

**A GUIDE TO THE DUTIES IMPOSED UPON
LAND AND MINERAL RIGHTS BY PART I.
OF THE FINANCE (1909-10)
ACT, 1910, INCLUDING THE TEXT OF THE
ACT, NOTES ON EACH SECTION, AND
ALL FORMS AND RULES ISSUED**

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A guide to the duties imposed upon land and mineral rights by Part I. of the Finance (1909-10) act, 1910, including the text of the act, notes on each section, and all forms and rules issued by Walter P. Boas

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WALTER P. BOAS

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BY
WALTER P. BOAS

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SOLICITOR.

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PREFACE.

THE following pages are an attempt to present in as simple a form as possible Part I. of the Finance (1909-1910) Act, 1910. I have endeavoured to show not only the legal import, but also the intended effect, of each section, and in this task I have received great assistance from a study of the Official Reports of the House of Commons.

The Act imposes four new duties upon the owners of land, increment value duty, reversion duty, undeveloped land duty, and mineral rights duty, and these duties may be shortly explained as follows.

Increment value duty is a duty of twenty per cent. upon the rise in the site value of land after the 30th day of April, 1909, and is payable on the transfer of land, on the grant of a lease of land, and on the death of the owner, or, when the owner is a body corporate or unincorporate, every fifteen years, commencing in the year 1914. Its aim is to secure for the community a share of the increase in the value of land which arises from the efforts of the community, and not from those of the owner of the land.

Reversion duty is a duty of ten per cent. on the value of any benefit accruing to a lessor by reason of the determination of a lease, and is payable on such determination. Its aim is to secure for the community a share of the increase in the value of land which arises partly from the

efforts of the community, and partly from expenditure on the land by a lessee.

Undeveloped land duty is an annual duty of one half-penny in the pound on the site value of land which has not been developed for building, when the value for building of such land is greater than the agricultural value. Its aim is to tax the owner of land who is holding up land for which there is a building demand.

Mineral rights duty is a duty of five per cent. upon the annual rent paid by the working lessee of minerals for the right to work such minerals, and upon the rent paid in respect of a wayleave, and is charged upon the person in receipt of the rent; where the proprietor of the minerals is himself working them, then the proprietor is charged with a similar duty upon the rent which the right to work such minerals would command. Increment value duty is also imposed upon minerals not being worked or comprised in a mining lease on the 30th day of April, 1909.

The Act also provides for a valuation of all land in the United Kingdom estimated as on the 30th day of April, 1909, for the periodical valuation of undeveloped land, for the keeping of proper records, for wide powers of appeal, and for many other matters which will be discussed in the following pages.

Before entering upon a detailed explanation of the duties imposed by the Act, it would seem advisable to examine the subject of taxation, and accordingly I deal first with Section 25 of the Act, which contains definitions of the several values of land, forming the basis of this new taxation. It was indeed urged strongly during the discussion in Committee on Section 1 that the Bill should be redrafted to this effect, but this, however, was not done. Section 25 is complicated, perhaps the most complicated section in the whole Act, but a knowledge of its

provisions will be of great assistance in arriving at a clear understanding of the burdens to be imposed upon the owners of land.

Throughout the work I have attempted to indicate the special significance of the Act with regard to Ireland; the Act itself only draws one distinction, namely, in the definition of an interest in land, but I have shown its bearing on the ordinary forms of tenure of agricultural land in Ireland, and the very common case of land being held in fee farm.

I am aware of the difficulty of my task, and would plead as an excuse for any shortcomings the description of the Bill by Mr. A. J. Balfour, as one of greater intricacy and complexity than has ever been submitted to Parliament, and containing proposals more numerous and more novel than have ever been contained in one measure submitted to Parliament.

WALTER P. BOAS.

SCOTTISH PROVIDENT BUILDINGS,
BELFAST.

September, 1910.

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