

LAND- AND INCOME-ASSESSMENT.

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A BILL INTITULED

Title.	AN ACT to regulate the Assessment of Land and Income for the Purposes of Taxation.	
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—	5
Short Title.	1. The Short Title of this Act is "The Land- and Income-assessment Act, 1891."	
	PRELIMINARY.	
Repeal of Acts relating to property-tax.	2. On such day after the commencement of this Act as the Governor in Council shall by Proclamation determine, "The Property Assessment Act, 1885," and "The Property Assessment Act 1885 Amendment Act, 1886," shall be and the same are hereby repealed. This repeal shall not—	10
	Affect the past operation of the Acts hereby repealed, or the validity or invalidity, of anything done or suffered, or the payment or recovery of any duty or property-tax which may have, or may hereafter, become payable to Her Majesty under the said Acts, or any of them, or any Act read and construed therewith; nor	15
	Interfere with the institution or prosecution of any proceeding in respect of any offence committed, or the recovery of any penalty or forfeiture incurred, against or under the said Acts, or any of them :	20
Saving.	Provided that in case such Acts shall not be so repealed before the date fixed thereunder for making a general triennial assessment of property, it shall not be lawful to make any such assessment, nor shall any person be required to make statements of property for the purposes of any such triennial assessment under the said Acts; but nothing herein shall exempt any person or company from any other duty or liability imposed by or under the said Acts or either of them.	25
Interpretation.	3. In this Act, and in any regulations made thereunder, if not inconsistent with the context,—	30
	"Assessment" means an estimate of the value of any land or the interest therein, either with improvements or without improvements, or the value of such improvements alone, or of any income liable to taxation under this Act, as well as the amount of tax imposed thereon respectively, and includes all matters comprised in any return required by or under this Act :	35
	"Company" means and includes every corporate body not being a friendly society :	40
	"Friendly society" includes all societies registered under the Acts relating to friendly societies, industrial and provident societies, and trade unions respectively :	45
	"Income," when used alone, means any gains or profits derived or received by any company or person in any year, or by any means, or from any source, which is made the subject of taxation under this Act :	
	"Land" means and includes all lands, tenements, buildings, and hereditaments, whether corporeal or incorporeal, and also includes all chattel interests in land :	50

“Maori” means an aboriginal inhabitant of New Zealand, and includes any half-caste living as a member of a Native tribe according to their customs and usages :

“Owner,” in respect of land, means the person or company for the time being who is seised, possessed of, or entitled, at law or in equity, to any land, or the rents and profits thereof, or who, if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as trustee, mortgagee in possession, or otherwise :

“Prescribed” means anything prescribed by regulations. :

“Tax” means the duty upon land, mortgages, or income, or any additional charge in respect thereof, to be assessed, collected, or enforced under the provisions of this Act :

“This Act” includes any regulations made under the provisions thereof, and also the Schedules to this Act.

PART I.

ADMINISTRATION OF ACT.

Appointments, &c.

4. For the due administration of this Act the Governor may from time to time appoint a fit and proper person, to be called the Commissioner of Taxes (hereinafter referred to as “the Commissioner”), and a like person to be Deputy Commissioner of Taxes; and the Governor may from time to time remove or suspend such Commissioner or Deputy Commissioner.

Power to appoint Commissioner and Deputy Commissioner.

The persons holding the offices of Property-tax Commissioner and Deputy Property-tax Commissioner, under “The Property Assessment Act, 1885,” at the commencement of this Act shall be deemed, without further appointment, to hold the respective offices of Commissioner of Taxes and Deputy Commissioner of Taxes under this Act, but without prejudice to the provisions hereinafter contained.

Persons in office now to remain in office.

5. The Deputy Commissioner shall, under the control of the Commissioner, perform such general official duties as he shall be called upon to perform under this Act, and shall act as the Deputy of the Commissioner in case of the illness, absence, or other temporary incapacity of the Commissioner, and while so acting shall have and may exercise all the powers, duties, and functions of such Commissioner under this Act, and shall act in his name and behalf.

Powers of Deputy Commissioner.

