or that part of that loss, as the case may be.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1946. (See end of Document for details)

- (2) The provisions of the Eighth Schedule to this Act shall have effect for the purpose of determining whether any and if so what claimable loss has been sustained in a trade or business on sales of stock effected during the sales period.
- (3) In this section and in the said Eighth Schedule, the expression “the sales period” means the years nineteen hundred and forty-seven and nineteen hundred and forty-eight: Provided that if during the said years the trade or business in question is discontinued, the sales period shall be the period beginning with the beginning of the year nineteen hundred and forty-seven and ending with the date of the discontinuance.
- (4) Where the person who, in a chargeable accounting period ending on the thirty-first day of December, nineteen hundred and forty-six, carried on a trade or business is a body corporate and was in that period a member of a group of companies, any claim under this section shall be made, and be made only, by the principal company of the group.
- (5) Where any of the following events occurs, that is to say—
 - (a) a change takes place in the persons carrying on a trade or business ; or
 - (b) the person carrying on a trade or business, being a body corporate, becomes or ceases to be a member of a group of companies ; or
 - (c) there is a change in the identity of a group of companies of which the person carrying on a trade or business, being a body corporate, is a member, the trade or business shall be treated for the purposes of this section as if it were discontinued at the time of the happening of the event.

Modifications etc. (not altering text)

- C3** The text of ss. 38–43 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

39 Supplementary provisions as to relief for terminal expenses and losses on sales of stock. U.K.

- (1) The provisions of the Ninth Schedule to this Act shall have effect in relation to claims for relief under the two last preceding sections.
- (2) Any provision in the two last preceding sections that the profits for any accounting period or chargeable accounting period shall, for the purposes of excess profits tax, be treated as reduced by any amount shall, where there are no such profits, or a loss, for that period, or where those profits for that period are less than the said amount, be construed as a provision that, for those purposes, there shall be deemed to be a loss for that period of that amount, the loss for that period shall be deemed to be increased by that amount, or there shall be deemed to be a loss for that period equal to the excess of that amount over the amount of those profits, as the case may be.
- (3) In the two last preceding sections, the expressions “a group of companies” and “the principal company” have the meanings assigned to them by subsection (1) of section twenty-eight of the Finance Act, 1940, and for the purposes of the two last preceding sections a group of companies shall be deemed to be the same group notwithstanding any changes in the members thereof so long as, and only so long as, the same body corporate remains the principal company of the group, and references to changes in the identity of the group shall be construed accordingly.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1946. (See end of Document for details)

- (4) Where any of the following events occurs, that is to say—
- (a) a change takes place in the persons carrying on a trade or business ; or
 - (b) the person carrying on a trade or business, being a body corporate, becomes or ceases to be a member of a group of companies ; or
 - (c) there is a change in the identity of a group of companies of which the person carrying on a trade or business, being a body corporate, is a member,
- and, apart from that event, relief or additional relief would be allowable under either of the two last preceding sections, the Commissioners may, if they think fit, allow the relief or additional relief or such part thereof as they think just, having regard to the extent to which the persons directly or indirectly interested in the trade or business, or the body corporate, as the case may be, before the change remain interested therein after the change.

Modifications etc. (not altering text)

- C4** The text of ss. 38–43 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

40 Replacement of buildings provided before 1937. U.K.

- (1) Subject to the provisions of this section, if any person who carries on a trade or business makes a claim for relief under this section and proves—
- (a) that a building provided by him for the purposes of the trade or business before the beginning of the year nineteen hundred and thirty-seven was sold or demolished on or after the first day of April, nineteen hundred and forty-five, and that a building containing similar or improved accommodation has, since the said first day of April, been constructed by way of replacement and used by him for the said purposes ; and
 - (b) that, if, in lieu of that sale or demolition, repairs to the building sold or demolished had been carried out, expenditure thereon would have constituted costs of deferred repairs,
- he shall be entitled to require that he be treated, for the purposes of excess profits tax, as having, as and when expenditure is incurred by him on the construction of the building provided by way of replacement, incurred costs of deferred repairs up to the amount specified in subsection (2) of this section, and section thirty-seven of this Act shall, where appropriate, and subject to any necessary adaptations, apply accordingly.
- (2) The said amount is an amount equal to—
- (a) so much of the expenditure which, if repairs to the building sold or demolished had been carried out immediately before the sale or demolition, would have been incurred on those repairs as would have constituted terminal expenses ; or
 - (b) the net cost of the building provided by way of replacement,
- whichever is the less.
- (3) Where relief is given by virtue of this section, then, for the purposes of paragraph 3 of Part I of the Seventh Schedule to the Finance (No. 2) Act, 1939, and of section fifteen of the ^{M2}Finance Act, 1937, as applied for the purposes of excess profits tax (being provisions which relate to exceptional depreciation allowances and

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1946. (See end of Document for details)

depreciation allowances for mills, factories, etc.) and as respects all periods whether before or after the passing of this Act, the net cost or actual cost to the person carrying on the trade or business, as the case may be, of the building provided by way of replacement shall be treated as reduced by the amount mentioned in subsection (2) of this section.

