

SCHEDULES.

SECOND SCHEDULE

Section 10.

PURCHASE TAX (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS RELATING TO AMENDMENT AS TO TAX IN RESPECT OF IMPORTED GOODS).

PART I

Consequential provisions.

| <i>Enactment to be amended and subject matter thereof.</i> | <i>Amendment.</i> |
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| <p>The Finance (No. 2) Act, 1940 (3 & 4 Geo. 6. c. 48):—</p> <p>Section twenty, subsection (3). (Date of coming into operation of orders as to tax.)</p> | <p>For the subsection substitute the following subsection—</p> <p>“(3) An order under this section shall specify a date for its coming into operation, and such an order shall, for the purpose of determining whether tax is chargeable by virtue of a purchase of goods of the class to which the order relates and if so at what rate, have effect, subject as provided in subsection (4) of this section, in respect of goods of that class delivered under the purchase on or after the specified date, notwithstanding that the purchase was made before that date”.</p> |
| <p>Section twenty-two (Person accountable for tax chargeable by virtue of a purchase, and time when such tax becomes due.)</p> | <p>The section shall be repealed.</p> |
| <p>Section twenty-four, subsections (2) and (3). (Penalty, and liability for tax, on false representation in connection with purchase of goods as stock or materials.)</p> | <p>In subsection (2) after " for the purposes of the preceding subsection ", and in subsection (3) after " subsection (1) of this section ", insert " or of subsection (2) of section ten of the Finance Act, 1944 " ; and in subsection (3) after " purchase " insert " or importation ".</p> |

Status: This is the original version (as it was originally enacted).

| <i>Enactment to be amended and subject matter thereof.</i> | <i>Amendment.</i> |
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| Section twenty-nine (Relief from tax in respect of goods exported.) | In subsection (1), for " a purchase which is a chargeable purchase by virtue of paragraph (a) of subsection (2) of section eighteen of this Act " substitute " a chargeable purchase " ; in subsection (2), the words from " by a person " to " materials " and the words " by that person " shall be repealed, and for paragraphs (a) and (b) substitute— <p style="margin-left: 40px;">“(a) that tax has become chargeable, by virtue of a purchase or of an importation, in respect of the goods exported or of goods of the specified class used by the exporter in making the goods exported, and has been or will be paid ;</p> <p style="margin-left: 40px;">(b) that the exporter was the buyer under the purchase by virtue of which tax has become chargeable, or the importer on the importation by virtue of which it has become chargeable, as the case may be, and”;</p> and in subsection (3) for " in paragraph (b) " substitute " in paragraph (a) " . |
| Section thirty-one (Ascertainment and recovery of tax chargeable.) | In subsection (1), after " Tax becoming due " insert " by virtue of a purchase " ; in subsection (2), after the first " Tax " insert " chargeable by virtue of a purchase " ; in subsection (2), the words from " and where the aggregate amount of tax " to the end of the subsection shall be read, with the omission of the word " and ", as a separate subsection numbered (3) ; and subsections (3) and (4) shall be repealed. |
| Section forty, subsection (1) (Provisions as to the Isle of Man.) | In paragraph (b) the words " paragraph (a) of subsection (2) of section eighteen of " and the words " the corresponding provisions of ", and in paragraph (c) the words " as aforesaid " . shall be repealed. |
| Section forty-one, subsection (1). (Interpretation.) | The definitions of " entered for home use " and " importer's purchase " shall be repealed. |
| Eighth Schedule, paragraph 2. (Terms of assumed sale by reference to which valuation is to be made.) | After paragraph (a), insert " (aa) where , the valuation is to be made in relation to an importation, that the seller has paid |

| <i>Enactment to be amended and subject matter thereof.</i> | <i>Amendment.</i> |
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| Eighth Schedule, paragraph 4. (Provision as to the taking into account in valuation of a right to the use of a trade mark.) | any duties of customs chargeable on the importation ". For " Where the seller under the purchase in relation to which the valuation is to be made is, or is associated in business with, the proprietor or a registered user of a trade mark " substitute " Where the seller under a purchase of goods to be valued in relation to the purchase, or a foreign supplier of imported goods to be valued in relation to the importation (that is to say, any person by whom those goods have been grown, produced, manufactured, selected, dealt with or offered for sale outside the United Kingdom) is, or is associated in business with, the proprietor or a registered user of a trade mark " ; after " could have sold them under such a trade mark" insert " or have used such a trade mark in connection with the importation " ; and after " the seller under the said purchase " insert " or of the foreign supplier, as the case may be " . |
| Eighth Schedule, paragraph 5. (Provision as to taking into account in valuation of a right to the use of a particular form of get-up of goods.) | After " of the seller under the purchase in relation to which the valuation is to be made " insert " or of a foreign supplier of imported goods in relation to the importation of which the valuation is to be made, as the case may be " . |
| The Finance Act, 1942 (5 & 6 Geo. 6. c. 21): — | |
| Section eighteen, subsection (3). (Charge of tax in respect of account books, etc.) | In paragraph (a) after " delivered " insert " under a purchase " ; in paragraph (a) the words " if the purchase under which the goods are bought is other than an importer's purchase " shall be repealed; and for paragraph (b) substitute— “(b) imported on the date of the passing of the Finance Act, 1944, or (subject to any order under section twenty of the Finance (No. 2) Act, 1940) thereafter”. |

PART II

Transitional provisions.

- 1 A purchase which apart from this provision would be a chargeable purchase by virtue of sub-paragraph (iii) of paragraph (a), or of paragraph (b), of subsection (2) of section eighteen of the Finance (No. 2) Act, 1940, as in force before the passing of this Act (which relate to purchases of certain goods imported) shall not be a chargeable purchase if the goods are entered for home use after the passing of this Act, notwithstanding that the purchase was made before the passing thereof.
- 2 A purchase which, if section ten of this-Act had not been passed, would have been a chargeable purchase by virtue of paragraph (c) of subsection (2) of section eighteen of the Finance (No. 2) Act, 1940, as in force before the passing of this Act (which relates to purchases of certain imported goods purchased after their being entered for home use) shall be a chargeable purchase if the goods were so entered before the passing of this Act, notwithstanding that the goods are delivered, or that the purchase is made, after the passing thereof, and the enactments relating to the tax shall have effect in relation to tax chargeable by virtue of such a purchase as if the said section ten and Part I of this Schedule had not been passed.
- 3 Where goods are delivered after the passing of this Act under a purchase made before the passing thereof which would have been a chargeable purchase by virtue of section ten of this Act if it had been in force at the time of the purchase, the enactments relating to the tax shall have effect in relation to the purchase in like manner as if the said section ten and Part I of this Schedule had been in force at the time of the purchase.