6. Upon the repeal of the Acts mentioned in the *second* section of this Act taking effect, all duties, powers, and authorities imposed upon or vested in the Property-tax Commissioner under any Act then in force shall be and the same are hereby imposed upon and vested in the Commissioner appointed under this Act, and all the provisions of any such Act, so far as applicable, shall, *mutatis mutandis*, extend and apply to such last-mentioned Commissioner accordingly, and until such repeal shall take effect all such duties, powers, and authorities shall continue to be performed and exercised by the Property-tax Commissioner.

Powers and duties of Property-tax Commissioner to vest in Commissioner under this Act.

For the purposes of “The Rating Act, 1882,” and its amendments, or of any other Act in force at the commencement of this Act under which it shall be necessary to make any valuation roll or rolls,

Or any assessment of land, or any interest therein, the Commissioner may, from the assessments and rolls made and prepared under this Act, make and prepare such statements of values and valuation-rolls of rateable property, or assessments of land or any interest therein, as may be requisite or necessary, in order to comply with the said Acts or any of them. 5

Power to appoint other officers.

7. The Governor may from time to time appoint such Assessors, Clerks, Receivers, and other officers as he may deem necessary to assist in carrying out the provisions of this Act.

A notification in the *Gazette* that any person therein named has been so appointed shall be conclusive evidence of such appointment without further proof. 10

All persons holding permanent offices in the department of the Property-tax Commissioner on the commencement of this Act shall without further appointment be deemed to hold like offices in the department of the Commissioner appointed under this Act. 15

Secrecy to be maintained.

8. Subject to this Act every person whomsoever appointed or employed under this Act—

(1.) Shall maintain, and aid in maintaining, the secrecy of all matters in relation to income that may come to his knowledge in the performance of his official duties, and shall not communicate any such matter to any person whomsoever, except for the purpose of carrying into effect the provisions of this Act : 20

Oath of office.

(2.) Shall, before he begins to act in the execution of this Act, take and subscribe such oath of fidelity and secrecy as may be prescribed, which oath may be administered by the Commissioner or Deputy Commissioner, or by any Resident Magistrate or Justice of the Peace. 25

Penalty for contravening intent of oath.

9. Every person who wilfully acts in contravention of the true intent of the oath which he has taken under this Act shall be liable, on summary conviction before a Resident Magistrate, if he shall elect to be tried before him, or, if he shall not so elect, then upon conviction before the Supreme Court or District Court, to imprisonment for any term not exceeding twelve months, with or without hard labour. 30

If any person acts under this Act before he has taken the oath required to be taken by such person respectively, he shall, on conviction, be liable to a penalty of not less than *ten* nor more than *one hundred* pounds. 35

Regulations.

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Regulations for administration of Act to be made by Governor in Council.

10. The Governor in Council may from time to time make regulations, not inconsistent with this Act, for the following purposes or any of them, and may from time to time alter or revoke the same, that is to say :—

(1.) Prescribing the duties of all officers and persons appointed under this Act or engaged in its administration ; and the forms of assessment-rolls, registers, notices, and other instruments mentioned in this Act or necessary to give effect thereto : 45

(2.) Prescribing the forms of returns to be made to the Commissioner under this Act, and the contents thereof, and by whom the same shall be made, and the time of making the same : 50

(3.) Providing, where there is no provision in this Act, or no sufficient provision in respect of any matter or thing necessary to give effect to this Act, in what manner and form the want of provision or insufficient provision shall be supplied :

(4.) For any purpose, whether general or to meet particular cases, that may be convenient for the administration of this Act, or that may be desirable or necessary to carry out the objects and purposes hereof, or which it is by this Act declared may be provided for by regulations :

(5.) Providing that, for avoiding duplicate taxation in any case where it shall appear that any mortgage and income derived therefrom have been assessed for tax which has been paid in respect of the same year or period, the Commissioner may make such allowance or refund as he shall deem just, and in such manner as shall be prescribed.

(6.) Imposing a penalty, not exceeding *fifty* pounds, for any breach of any such regulations.

11. All such regulations shall be gazetted, and, when so gazetted, shall have the force of law, and shall be laid before each House of the General Assembly within fourteen days after the same shall have been made if the Assembly be then sitting, and, if not, then within ten days after the next meeting of such Assembly.