- (4) Where section thirty-seven of this Act applies by virtue of this section and the person entitled to claim under that section is the principal company of a group of companies, a claim under this section shall be made by, and only by, that company.
- (5) In this section the expression “costs of deferred repairs” has the same meaning as in section thirty-seven of this Act, and the expression “net cost” has the meaning assigned to it by sub-paragraph (3) of paragraph 3 of Part I of the Seventh Schedule to the Finance (No. 2) Act, 1939.

Modifications etc. (not altering text)

- C5** The text of ss. 38–43 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M2** 1 Edw. 8 & 1 Geo. 6. c. 54.

41 Rehabilitation costs incurred before end of 1946. U.K.

- (1) Where—
- (a) whether before or after the passing of this Act, any person carrying on a trade or business incurs, rehabilitation costs in connection with the trade or business before the end of the year nineteen hundred and forty-six ; and
 - (b) apart from the provisions of this section, relief is not allowable in respect of those costs or part of those costs in computing the profits of the trade or business for excess profits tax purposes for any accounting period constituting or including a chargeable accounting period,

the profits of the trade or business for the chargeable accounting period in which the rehabilitation costs, or that part thereof, as the case may be, are incurred, shall, for the purposes of excess profits tax, be treated as reduced by the amount of the said costs or that part thereof, as the case may be:

Provided that so much of any rehabilitation costs as has been or is to be met directly or indirectly by the Crown or by any government or public or local authority, whether in the United Kingdom or elsewhere, or by any person other than the person carrying on the trade or business, shall be left out of account.

- (2) Where the person carrying on the trade or business is, for the purposes of excess profits tax, entitled in respect of buildings, plant or machinery on which rehabilitation costs are incurred, to an allowance under paragraph 3 of Part I of the Seventh Schedule to the Finance (No. 2) Act, 1939, or subsection (1) of section thirty-three of the Finance Act, 1940 (which relate to exceptional depreciation allowances), and that allowance is increased owing to the rehabilitation costs having been treated as part of the net cost of the provision of the buildings, plant or machinery, so much of those costs as is equal to that increase in the allowance shall, by virtue of the making of the allowance, be

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1946. (See end of Document for details)

treated for the purposes of subsection (I) of this section as costs in respect of which relief is allowable apart from the provisions of this section.

- (3) The provisions of subsection (2) of section thirty-three of the Finance Act, 1940 (which relates to the spreading of deductions over more than one accounting period), shall not apply to any deduction allowable by virtue of this section.
- (4) In this section the expression “rehabilitation costs” has the same meaning as in section thirty-seven of this Act.

Modifications etc. (not altering text)

- C6** The text of ss. 38–43 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

42 Cancellation costs. U.K.

- (1) The provisions of sections thirty-seven, thirty-nine and section forty-one of this Act, shall, with the modifications hereinafter mentioned, apply in relation to cancellation costs as they apply in relation to rehabilitation costs.
- (2) In this section the expression “cancellation costs” means, in relation to the person carrying on a trade or business, payments by him in consideration of the termination, whether by agreement or otherwise, of any contract for the supply of goods or materials, the rendering of services or the hire of machinery to the person carrying on the trade or business, or of the surrender by that person of any lease, where the contract is terminated or the lease is surrendered as a consequence of the termination, whether by agreement or otherwise, of a contract for the provision by that person of goods or services for the purposes of the war.
- (3) The proviso to subsection (2) of the said section thirty-seven shall not apply in relation to cancellation costs, but if the person making the claim produces to the Commissioners before the end of March nineteen hundred and forty-eight particulars of contracts or leases which, as at the thirty-first day of December, nineteen hundred and forty-six, were expected to be terminated as aforesaid or surrendered by him and satisfies them that it was necessary for the termination or surrender to be deferred beyond the end of the year nineteen hundred and forty-seven, the Commissioners may treat the period mentioned in the said subsection (2) as extended, in relation to any cancellation costs incurred in consideration of the termination or surrender of the contracts or leases, until the end of the year nineteen hundred and forty-eight or, if the circumstances so require, until such later date as the Commissioners may allow, being a date not later than the end of the year nineteen hundred and forty-nine.
- (4) Where a person carrying on a trade or business who incurs cancellation costs also receives sums in consideration of the termination, whether by agreement or otherwise, of contracts for the provision by him of goods or services for the purposes of the war, the sums so received by him shall, except in so far as they go to increase the profits of the trade or business for any chargeable accounting period or are taken into account for the purposes of the proviso to subsection (3) of the said section thirty-seven or the proviso to subsection (1) of the said section forty-one be applied in reducing for the purposes of this section, first, the cancellation costs in respect of which relief would otherwise be granted under the said section thirty-seven and, in so far as they are not so

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1946. (See end of Document for details)

applied, in reducing the cancellation costs in respect of which relief would otherwise be granted under the said section forty-one.

