

## **Finance Act, 1951**

**15 of 1951**

**[11 July 1951]**

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AN ACT TO CHARGE AND IMPOSE CERTAIN DUTIES OF CUSTOMS AND INLAND REVENUE (INCLUDING EXCISE), TO AMEND THE LAW RELATING TO CUSTOMS AND INLAND REVENUE (INCLUDING EXCISE) AND TO MAKE FURTHER PROVISIONS IN CONNECTION WITH FINANCE. BE IT ENACTED BY THE OIREACTHAS AS FOLLOWS:-

**PART 1 Income Tax**

**1. Income Tax And Sur-Tax For The Year 1951-52 :-**

(1) Income tax shall be charged for the year beginning on the 6th day of April, 1951, at the rate of six shillings and six pence in the pound.

(2) Sur-tax for the year beginning on the 6th day of April, 1951, shall be charged in respect of the income of any individual the total of which from all sources exceeds one thousand five hundred pounds and shall be so charged at the same rates as those at which it is charged for the year beginning on the 6th day of April, 1950.

(3) The several statutory and other provisions which were in force on the 5th day of April, 1951, in relation to income tax and sur-tax shall, subject to the provisions of this Act, have effect in relation to the income tax and sur-tax to be charged as aforesaid for the year beginning on the 6th day of April, 1951.

**2. Increase Of Personal Allowance For Married Man :-**

Subsection (1) of section 18 of the Finance Act, 1920, as amended by section 2 of the Finance Act, 1947 (No. 15 of 1947), is hereby further amended by the substitution of "two hundred and eighty pounds" for "two hundred and sixty pounds".

### **3. Increase Of Deductions In Respect Of Children :-**

(1) Without prejudice to subsection (2) of this section, subsection (1) of section 21 of the Finance Act, 1920, as amended by subsequent enactments, is hereby further amended by the substitution of "a deduction of eighty pounds" for "a deduction of sixty pounds".

(2) Subsection (2) of section 4 of the Finance Act, 1944 (No. 18 of 1944), is hereby amended-

(a) by the substitution of "eighty pounds" for "sixty pounds", and

(b) by the substitution of "for the year beginning on the 6th day of April, 1951, or any subsequent year, to sixty-three pounds" for "for the year beginning on the 6th day of April, 1944, to forty-eight pounds and, for the year beginning on the 6th day of April, 1945, or any subsequent year, to forty-three pounds".

### **4. Allowances From Total Income-Persons Aged Sixty-Five Or Upwards :-**

(1) (a) Any individual who, in the manner prescribed by the Income Tax Acts, makes a claim in that behalf, makes a return in the prescribed form of his total income, and proves that at any time during the year of assessment either he or, in the case of a married man, his wife living with him was of the age of sixty-five years or upwards and that his total income for the year of assessment does not exceed five hundred pounds, shall, for the purpose of ascertaining the amount of his assessable income for the purpose of income tax, be allowed a deduction from the amount of his total income of a sum equal to one-fifth of the amount of that income.

(b) Any individual who would, but for the fact that his total income exceeds five hundred pounds, be entitled to an allowance as aforesaid shall be entitled to have the amount of the income tax payable in respect of his total income reduced, where necessary, so as not to exceed a sum equal to the aggregate of the two following amounts, that is to say, the amount of the tax which would have been payable if his total income had amounted to, but had not exceeded, five hundred pounds, and one-half of the amount by which his total income exceeds five hundred pounds.

(2) Any deduction or relief under subsection (1) of this section shall be in substitution for and not in addition to the deduction under section 16 of the Finance Act, 1920, as amended by section 4 of the Finance Act, 1939 (No. 18 of 1939). (3) The provisions of section 30 of the Income Tax Act, 1918, as amended by subsequent enactments (which relates to penalties in cases of fraudulent claims) shall apply with respect to claims under this section.

(4) Where, on an application made for the purpose under the provisions of the Income Tax Acts, income tax for any year is assessable and chargeable on the incomes of the husband and wife respectively as if they were not married, the benefit of any allowance or relief under subsection (1) of this section shall be apportioned between the husband and wife according to the amounts of their respective total incomes.