Regulations to be gazetted and have force of law.

12. If any act, matter, or thing required by or under this Act to be made or done at or within a fixed time cannot be, or is not, so made or done, the Governor, by Order in Council, may from time to time appoint a further or other time for making or doing the same, whether the time within which the same ought to have been done has or has not elapsed or expired.

Governor in Council may extend time for doing acts.

Any act, matter, or thing made or done within the time prescribed by such Order in Council shall be as valid as if it had been made or done within the time fixed by or under this Act.

Public Officers of Companies—Agents and Trustees.

13. Every company carrying on business in New Zealand shall at all times be represented by a person residing in the colony, who shall be duly appointed by the company, or by some agent or attorney having power to appoint such person for the purposes of this Act; and the following provisions shall have effect :—

Companies to be represented by a public officer.

(1.) Such person shall be called the “ public officer ” of the company for the purposes of this Act, and shall be appointed within *three* months after the commencement of this Act, or after the company shall commence to carry on business in New Zealand, whichever shall last happen.

(2.) The office of public officer shall be kept constantly filled by making fresh appointments thereto as may be necessary, and no appointment shall be deemed duly made until after notice thereof in writing specifying the name of the officer, and an address for service has been given to the Commissioner.

(3.) Every company failing or neglecting to make an appointment to the office of a public officer when necessary shall be

liable to a penalty not exceeding *fifty* pounds a day for every day during which such neglect shall continue.

- (4.) Every public officer shall be answerable for the doing of all such acts, matters, or things as are required to be done by virtue of this Act in order to the assessment of the company under this Act and paying the tax payable in respect thereof. 5
- (5.) Every thing done by any such public officer, which he is required to do in his representative capacity, shall be deemed to have been done by such company; and any service made at the address for service, or on the public officer, or upon any person acting or appearing to act in the business of such company shall be sufficient for all the purposes of this Act, and it shall not in any case be necessary for the Commissioner to prove that any such officer or person is or was the public officer of the company or acting in its business. 10
- (6.) The absence of, or non-appointment of, a public officer shall not exonerate any company from the necessity of complying with any of the provisions of this Act; but every such company shall be liable to the provisions of this Act as if there were no requirement to appoint such officer. 15

Liabilities of agents
and trustees.

14. Every agent for every person permanently or temporarily absent from or not resident in the colony, and every trustee,—

- (1.) Shall be answerable for the doing of all such acts, matters, or things as are required to be done by virtue of this Act in order to the assessment of the land, mortgage, or income which he represents, or which is the subject of his trust, or which is received by him or comes to his hand, and for the paying the tax in respect thereof: 25
- (2.) Is hereby authorised to recover, from any person in whose behalf he is compelled to pay any tax, the amount so paid by him: 30
- (3.) Is hereby authorised and required, from and after the thirty-first day of March ensuing next after the commencement of this Act, to retain, from time to time, in each year, out of any money which shall come to him in his representative character, so much as shall be sufficient to pay the tax for the then current year in respect of any land, mortgages, or income subject to such tax, estimating the amount thereof at the same amount as was paid in respect of the same subject or matter in the year then last preceding; and is hereby indemnified for all payments which he shall make in pursuance of this Act: 35
- (4.) Is hereby made personally liable for the tax payable in respect of any land, mortgage, or income if, while such tax remains unpaid,— 45
- (a.) He shall alienate, charge, or dispose of such land or mortgage; or
- (b.) Dispose of any fund or money which shall come to him in his representative character; and shall not be otherwise personally liable for any tax imposed upon him under this section. 50

5 (5.) The Commissioner or any other person or authority empowered under this Act shall have such and the like remedies against all land or other property of any kind vested in or under the control or management of any agent or trustee as he would have against the land or property of an individual, and in as full and ample a manner.

10 (6.) For the purposes of this Act "Trustee" includes executor, administrator or guardian, committee or receiver, the Public Trustee, and any person having or taking upon himself the possession, administration, or control of land or income affected by any express trust, or having by law the possession, control, or management of the land, mortgage, or income of a person under any legal disability.

15 PART II.

NATURE OF THE TAXATION.