Modifications etc. (not altering text)

- C7** The text of ss. 38–43 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

43 Matters occurring after certain dates. U.K.

- (1) In computing profits for the purposes of excess in profits tax, no part of any deduction shall, by virtue of subsection (2) of section thirty-three of the Finance Act, 1940 (which relates to the spreading of deductions over more than one accounting period), be treated as attributable to any accounting period any part of which falls before the end of the year nineteen hundred and forty-six, unless it would, apart from the said subsection (2), have fallen to be treated, if excess profits tax had continued to be chargeable, as a deduction allowable in computing profits for an accounting period ending at or before the end of the year nineteen hundred and forty-seven: Provided that where an accounting period of a trade or business falls partly before and partly after the end of the year nineteen hundred and forty-seven, that period shall be treated for the purposes of this subsection as if it were a period ending at or before the end of that year, as respects, but only as respects, deductions which would have fallen to be treated as allowable as aforesaid for that period if it had ended at the end of that year.
- (2) Subject to the provisions of this subsection, the said subsection (2) of the said section thirty-three shall not apply to deductions in respect of expenses incurred in any accounting period ending after the end of the year nineteen hundred and forty-six so far as those expenses have been or are to be met directly or indirectly by the Crown or by any government or public or local authority, whether in the United Kingdom or elsewhere, or by any person other than the person carrying on the trade or business: Provided that this subsection shall not prevent the attribution under the said subsection (2) of, or of any part of, any such expenses as aforesaid to any accounting period in which any sum paid to the person carrying on the trade or business by the Crown or any such government, authority or person as aforesaid to meet those expenses or that part thereof, as the case may be, is taken into account in computing the profits or loss of the trade or business for the purposes of excess profits tax, or would be so taken into account if excess profits tax had continued to be chargeable.
- (3) Where—
- (a) any expenses which have been met in whole or in part, either directly or indirectly, by the Crown or by any government or public or local authority, whether in the United Kingdom or elsewhere, or by any person other than the person carrying on the trade or business in question, are allowable in computing the profits of any trade or business for the purposes of excess profits tax ; and
 - (b) apart from this subsection a sum paid to meet or towards meeting those expenses would fall to be taken into account in computing the profits of the trade or business for the purposes of excess profits tax for an accounting period ending after the end of the year nineteen hundred and forty-six, being an accounting period other than that in which the expenses are allowable, or

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1946. (See end of Document for details)

would fall to be so taken into account if excess profits tax had continued to be chargeable,

that sum shall be taken into account in computing the profits of the trade or business for the purposes of excess profits tax for the accounting period in which the expenses are allowable, as if it had been a trading receipt for that period and shall not be taken into account in computing the profits of the trade or business for the purposes of excess profits tax for any other accounting period.

Where the expenses mentioned in paragraph (a) of this subsection are allowable partly in one accounting period and partly in one or more other accounting periods, the sum mentioned in paragraph (b) of this subsection shall be apportioned in the same proportions as the parts of the expenses so allowable, and for the purposes of this subsection the proportions of that sum so ascertained shall be treated as having been paid to meet or towards meeting the corresponding parts of those expenses.

- (4) The right under proviso (i) to subsection (1) of section twenty-three of the Finance Act, 1943 (which relates to payments to superannuation funds and certain other payments in respect of back service) to elect that a payment in respect of back service shall be apportioned among the accounting periods during which the back service was rendered shall not be exercisable as respects any payment made after the end of the year nineteen hundred and forty-seven.

Modifications etc. (not altering text)

- C8** The text of ss. 38–43 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

44 ^{F19} **U.K.**

Textual Amendments

- F19** S. 44 repealed (with savings) by [Finance Act 1965 \(c. 25\)](#), s. 97(5), [Sch. 22 Pt. V](#)

45 **Payments for technical education.** **U.K.**

The provisions of Part III of this Act providing for deductions for income tax purposes of payments for the purposes of technical education shall not apply for the purposes of excess profits tax . . . ^{F20}

Textual Amendments

- F20** Words repealed by [Finance Act 1947 \(c. 35\)](#), s. 74, [Sch. 11 Pt. II](#)

Modifications etc. (not altering text)

- C9** The text of s. 45 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Status: Point in time view as at 01/02/1991.
Changes to legislation: There are currently no known outstanding effects for the Finance Act 1946. (See end of Document for details)

46^{F21} **U.K.**

Textual Amendments
F21 S. 46 repealed (with savings) by Finance Act 1949 (c. 47), s. 52(9)(10), **Sch. 11 Pt. IV**; Finance Act 1975 (c. 7), ss. 50, 52(2)(3), 59, **Sch. 13 Pt. I**

47^{F22} **U.K.**

Textual Amendments
F22 S. 47 repealed by Finance Act 1968 (c. 44), s. 61(10), **Sch. 20 Pt. IV**

PART VI. U.K.

THE NATIONAL LAND FUND.