(5) In this section "total income" means total income from all sources as estimated in accordance with the provisions of the Income Tax Acts.

#### **5. Exemption For Trade Unions :-**

Subsection (2) of section 39 of the Income Tax Act, 1918, as amended by section 3 of the Finance Act, 1937 (No. 18 of 1937), is hereby further amended by the substitution of "one hundred and thirty pounds a year by way of annuity" for "eighty pounds a year by way of annuity".

#### **6. Conversions Under Government Loans (Conversion) Act, 1951 :-**

(1) In this section-

"the Act" means the Government Loans (Conversion) Act, 1951;

"Government loan", "new loan", "the redemption date" and "stockholder" have the same meanings respectively as they have in the Act.

(2) Where a holding, or part of a holding, of stock of a Government loan is converted under the Act and the stockholder is a person who is carrying on a trade which consists wholly or partly in dealing in securities, the stockholder shall, if he gives notice in writing to the inspector of taxes, not later than the end of the year of assessment next following the year of assessment in which the redemption date falls, that he desires to be so treated, be treated for the purposes of the Income Tax Acts as having changed his investment on the

redemption date, but if he gives no such notice, he shall be for those purposes treated, both then and thereafter, as not having changed his investment, and in that case the produce of any subsequent realisation of the whole or any part of the holding of the new loan (which holding shall, for the purpose of this provision, be deemed to include any stock issued by way of bonus in respect of the conversion) together with any additional consideration, or the appropriate part of any additional consideration, received by him in connection with the conversion, shall be treated as the produce of the realisation of the whole or the appropriate part of the original holding.

## **PART 2** Customs and Excise

### **7. Mineral Hydrocarbon Light Oils :-**

(1) The duty of customs imposed by section 1 of the Finance (Customs Duties) (No. 4) Act, 1931 (No. 43 of 1931), as amended by subsequent enactments, shall, in respect of mineral hydrocarbon light oil chargeable with that duty, be charged, levied and paid as on and from the 3rd day of May, 1951, at the rate of one shilling and fourpence the gallon in lieu of the rate now chargeable by virtue of subsection (1) of section 3 of the Finance Act, 1948 (No. 12 of 1948). (2) The duty of excise imposed by section 1 of the Finance (Miscellaneous Provisions) Act, 1935 (No. 7 of 1935), as amended by subsequent enactments, shall, in respect of mineral hydrocarbon light oil chargeable with that duty which is sent out, on or for sale or otherwise, from the premises of the manufacturer thereof on or after the 3rd day of May, 1951, or is used by such manufacturer on or after that date for any purpose other than the manufacture or production of mineral hydrocarbon oil, be charged, levied and paid at the rate of one shilling and twopence the gallon in lieu of the rate now chargeable by virtue of subsection (2) of section 3 of the Finance Act, 1948 .

### **8. Hydrocarbon Oil :-**

(1) The duty of customs imposed by section 21 of the Finance Act, 1935 (No. 28 of 1935), shall, in respect of hydrocarbon oil, chargeable with that duty, be charged, levied and paid, as on and from the 3rd day of May, 1951, at the rate of one shilling and fourpence the gallon in lieu of the rate now chargeable by virtue of subsection (1) of section 4 of the Finance Act, 1948 (No. 12 of

1948). (2) The rebate allowable under subsection (2) of section 21 of the Finance Act, 1935 , shall, in respect of hydrocarbon oil on which such rebate is allowable, be allowed, as on and from the 3rd day of May, 1951, at the rate of one shilling and fourpence the gallon in lieu of the rate now allowable by virtue of subsection (2) of section 4 of the Finance Act, 1948 . (3) The duty of excise imposed by section 21 of the Finance Act, 1935 , shall, in respect of hydrocarbon oil chargeable with that duty, which is sent out, on or for sale or otherwise, from the premises of the manufacturer thereof on or after the 3rd day of May, 1951, or is used by such manufacturer on or after that date for any purpose other than the manufacture or production of hydrocarbon oil, be charged, levied and paid at the rate of one shilling and twopence the gallon in lieu of the rate now chargeable by virtue of subsection (3) of section 4 of the Finance Act, 1948 . (4) The rebate allowable under subsection (4) of section 21 of the Finance Act, 1935 , shall, in respect of hydrocarbon oil on which such rebate is allowable and on which the excise duty mentioned in subsection (3) of this section was paid at the rate of one shilling and twopence the gallon, be allowed at the rate of one shilling and twopence the gallon in lieu of the rate now allowable by virtue of subsection (4) of section 4 of the Finance Act, 1948 .