15 15. Subject to the provisions of this Act taxation shall be levied at stated rates in the pound sterling, in accordance with an annual Act to be passed for that purpose, upon— On what taxation to be levied.

20 (1.) All land situate in New Zealand, and on every mortgage of land in the manner provided in the Schedules "A" and "B" to this Act;

25 (2.) All income derived or received in New Zealand from business employment or emolument, in the manner provided in the several schedules "C," "D," "E," and "F," to this Act.

General Exemptions from Tax.

30 16. Land owned and income derived or received as hereinafter mentioned shall be exempt from taxation under this Act, subject, however, to the provisions hereof:— Exemption from tax:

(1.) All land owned by any person or body corporate or unincorporate, and used or occupied by such person or body solely for any of the purposes hereinafter mentioned:— Land.

35 (a.) A place of worship, or a place of residence for the clergy or ministers of any religious body;

40 (b.) Any public school established under "The Education Act, 1877," and all land and buildings used for any school which is not carried on exclusively for pecuniary gain or profit, but so that not more than ten acres be used and occupied by or for the purposes of any one such school;

(c.) The site of any university, or college, or school incorporated by any Act or Ordinance; or the site of a public library, athenæum, or mechanics' institute, or any public museum;

45 (d.) A public cemetery or burial-ground;

(e.) A place of meeting for any agricultural society or friendly society;

(f.) Public charitable institutions constituted under "The Hospitals and Charitable Aid Act, 1885;"

- (g.) Public gardens, domains, or recreation or other public reserves not occupied by a tenant, and all public roads or streets;
- (h.) Owned and occupied by Maoris only, and not leased to or occupied by any person other than the Maori owner;
- (i.) Any public railway, including the land occupied and used as permanent-way, and for yards, stations, sheds, and all buildings used for the purposes of traffic only, but not further or otherwise. 5

Lands of the Crown, of Government Railways, and of local bodies not liable.

No lands vested in Her Majesty or in the New Zealand Railway Commissioners, nor any land vested in any corporate or other body for the purposes of or in relation to local self-government, or for any public educational or public charitable purpose shall be liable to taxation under this Act, except where there is a tenant or occupier liable to pay such tax. 10

Income.

- (2.) All income derived or received in the following manner:— 15
 - (a.) The revenues received by or on behalf of Her Majesty the Queen in New Zealand;
 - (b.) By the Governor of the colony, so far as respects the emolument of his office as Governor;
 - (c.) The revenues received by any County Council, Borough Council, Town Board, Road Board, Harbour Board, public university, or public school, Education Board, School Commissioners, Licensing Committee, and every other local authority receiving revenue of any kind for the purposes of or in relation to local self-government; 20
 - (d.) By friendly societies and by all public bodies and societies not carrying on any business or not being engaged in any trade, adventure, or concern for the purposes of gain to be divided among the shareholders or members thereof; 25
 - (e.) From land or the use or produce of land or from mortgages of land. 30

PART III.

ASSESSMENT OF LAND AND INCOME.

How land and income to be assessed.

17. Every person and company shall be liable for the payment of the whole amount of tax assessed upon land and mortgages, and upon income owned by or belonging to or received by such person or company, subject to the following provisions and the terms of this Act:— 35

- (1.) Returns shall be made to the Commissioner as prescribed for the purpose of enabling assessments to be prepared—
 - (a.) As to land and mortgages triennially by every person and annually by every company; 40
 - (b.) As to income, annually by every person and company;
 - (c.) The first year in which assessments shall be made in each of the above cases shall commence on the *first* day of April, one thousand eight hundred and ninety-two; but nothing herein shall prevent the Commissioner from 45 requiring further or fuller returns at any time or as at any date, in such manner as may be prescribed.
- (2.) The Commissioner shall cause assessments to be prepared at such time or times and in such manner as shall be prescribed for the purpose of ascertaining the amount upon 50

which tax shall be levied under this Act, and such assessments shall be entered in rolls and registers in accordance with regulations.

5 (3.) Every agent for every person permanently or temporarily absent from or not resident in the colony, and every trustee, shall be assessed separately in respect of any land or mortgage or income for which he is agent or trustee, and shall be chargeable with the tax payable in respect thereof in the same manner as if such land, mortgage, or income were his own.