48^{F23} **U.K.**

Textual Amendments
F23 Ss. 48, 50, 51 repealed by National Heritage Act 1980 (c. 17, SIF 3), s. 15, **Sch. 2**

49^{F24} **U.K.**

Textual Amendments
F24 S. 49 repealed (with savings) by Finance Act 1975 (c. 7), ss. 50, 52(2)(3), 59, **Sch. 13 Pt. I**

50, 51.^{F25} **U.K.**

Textual Amendments
F25 Ss. 48, 50, 51 repealed by National Heritage Act 1980 (c. 17, SIF 3), s. 15, **Sch. 2**

Status: Point in time view as at 01/02/1991.
Changes to legislation: There are currently no known outstanding effects for the Finance Act 1946. (See end of Document for details)

PART VII U.K.

STAMP DUTY

Modifications etc. (not altering text)

- C10** Pt. VII restricted by Finance Act 1963 (c. 25), s. 65(2)
- C11** Pt. VII (ss. 52–57) restricted by Finance Act 1981 (c. 35, SIF 114), s. 110
- C12** Pt. VII (ss. 52–57) excluded by S.I. 1988/268, reg. 3

52 Exemption from stamp duty of documents connected with nationalisation schemes. U.K.

Where, by any Act passed after the beginning of the present Session which embodies any scheme for the carrying on of any industry or part of an industry, or of any undertaking, under national ownership or control, provision is made for the transfer of any property, as part of the initial putting into force of the scheme, to the Crown or to a body corporate constituted for the purposes of that scheme or any previous scheme for such national ownership or control as aforesaid—

- (a) in considering whether any and if so what duty is payable under section twelve of the ^{M3}Finance Act 1895 (which requires Acts to be stamped as conveyances on sale in certain cases) the consideration for the transfer shall be left out of account;
- (b) ^{F26}
- (c) stamp duty shall not be payable on any conveyance, agreement or assignment made or instrument executed solely for the purpose of giving effect to the transfer.

Textual Amendments

- F26** S. 52(b) repealed by Finance Act 1973 (c. 51), s. 59(7), Sch. 22 Pt. V

Marginal Citations

- M3** 1895 c. 16.

53 ^{F27} **U.K.**

Textual Amendments

- F27** S. 53 repealed by Finance Act 1988 (c. 39, SIF 114), ss. 140(1)(a)(2)(6), 148, Sch. 14 Pt. XI

54 Units under unit trust schemes to be treated as stock. U.K.

- (1) Any reference in the enactments relating to stamp duty to stock shall be deemed to include a reference to a unit under a unit trust scheme, and any reference in any such enactment to a stock certificate to bearer shall be deemed to include a reference to a certificate to bearer in relation to a unit under a unit trust scheme and, subject to the provisions of this Part of this Act, the said enactments shall have effect accordingly.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1946. (See end of Document for details)

(2) Any reference in the enactments relating to stamp duty to the nominal amount or nominal value of stock shall, in relation to units under a unit trust scheme, be construed as a reference to the value of the units in question computed as if each unit were worth, and worth only, the price at which similar units are first or were first obtainable under the scheme from the trustees or managers thereof.

- (3) F28
 (5) F29
 (6) F30

Textual Amendments

- F28** S. 54(3)(4) repealed by Finance Act 1990 (c. 29, SIF 114), s. 132, **Sch. 19 Pt. VI**
F29 S. 54(5) repealed by Finance Act 1976 (c. 40), **Sch. 15 Pt. VI**
F30 S. 54(6) repealed by Finance Act 1987 (c. 16, SIF 114), s. 72(7), **Sch. 16 Pt. VIII**

55 F31 **U.K.**

Textual Amendments

- F31** S. 55 repealed by Finance Act 1963 (c. 25), **Sch. 14 Pt. IV** and expressed to be repealed (27.7.1999 with effect as mentioned in **Sch. 20 Pt. V(5)** of the amending Act) by 1999 c. 16, s. 139, **Sch. 20 Pt. V(5)** Notes 1, 2

56 F32 **U.K.**

Textual Amendments

- F32** S. 56 repealed (with savings) by Finance Act 1990 (c. 29, SIF 114), ss. 109(6)(a)(7)(9), 132, **Sch. 19 Pt. VI** (the provision ceases to have effect as referred to in s. 109(7) and in the notes to Sch. 19 Pt. VI) and expressed to be repealed (27.7.1999 with effect as mentioned in **Sch. 20 Pt. V(5)** of the amending Act) by 1999 c. 16, s. 139, **Sch. 20 Pt. V(5)** Notes 1, 2; and subject to an amendment (27.7.1999 with effect as mentioned in s. 114(2)) by 1999 c. 16, s. 114(1), **Sch. 17 Pt. I para. 4**

57 **Interpretation of Part VII. U.K.**

(1) In this Part of this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“the enactments relating to stamp duty” means the ^{M4}Stamp Act 1891 and any enactment which amends or is required to be construed together with that Act;

[^{F33}“unit trust scheme” has the same meaning as in the ^{M5}Financial Services Act 1986 (but subject to subsection (1A) of this section)]

“trust instrument” means, in relation to a unit trust scheme, the trust deed or other instrument (whether under seal or not) creating or recording the trusts [^{F34}on which the property in question is held];

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1946. (See end of Document for details)

“trust property” means, in relation to a unit trust scheme, the property subject to the trusts of the trust instrument;

“trust property represented by units” means, in relation to a unit trust scheme, all trust property except, where the trust instrument provides for periodical distributions, any such dividends, interest or other property arising from trust property as is required under the instrument to be distributed at the next such distribution;

“unit” means, in relation to a unit trust scheme, a right or interest (whether described as a unit, as a sub-unit, or otherwise) of a beneficiary under the trust instrument;

“certificate to bearer” means, in relation to a unit under a unit trust scheme, a document by the delivery of which the unit can be transferred . . . ^{F35}

[^{F36}(1A) The Treasury may by regulations provide that any scheme of a description specified in the regulations shall be treated as not being a unit trust scheme for the purposes of this Part of this Act.