### **9. Mineral Hydrocarbon Light Oils-Exemption :-**

For the purposes of the duty of customs imposed by section 1 of the Finance (Customs Duties) (No. 4) Act, 1931 (No. 43 of 1931), as amended by subsequent enactments, or the duty of excise imposed by section 1 of the Finance (Miscellaneous Provisions) Act, 1935 (No. 7 of 1935), as amended by subsequent enactments, where it is shown to the satisfaction of the Revenue Commissioners that any oil which, though satisfying any of the requirements specified in the definition of light oils in those sections, is nevertheless an oil which, according to its use, should be classed with oils which are not light oils within that definition, the oil shall be deemed not to be light oil and not liable to the duties imposed by those sections.

### **10. Modification Of Exemption From Entertainments Duty :-**

Section 13 of the Finance Act, 1949 (No. 13 of 1949), shall have effect subject to the proviso that where it is shown to the satisfaction of the Revenue Commissioners that the population of a

town according to a census of population includes persons enumerated by reference to their being in any religious community, educational establishment, orphanage, hospital, mental institution or county home or in any prison or reformatory, the population of the town according to that census shall be treated for the purposes of the said section as being reduced by the number of those persons.

### **11. Warehousing On Drawback-Home-Made Liqueurs And Compounds :-**

(1) Section 74 of the Spirits Act, 1880, is hereby amended by the deletion of "British liqueurs or".

(2) Section 95 of the Spirits Act, 1880, is hereby amended-

(a) by the deletion of "British liqueurs or" in subsection (1),

(b) by the deletion of "British liqueurs," in subsection (2), and

(c) by the deletion of subsection (4).

(3) Notwithstanding anything in subsection (5) of section 95 of the Spirits Act, 1880, any compounds which may under that section as amended by subsection (2) of this section be warehoused for home consumption may, subject to any regulations that the Revenue Commissioners may think fit to prescribe, be warehoused, whether for home consumption or for exportation or for ships stores, in bottles instead of in casks, and the-said regulations may apply the provisions of that section which relate to warehousing in casks subject to such modifications as the Revenue Commissioners think necessary to adapt them to warehousing in bottles.

### **PART 3 Death Duties**

### **12. Operation Of Certain Exemptions :-**

(1) In this section "exemption to which this section applies" means-

(a) an exemption from taxation by virtue of a condition for such exemption under section 47 of the Finance (No. 2) Act, 1915, or that section as amended, adapted or amended and adapted,

(b) an exemption from taxation under section 63 of the Finance Act, 1916, or that section as amended, adapted or amended and adapted,

(c) an exemption from taxation by virtue of a condition for such exemption under subsection (1) of section 21 of the Finance Act, 1923 (No. 21 of 1923), or that subsection as adapted, or

(d) an exemption from taxation under subsection (1) of section 37

of the Finance Act, 1929 (No. 32 of 1929), or that subsection as adapted.

(2) An exemption to which this section applies, so far as relates to duties leviable on or with reference to a death (whether a death which occurs at any time after the passing of this Act or a death which occurred at any time after the passing of the Act referred to in subsection (1) of this section in relation to the exemption and before the passing of this Act), shall be or be taken to have been such as to operate by reference to persons in whose beneficial ownership the relevant securities are or were immediately before, not after, the death.