10 And he shall be assessed in respect thereof in his representative capacity, and each such assessment shall be kept separate and distinct from his individual assessment.

15 (4.) If a mortgagee of land is not resident in New Zealand and has no known agent, the mortgagor shall be deemed to be the agent of the mortgagee, and liable to be assessed for and pay tax, subject to the provisions hereinafter contained.

20 (5.) Joint tenants, tenants in common, and trustees in respect of the same interest shall be assessed jointly, and shall be severally and jointly liable for the due furnishing of returns of the land or any mortgage they own jointly or in common, or any income receivable by them, and for the payment of any tax due thereon, and be liable in respect of any default therein respectively.

25 18. Every person arriving in the colony at any time during the triennial period intervening between the appointed times for furnishing returns of land and mortgages, and every person who, at any time during such period, acquires land or any mortgage through any gift or
30 succession, or in consequence of marriage, or by any other means, or who brings into or receives in the colony any money or securities for money which is invested on mortgage, or is received or held in the colony for the purposes of such investment, shall and is hereby required, without notice, to furnish returns thereof as owner, trustee, or
35 agent, in manner hereinbefore required, as if at twelve o'clock noon on the first day of April ensuing next after his arrival in the colony, or to his acquiring the land, or receiving the money, or securities for money, as the case may be; subject, in case of neglect or failure to do so, to the penalties imposed by this Act in respect of persons failing
40 or neglecting to furnish returns.

Money received for investment in colony between certain periods to be liable to tax.

Objections to Assessments.

45 19. (1.) Objections to any assessment under this Act may be made by any person or company feeling aggrieved by reason of any assessment in which he personally or the company is interested, or by the Commissioner, in such manner and on such terms and conditions as shall be prescribed.

How objections to be made to assessment.

50 (2.) Where no objections are made to any assessment-roll or register, or where objections have been allowed or withdrawn, such roll or register, signed by the Commissioner, shall be the assessment-roll or register in respect of the land, mortgages, or income therein mentioned, as the case may be.

What constitutes assessment-roll or register.

Review of Assessments.

Boards of Review to be appointed.

20. The Governor shall from time to time appoint fit and proper persons to constitute Boards of Review of Assessments under this Act (hereinafter termed "the Board"), and may remove any such person from his office; and every Board shall hold office for three years commencing from the first day of *January*, one thousand eight hundred and ninety-two, and so on for each subsequent period of three years, subject, however, to this Act. 5

In case of the death, resignation, or removal of any member of the Board, the Governor may appoint a fit and proper person to fill the vacancy so occasioned, and the person so appointed shall only hold office for the period for which his predecessor would have held office, but subject to the provisions of this Act. 10

Powers and duties of Boards.

21. The duties imposed upon Boards, and the mode, terms, and conditions on which the same shall be exercised and performed, shall be prescribed by regulations, and in addition thereto,— 15

- (1.) Every Board shall, in respect of the examination of witnesses, their expenses, the production of papers and documents, and the payment of costs, have all the powers and authorities conferred by "The Commissioners' Powers Act, 1867," as amended by "The Commissioners' Powers Act 1867 Amendment Act, 1872," on members of a commission appointed by the Governor in Council. 20
- (2.) Every Board shall have full power of hearing and determining all objections to the assessments before it; and may award costs, to be paid by the objector, in any case where it deems the objection to be of a frivolous or vexatious nature. 25
- (3.) The decision of the Board on all objections coming before it, and on all other matters coming within its cognisance relating to the assessments, shall be final and conclusive. 30

Assessment-rolls and Registers.

Rolls and registers to be evidence.

22. (1.) Assessment-rolls and registers, and all entries made therein, or a copy of or extract from such roll or register, certified by the Commissioner or Deputy Commissioner to be a true copy or extract, or any return of any kind made by any person or company, by the production thereof alone, and without any further evidence, shall be received as *prima facie* evidence of the facts therein mentioned. 35

Returns made by persons or companies to be deemed duly made.