(1B) Regulations under this section—

- (a) may contain such supplementary and transitional provisions as appear to the Treasury to be necessary or expedient, and
- (b) shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of the House of Commons.]

(2) ^{F37}

Textual Amendments

- F33** Definition substituted by [Finance Act 1987 \(c. 16, SIF 114\), s. 48\(a\)](#)
- F34** Words substituted by [Finance Act 1987 \(c. 16, SIF 114\), s. 48\(b\)](#)
- F35** Words repealed by [Finance Act 1963 \(c. 25\), Sch. 14 Pt. IV](#)
- F36** [S. 57\(1A\)\(1B\)](#) inserted by [Finance Act 1987 \(c. 16, SIF 114\), s. 48\(c\)](#)
- F37** [S. 57\(2\)–\(4\)](#) repealed by [Finance Act 1990 \(c. 29, SIF 114\), ss. 109\(6\)\(a\)\(7\), 132, Sch. 19 Pt. VI](#) (the provision ceases to have effect as referred to in s. 109(7) and in the notes to Sch. 19 Pt. VI)

Modifications etc. (not altering text)

- C13** [S. 57\(1A\)](#) and (1B) applied (28.4.1997) by [S.I. 1997/1156, reg. 3](#)

Marginal Citations

- M4** [1891 c. 39.](#)
- M5** [1986 c.60 \(69\).](#)

PART VIII. U.K.

MISCELLANEOUS.

Status: Point in time view as at 01/02/1991.
Changes to legislation: There are currently no known outstanding effects for the Finance Act 1946. (See end of Document for details)

Textual Amendments

F38 S. 58 repealed (income tax) by [Income Tax Act 1952 \(c. 10\)](#), s. 527, [Sch. 25](#)

59–61 ^{F39} **U.K.**

Textual Amendments

F39 Ss. 59– 61 repealed (with savings) by [Income Tax Act 1952 \(c. 10\)](#), s. 527, [Sch. 25](#)

62 Abolition of land tax assessors and income tax assessors, etc. **U.K.**

- (1) ^{F40}
- (2) The Treasury are hereby authorised to grant, subject to and in accordance with such conditions as they may prescribe, out of moneys provided by Parliament, annual allowances by way of compensation to any persons employed as assessors immediately before the passing of this Act whose appointments are terminated by subsection (1) of this section.
- (3) The Pensions Commutation Acts 1871 to 1882, shall apply to any person to whom a compensation allowance is awarded in pursuance of subsection (2) of this section as if he had retired from a public civil office in consequence of the abolition of his office.
- (4) ^{F40}

Textual Amendments

F40 S. 62(1)(4)(5) repealed by [Income Tax Act 1952 \(c. 10\)](#), [Sch. 25](#)

63 ^{F41} **U.K.**

Textual Amendments

F41 S. 63 repealed by [Exchange Equalisation Account Act 1979 \(c. 30\)](#), [Sch.](#)

64 ^{F42} **U.K.**

Textual Amendments

F42 S. 64 repealed by [National Loans Act 1968 \(c. 13\)](#), s. 24(2), [Sch. 6 Pt. I](#)

65 ^{F43} **U.K.**

Status: Point in time view as at 01/02/1991.
Changes to legislation: There are currently no known outstanding effects for the Finance Act 1946. (See end of Document for details)

Textual Amendments

F43 S. 65 repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

[^{F44}**66** **Mode of repayment of principal moneys in the case of certain government stock.** **U.K.**

.....^{F45}the following paragraph shall, as respects moneys becoming payable after the passing of this Act, be substituted for paragraph 1 of the said Third Schedule—

“1

Subject to any express provision to the contrary and subject as hereinafter provided, all principal moneys which become payable on the redemption of any government stock shall be payable, in the case of government stock registered in a part of the Post Office Register kept by a trustee savings bank, at that bank, in the case of stock otherwise registered in the Post Office Register, at the General Post Office, and in the case of stock entered in a register kept by the Bank in accordance with regulations made under section forty-seven of the Finance Act 1942, at the Bank:

Provided that if in the case of any such principal moneys the stockholder makes to the trustees of the savings bank, to the Postmaster-General or to the Bank, as the case may be, a request in writing in the approved form that payment thereof may be made by cheque or warrant sent by post, and gives an address to which the letter containing the cheque or warrant is to be sent, payment thereof may be made by a cheque signed by the trustees of the savings bank, or a warrant of the Postmaster-General or the Bank, as the case may be, sent by post, and in that case the posting of the letter containing the cheque or warrant to the address so given shall, as regards the liability of the trustees, the Postmaster-General or the Bank, be equivalent to the delivery of the cheque or warrant to the stockholder.”]