### **13. Alteration Of Rates Of Estate Duty :-**

In the case of persons dying after the 2nd day of May, 1951, the scale set out in the First Schedule to this Act shall be, and shall have effect as, the scale of rates of estate duty in lieu of the scale set out in the Third Schedule to the Finance Act, 1941 (No. 14 of 1941).

### **14. Provisions Consequential On Alteration Of Rates Of Estate Duty :-**

(1) Where the net value of the property, real and personal, passing on the death of the deceased, exclusive of property settled otherwise than by the will of the deceased, does not exceed two thousand pounds, such property, for the purpose of estate duty, shall not be aggregated with any other property, but shall form an estate by itself, and the legacy and succession duties shall not be payable under the will or intestacy of the deceased in respect of that estate.

(2) The fixed duties of thirty shillings and fifty shillings imposed by subsection (1) of section 16 of the Finance Act, 1894, shall not be payable on any estate.

(3) The provisions of subsection (2) of section 61 of the Finance (1909-10) Act, 1910, shall continue to apply for the purpose therein mentioned notwithstanding that it is not claimed that a fixed duty is payable.

(4) Subsection (1) of section 61 of the Finance (1909-10) Act, 1910, is hereby amended by the substitution of "of any agricultural property comprised in an estate as respects which, if effect is given to that proviso, either the gross value thereof, exclusive of property settled otherwise than by the will of the deceased, does not exceed



500 or the net value thereof, exclusive of property settled otherwise than by the will of the deceased, does not exceed 1,000" for "for determining the gross value or the net value of property for the purpose of section sixteen of the principal Act".

(5) Section 29 of the Finance Act, 1931 (No. 31 of 1931), is hereby amended- (a) by the deletion of "in respect of which estate duty is payable on his death", and

(b) by the substitution of "two thousand pounds" for "one thousand pounds".

(6) Where the net value of the property, real and personal, in respect of which estate duty is payable, exclusive of property settled otherwise than by the will of the deceased, exceeds two thousand pounds, the amount of legacy and succession duty payable in respect of the property shall not exceed the amount by which the net value of the property as estimated for the purpose of estate duty exceeds two thousand pounds.

(7) This section shall have effect only in relation to persons dying after the 2nd day of May, 1951.

**PART 4** Relief of Double Taxation: Income Tax and Corporation Profits Tax.

### **15. Relief From Double Taxation On Profits From Business Of Sea Or Air Transport :-**

(1) In this section-

"business of sea or air transport" means the business of transporting persons, goods or mail carried on by the owner or charterer of ships or aircraft;

"arrangement to which this section applies" means an arrangement entered into by the Government with the government of a foreign state with a view to affording relief from double taxation in cases where income derived from the business of sea or air transport is chargeable both in the State and in the foreign state to income tax, or to any tax corresponding to income tax, or to any other tax on profits, whether such arrangement is to afford relief as from the date when it is entered into, a date after that date or a date (including a date before the passing of this Act) before that date.

(2) Subject to subsections (3) and (4) of this section, the Government may by order confirm and give the force of law to an arrangement to which this section applies.

(3) Where an order is proposed to be made under this section, a draft thereof shall be laid before Dáil Eireann and the order shall

not be made until a resolution approving of the draft has been passed by Dáil Eireann.

(4) Where an order is made under this section, the arrangement to which it relates shall have the force of law only if and so long as such arrangement, in so far as it relates to the relief to be granted by the foreign state, has the force of law in that state.

#### **16. Construction Of This Part Of This Act :-**

This Part of this Act and any arrangement having the force of law by virtue of an order under this Part of this Act shall, so far as relating to income tax (including sur-tax), be read and construed together with the Income Tax Acts and shall, so far as relating to corporation profits tax, be read and construed together with Part V of the Finance Act, 1920, as amended or extended by subsequent enactments.

#### **PART 5 Stamp Duties**

#### **17. Alteration Of Stamp Duties On Conveyances And Transfers Of Land :-**

(1) Section 13 of the Finance (No. 2) Act, 1947 (No. 33 of 1947), is hereby amended as follows:

(a) by the substitution for "two pounds ten shillings" in subsection (1) of "one pound ten shillings",

(b) by the substitution for the table set out in subsection (3) of the following table:

(2) A reference in any statutory provision to subsection (1), subsection (3) or subsections (1) and (3) of section 13 of the Finance (No. 2) Act, 1947, shall, where appropriate, be construed as a reference to the said subsection (1), subsection (3) or subsections (1) and (3) (as the case may require) as amended by this section.