Textual Amendments

F44 S. 66 repealed (*prosp.*) by [Finance Act 1989 \(c. 26, SIF 99:3\)](#), s. 187, [Sch. 17 Pt. XII](#)

F45 Words repealed by [Trustee Savings Banks Act 1985 \(c. 58, SIF 110\)](#), ss. 4(3), 7(3), [Sch. 4](#)

67 †**Short title, construction extent and repeals.** **U.K.**

(1) This Act may be cited as the Finance Act 1946.

(2)^{F46}

(3)^{F47}

(4)^{F48}

(5) Part IV of this Act and so much of Part VII thereof as relates to excess profits tax shall be construed as one with Part III of the Finance (No. 2) Act, 1939.

(6)^{F49}

(7) Part VII of this Act shall be construed as one with the ^{M6}Stamp Act 1891.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1946. (See end of Document for details)

- (8) Any reference in this Act to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment, including this Act.
- (9) Save as otherwise expressly provided, such of the provisions of this Act as relate to matters with respect to which the Parliament of Northern Ireland has power to make laws shall not extend to Northern Ireland.
- (10) ^{F50}

Textual Amendments

- F46** S. 67(2) repealed by [Statute Law \(Repeals\) Act 1971 \(c. 52\)](#)
- F47** S. 67(3) repealed by [Purchase Tax Act 1963 \(c. 9\)](#), s. 41(1), [Sch. 4 Pt. I](#)
- F48** S. 67(4) repealed by [Statute Law Revision Act 1953 \(c. 5\)](#)
- F49** S. 67(6) repealed (with savings) by [Finance Act 1975 \(c. 7\)](#), [ss. 50](#). 52(2)(3), 59, [Sch. 13 Pt. I](#)
- F50** S. 67(10)(11) repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

Modifications etc. (not altering text)

- C14** Unreliable Margin note.
- C15** The text of s. 67(5) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

Marginal Citations

- M6** [1891 c. 39](#).

Status: Point in time view as at 01/02/1991.
Changes to legislation: There are currently no known outstanding effects for the Finance Act 1946. (See end of Document for details)

SCHEDULES

^{F51}FIRST SCHEDULE. **U.K.**

Textual Amendments

F51 Sch. 1 repealed by [Licensing Act 1953 \(c. 46\)](#), s. 168, **Sch. 10**

.....
F51

^{F52}SECOND SCHEDULE. **U.K.**

Textual Amendments

F52 Sch. 2 repealed by [Vehicles \(Excise\) Act 1949 \(c. 89\)](#), s. 30, **Sch. 7**

.....
F52

^{F53}THIRD SCHEDULE **U.K.**

Textual Amendments

F53 Sch. 3 repealed by [Finance Act 1948 \(c. 49\)](#), s. 82, **Sch. 11 Pt. I**

.....
F53

^{F54}FOURTH AND FIFTH SCHEDULES. **U.K.**

Textual Amendments

F54 Schs. 4, 5 repealed by [Purchase Tax Act 1963 \(c. 9\)](#), s. 41(1), **Sch. 4 Pt. I**

.....
F54

Status: Point in time view as at 01/02/1991.
Changes to legislation: There are currently no known outstanding effects for the Finance Act 1946. (See end of Document for details)

F55F55
SIXTH
SCHEDULE. U.K.

Textual Amendments

F55 Sch. 6 repealed (with savings) by [Income Tax Act 1951 \(c. 10\)](#), s. 527, [Sch. 25](#)

F55

SEVENTH
SCHEDULE. U.K.

Section 36.

AMENDMENTS CONSEQUENTIAL ON TERMINATION OF EXCESS PROFITS TAX

Modifications etc. (not altering text)

C16 The text of Schs. 7–9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

- 1 The following paragraph shall be substituted for paragraph (e) of section twenty-two of the Finance (No. 2) Act, 1939—
 - “(e) the expression “chargeable accounting period” means, in relation to excess profits tax—
 - (a) any accounting period beginning on or after the first day of April, nineteen hundred and thirty-nine and ending on or before the thirty-first day of December, nineteen hundred and forty-six ; and
 - (b) so much of any accounting period beginning before the said first day of April as falls on or after that date ; and
 - (c) so much of any accounting period ending after the said thirty-first day of December as falls on or before that date.”
- 2 The following subsection shall be substituted for subsection (4) of section nineteen of the Finance (No. 2) Act, 1939—

“(4) The chargeable accounting periods to which this section applies are the periods which are chargeable accounting periods in relation to excess profits tax.”
- 3 The following sub-paragraph shall be substituted for sub-paragraph (b) of paragraph 7 of the Sixth Schedule to the Finance Act, 1940—

“(b) in applying the provisions of paragraphs 1 to 3 of this Schedule to the case of an assessment to the national defence contribution for a period part of which falls before, and part of which falls after, the end of the year nineteen hundred and forty-six, there shall be deemed to be added to the amount of excess profits tax which would have been assessable or payable, as the case may be, for the part of the period before the end of that year an amount equal to so much of the national defence contribution for the whole period as is apportionable to the part thereof falling after the end of that year.”

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1946. (See end of Document for details)

EIGHTH SCHEDULE U.K.

Section 38.

COMPUTATION OF LOSSES ON SALES OF STOCK

Modifications etc. (not altering text)

C17 The text of Schs. 7–9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

- 1 For the purposes of the provisions of Part IV of this Act relating to relief for losses on sales of stock, there shall be deemed to be a claimable loss sustained in a trade or business on sales of stock effected during the sales period if and only if the total original cost or value, as defined in paragraph 2 of this Schedule, of the trading stock held for the purposes of the trade or business on the thirty-first day of December, nineteen hundred and forty-six, exceeds the total sum realised as defined in paragraph 3 Of this Schedule, and the amount of the claimable loss shall be an amount equal to the difference:
- Provided that where a sale of stock which is taken into account under the said paragraph 3 is also taken into account in computing the profits or loss for any accounting period falling partly before and partly after the end of the year nineteen hundred and forty-six, the amount of the claimable loss shall be calculated as if the total original cost or value were decreased or increased, as the case may be, by so much of any loss or profit on the sale as, by virtue of any apportionment under the proviso to subsection (1) of section fourteen of the Finance (No. 2) Act, 1939, affects the profits or loss for the part of the period falling before the end of the said year.
- 2 (1) There shall be ascertained—
- (a) the aggregate cost of all the trading stock held for the purposes of the trade or business on the thirty-first day of December, nineteen hundred and forty-six ; and
 - (b) the aggregate price which that stock would have fetched if sold in the open market on that day:
- Provided that any stock in a damaged condition on that day the cost of which exceeds the price which it would have fetched if sold in the open market on that day shall, in both cases, be left out of account.
- (2) There shall then be ascertained the aggregate price which all the stock mentioned in the proviso to sub-paragraph (1) of this paragraph would have fetched if sold as therein mentioned.
- (3) The lower of the two sums ascertained under sub-paragraph (1) of this paragraph plus the amount, if any, ascertained under sub-paragraph (2) of this paragraph is the amount referred to in paragraph (1) of this Schedule as the total original cost or value of the trading stock held for the purposes of the trade or business on the thirty-first day of December, nineteen hundred and forty-six.
- 3 (1) There shall be ascertained in relation to all the trading stock of each particular class held for the purposes of the trade or business on the thirty-first day of December, nineteen hundred and forty-six, the sum realised by sales of trading stock of that class during the sales period:
- Provided that—
- (a) where any stock is sold at a price lower than that which it would have fetched if sold in the open market, it shall be treated for the purposes of this sub-

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1946. (See end of Document for details)

- paragraph as if it had been sold at the price which it would have fetched if so sold ;
- (b) where more stock of any particular class is sold in the sales period than was held for the purposes of the trade or business on the thirty-first day of December, nineteen hundred and forty-six, the earliest sales of stock of that class in the sales period shall be taken into account until the quantity of stock of that class sold during the sales period which is taken into account is equal to the quantity of stock of that class so held on the said thirty-first day of December ;
- (c) where less stock of any particular class is sold during the sales period than was held for the purposes of the trade or business on the said thirty-first day of December, this paragraph shall have effect as if, on the last day of the sales period, a quantity of stock of that class equal in quantity to the difference had been sold at the price which it would have fetched if it had been sold in the open market on the said day ;
- (d) sales of stock which has suffered damage since the said thirty-first day of December, and stock held for the purposes of the trade or business on the last day of the sales period which has suffered damage since the said thirty-first day of December shall be left out of account, and proviso (b) and proviso (c) to this sub-paragraph shall have effect accordingly.
- (2) References in this paragraph to trading stock of a particular class include all stock of that class in whatever stage of manufacture ; but the stock of any particular class held for the purposes of the trade or business on the said thirty-first day of December which was then in a damaged condition shall be treated as stock of a separate class, and references in this paragraph to trading stock of a particular class shall be construed accordingly.
- (3) Where the stock of a particular class held on the last day of the sales period is not all at the same stage of manufacture, and the case is one to which proviso (c) to sub-paragraph (1) of this paragraph applies, the stock which is to be treated under that proviso as sold on the last day of the sales period shall be the stock held on that day which is at the most advanced stage of manufacture.
- (4) Where the stock of any particular class sold or treated as sold which is taken into account for the purposes of this paragraph is not, as respects the stage of manufacture which it had reached when sold or treated as sold, identical with the stock of that class held for the purposes of the trade or business on the said thirty-first day of December—
- (a) there shall be ascertained or estimated, in relation to each sale of stock made or treated as made which is taken into account as aforesaid, the cost to the person carrying on the trade or business of bringing the corresponding stock held for the purposes of the trade or business on the said thirty-first day of December to the same stage of manufacture as the stock sold or treated as sold ;
- (b) the amounts so ascertained or estimated shall be aggregated ; and
- (c) the sum realised or treated as realised by sales of stock of that class during the sales period, as ascertained under sub-paragraph (1) of this paragraph, shall be reduced so as to bear to the full amount thereof the same proportion that the original cost or value of the stock of that class bears to the said original cost or value increased by the aggregate amount arrived at under paragraph (b) of this sub-paragraph.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1946. (See end of Document for details)