(3) This section shall come into operation on the 1st day of August, 1951, or the date of the passing of this Act, whichever is the later, and shall not have effect with respect to any instrument executed before such coming into operation.

#### **18. Alteration Of Stamp Duties On Leases :-**

(1) Section 24 of the Finance Act, 1949 (No. 13 of 1949), is hereby amended as follows:

(a) by the substitution for "two pounds ten shillings" in subsection

(1) of "one pound ten shillings",

(b) by the substitution for the table set out in subsection (3) of the following table:

(2) A reference in any statutory provision to subsection (1), subsection (3) or subsections (1) and (3) of section 24 of the Finance Act, 1949, shall, where appropriate, be construed as a reference to the said subsection (1), subsection (3) or subsections (1) and (3) (as the case may require) as amended by this section.

(3) This section shall come into operation on the 1st day of August, 1951, or the date of the passing of this Act, whichever is the later, and shall not have effect with respect to any instrument executed before such coming into operation.

**19. Exception From Application Of Section 13 Of Finance (No. 2) Act, 1947, And Sections 24 And 25 Of Finance Act, 1949 :-**

(1) This section applies to every conveyance or transfer and every lease (whether a conveyance, transfer or lease executed before or after the passing of this Act) of a house in respect of which a grant has been or will be made under section 16 of the Housing (Amendment) Act, 1948 (No. 1 of 1948), or under section 6 of the Housing (Amendment) Act, 1950 (No. 25 of 1950), being a conveyance, transfer or lease-

(a) which under the enactments in force immediately before the passing of this Act would have been proper to be charged with stamp duty by reference to subsection (1) or subsection (3) of section 13 of the Finance (No. 2) Act, 1947 (No. 33 of 1947), or subsection (1) or subsection (3) of section 24 of the Finance Act, 1949 (No. 13 of 1949), and

(b) which is to a person-

(i) who is the person to whom the said grant has been or will be paid, or

(ii) who is a member of the public utility society to which the said grant has been or will be paid,

as the case may be.

(2) Section 13 of the Finance (No. 2) Act, 1947, and sections 24 and 25 of the Finance Act, 1949, shall not apply and shall be deemed never to have applied to any instrument to which this section applies and, where the amount of duty paid in respect of any such instrument exceeds the amount which would have been chargeable if those sections had not been enacted, the excess may

be repaid.

(3) An instrument to which this section applies and which is stamped at a rate less than the rate which, but for the provisions of this section, would be chargeable by reference to subsection (1) or subsection (3) of section 13 of the Finance (No. 2) Act, 1947 , or subsection (1) or subsection (3) of section 24 of the Finance Act, 1949 , as may be appropriate, shall be deemed not to be duly stamped unless the Revenue Commissioners have expressed their opinion thereon in accordance with section 12 of the Stamp Act, 1891.

## **20. Alteration Of Stamp Duties On Certain Conveyances And Transfers Of Stock And Marketable Securities :-**

(1) Section 18 of the Finance Act, 1947 (No. 15 of 1947), shall not apply- (a) in the case of any conveyance or transfer of any stock or marketable security issued or made, whether before or after the commencement of this section, by or on behalf of any body corporate incorporated in the State or any body of persons formed therein, or

(b) in the case of any conveyance or transfer of any stock registered in a branch register maintained in the State by a body corporate incorporated outside the State if, according to the law in force where the body corporate is incorporated, the conveyance or transfer is capable of being registered in the branch register only, and, in lieu thereof in any such case, such stamp duty shall be chargeable as would have been chargeable if that section had not been enacted.

(2) This section shall come into operation on the 1st day of August, 1951, or the date of the passing of this Act, whichever is the later, and shall not have effect with respect to any instrument executed before such coming into operation.