In this sub-paragraph, the expression “the original cost or value” means, in relation to stock of any class, the cost of the stock of that class held for the purposes of the trade or business on the said thirty-first day of December or the price which the stock of that class so held would have fetched if sold in the open market on that day, according as the amount ascertained under paragraph (a) of sub-paragraph (1) of paragraph 2 of this Schedule is lower than, or higher than, the amount ascertained under paragraph (b) of that sub-paragraph:

Provided that where the class of stock in question is stock which was in a damaged condition on the said thirty-first day of December, the original cost or value thereof shall be computed as aforesaid leaving out of account any of the stock the cost of which exceeds the price which it would have fetched if sold in the open market on the said day and the said price shall then be added to the original cost or value so computed as aforesaid and the total shall be taken to be the original cost or value of the stock of the class in question within the meaning of this sub-paragraph.

The reference in paragraph (a) of this sub-paragraph to the stock which corresponds to any stock sold or treated as sold during the sales period shall, in relation to the first sale, be construed as a reference to the same quantity of the stock held on the said thirty-first day of December, stock in the most advanced stage of manufacture being selected, and so on in relation to sales subsequently made or treated as made in the sales period.

- (5) The aggregate of the amounts ascertained under sub-paragraph (1) of this paragraph, reduced, if need be, in accordance with sub-paragraph (4) of this paragraph, is the amount referred to in paragraph 1 of this Schedule as the total sum realised.

NINTH SCHEDULE U.K.

Section 39.

SUPPLEMENTARY PROVISIONS AS TO CLAIMS FOR RELIEF FOR TERMINAL EXPENSES AND LOSSES ON SALES OF STOCK

Modifications etc. (not altering text)

C18 The text of Schs. 7–9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

- 1 Any claim for relief in respect of terminal expenses or losses on sales of stock shall be made in writing to the Commissioners.
- 2 Any surveyor appointed for the purposes of the Income Tax Acts may by notice in writing require any person making a claim for relief in respect of terminal expenses or losses on sales of stock in relation to any trade or business to deliver to him a return in such form as the Commissioners may prescribe containing such particulars as the Commissioners may require—
 - (a) in the case of a claim in respect of terminal expenses, in respect of those expenses ;
 - (b) in the case of a claim in respect of losses on sales of stock, with respect to the trading stock held for the purposes of the trade or business at any material date, including particulars with respect to the cost or the sale price of the stock, or the price which it would have fetched if sold in the open

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1946. (See end of Document for details)

market on any such date, and with respect to any other matters relevant to the claim.

- 3 Every return furnished in pursuance of the last preceding paragraph shall, if the Commissioners so require, be certified as correct by some person who is a member of an incorporated society of accountants, and shall be verified by production of such evidence and in such other manner as the Commissioners may direct.
- 4 Pending the determination by the Commissioners of any claim for relief in respect of terminal expenses or losses on sales of stock, the Commissioners may make assessments and collect excess profits tax for any chargeable accounting period without reference to the claim and the relief necessary to give effect to the determination of any such claim shall be given by repayment unless it can be set off against excess profits tax for any chargeable accounting period which has been assessed on the person making the claim and remains unpaid.
- 5 Any person making a claim for relief in respect of terminal expenses who is dissatisfied with any determination of the Commissioners as to whether he is entitled to any and if so what relief may appeal to the Board of Referees.
- 6 The provisions of Part II of the Fifth Schedule to the Finance Act, 1937 (which, as applied by the Finance (No. 2) Act, 1939, relates to appeals against assessments to excess profits tax), including the provisions thereof enabling the Commissioners to make regulations, shall, with the necessary modifications, apply in relation to and determination by the Commissioners of any claim to relief in respect of losses on sales of stock.

^{F56}TENTH
SCHEDULE. U.K.

Textual Amendments

F56 Sch. 10 repealed (with savings) by [Finance Act 1975 \(c. 7\)](#), ss. 50, 52(2)(3), 59, [Sch. 13 Pt. I](#)

F56

^{F57}ELEVENTH
SCHEDULE. U.K.

Textual Amendments

F57 Sch. 11 repealed by [Finance Act 1968 \(c. 44\)](#), s. 61(10), [Sch. 20 Pt. IV](#)

F57

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1946. (See end of Document for details)

F58F58
TWELTH
SCHEDULE. U.K.

Textual Amendments

F58 Sch. 12 repealed by [Statute Law Revision Act 1950 \(c. 6\)](#)

.....
F58

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

There are currently no known outstanding effects for the Finance Act 1946.