## **PART 6 Miscellaneous and General**

### **21. Transfer Of Money From The Road Fund To The Exchequer :-**

With a view to providing moneys to meet general charges which will fall upon the Central Fund, the sum of three hundred thousand pounds shall be transferred and paid from the Road Fund to the Exchequer at such time or times in the financial year ending on the 31st day of March, 1952, and in such manner as the Minister for

Finance shall direct.

## **22. Capital Services Redemption Account :-**

(1) In this section-

the expression "the principal section" means section 22 of the Finance Act, 1950 (No. 18 of 1950); "the additional annuity" means the sum charged on the Central Fund under subsection (4) of this section;

"The Minister", "the Account" and "capital services" have the same meanings respectively as they have in the principal section.

(2) Subsection (3) of the principal section shall, in relation to the twenty-nine successive financial years commencing with the financial year ending on the 31st day of March, 1952 have effect with the substitution of "427,482" for "655,432".

(3) Subsection (5) of the principal section shall have effect with the substitution of "269,828" for "423,979".

(4) A sum of 653,594 to redeem borrowings, and interest thereon, in respect of capital services shall be charged annually on the Central Fund or the growing produce thereof in the thirty successive financial years commencing with the financial year ending on the 31st day of March, 1952.

(5) The additional annuity shall be paid into the Account in such manner and at such times in the relevant financial year as the Minister may determine.

(6) Any amount of the additional annuity, not exceeding 420,770 in any financial year, may be applied towards defraying the interest on the public debt.

(7) The balance of the additional annuity shall be applied in any one or more of the ways specified in subsection (6) of the principal section.

(8) Subsection (4) of the principal section is hereby amended by the substitution of "such manner and at such times in the relevant financial year as the Minister may determine" for "equal half-yearly instalments".

## **23. Repeals :-**

(1) The enactments specified in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) This section shall have effect only in relation to persons dying after the 2nd day of May, 1951.

## **24. Care And Management Of Taxes And Duties :-**

All taxes and duties imposed by this Act are hereby placed under the care and management of the Revenue Commissioners.

## **25. Short Title, Construction And Commencement :-**

(1) This Act may be cited as the Finance Act, 1951.

(2) Part I of this Act shall be construed together with the Income Tax Acts. (3) Part II of this Act, so far as it relates to duties of customs, shall be construed together with the Customs Acts and, so far as it relates to duties of excise, shall be construed together with the Statutes which relate to the duties of excise and the management of those duties.

(4) Part V of this Act shall be construed together with the Stamp Act, 1891, and the enactments amending or extending that Act.

(5) Part I of this Act shall be deemed to come into force on and shall take effect as on and from the 6th day of April, 1951.

### **SCHEDULE 1**

#### FIRST SCHEDULE

Scale of Rates of Estate Duty.

Principal Value of the Estate Rate per cent. of duty

Exceeding 2,000 and not exceeding 3,000 1

" 3,000 " " " 5,000 2

" 5,000 " " " 7,500 3

" 7,500 " " " 10,000 4

" 10,000 " " " 12,500 6

" 12,500 " " " 15,000 8

" 15,000 " " " 17,500 10

" 17,500 " " " 20,000 12

" 20,000 " " " 25,000 14

" 25,000 " " " 30,000 16

" 30,000 " " " 35,000 18

" 35,000 " " " 40,000 21

" 40,000 " " " 45,000 24

" 45,000 " " " 50,000 27

" 50,000 " " " 60,000 30

" 60,000 " " " 75,000 33

" 75,000 " " " 100,000 37

" 100,000 " " " 150,000 41

" 150,000 " " " 200,000 45

" 200,000 " " " 250,000 49

" 250,000 53

### **SCHEDULE 2**

#### SECOND SCHEDULE

Enactments Repealed.

Section 23 . Session and Chapter Short title Extent of Repeal

57 & 58 Vic., c. 30. Finance Act, 1894. Subsection (3) of section 16.  
4 & 5 Geo. V, c. 10. Finance Act, 1914. Subsection (2) of section 13.