(2.) Any return made or purporting to be made or signed by or on behalf of any person, or by the public officer of any company, for the purposes of this Act, shall for all purposes be taken and deemed to be duly signed by the person or by the public officer of the company affected, as the case may be, unless such person or public officer shall prove that such return was not made or signed as aforesaid. 40 45

Irregularity not to vitiate assessment.

(3.) The validity of any assessment-roll or register shall not be affected by reason that any of the provisions of this Act have not been complied with.

Alterations may be made by Commissioner.

23. The Commissioner may make any alteration in or addition to any assessment-roll or register rendered necessary by any new returns authorised to be demanded from time to time under this Act, 50

or which may be necessary in order to the assessment of any land, mortgages, or income omitted in whole or in part to be returned or assessed for the purposes of this Act, or in order to determine the mortgages or outgoings for which any person or company is allowed to claim deduction, in such manner and upon such terms and conditions as to objections as may be prescribed.

Such objections shall be heard before any Resident Magistrate, who for the purposes of this section shall have all the powers and authorities of a Board of Review, and the Chairman thereof, which are or may be conferred by or under this Act.

Hearing of objections thereto.

PART IV.

PROCEDURE TO ENFORCE TAXATION.

24. Not less than fourteen days' public notice shall be given by the Commissioner that the tax will be payable on a day to be stated in such notice, and, if any tax shall remain unpaid at the expiration of fourteen days after the due date, ten per centum on the amount of the tax unpaid, or on any part unpaid of such tax, shall be added thereto.

Notice of due date of tax to be given.

25. Such tax, together with such addition, shall be recoverable, in any Court of competent jurisdiction, by the Commissioner, on behalf of the Crown, by suit in his own name.

Tax to be recovered by Commissioner.

With respect to suits and proceedings in a District Court or in a Resident Magistrate's Court for the recovery of tax, the following provisions shall have effect:—

Procedure in local Courts.

(1.) When a summons for the recovery of tax is issued and served, then, unless, eight days before the day appointed for hearing, a statement in writing by or on behalf of the defendant, showing a defence on the merits, shall be made to the Clerk of the Court in which the summons was issued, judgment shall be given for the amount claimed without allowing any defence, and without the necessity of the Commissioner or any one on his behalf appearing in Court or proving the liability of the defendant and the non-payment of the tax.

(2.) In all such cases the summons shall be served upon the defendant at least *fourteen* days before the day appointed for hearing.

(3.) It shall be sufficient, in any such suit or proceeding, if the particulars of demand state the amount sought to be recovered, the date on which the same was payable, with such further and other particulars as the Commissioner thinks necessary to fully inform the defendant of the nature of the demand.

26. For the purpose of enforcing the assessment of land, mortgages, or income in certain cases, the Commissioner shall have the following powers:—

Power to the Commissioner to enforce assessments in certain cases.

(1.) Where any person has died leaving any land, or possessed of or entitled to any mortgage, which has not been assessed or returned for assessment, or where the person so dying shall not have returned the full value of his land or mort-

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Income.

gages, at any date or time when the returns ought to have been made, the Commissioner may take such and the like proceedings in respect of any such land or mortgages as he could do under section *twenty-three*, which shall extend and apply to such cases.

- (2.) Where any person shall have died who was possessed of or entitled to an income in his lifetime which was not returned or assessed under this Act, the Commissioner shall have and may exercise the like remedies in respect of or against the executors or administrators of such person who shall have died as aforesaid as he would have had against him in his lifetime; and such executors or administrators are required to make such returns as the Commissioner shall require, unless he shall be satisfied it is not in their power to do so.

Against personal representatives.

- (3.) The tax to be recoverable against the legal personal representatives of any such person or his estate in any such case shall be assessed and levied for the whole or part (as the case may be) of the period or periods during which such land and mortgages or income have not been so assessed or returned for assessment, and shall be assessed and levied at the rate of tax payable in respect of the year or years for which tax ought to have been paid; and the amount payable and to be recovered shall be treble the amount of the tax so assessed and levied.

No lapse of time to be a bar to proceedings.

- (4.) No time or period which has elapsed shall be deemed to prevent the operation of this section, but the Commissioner may take any such proceeding, or exercise or enforce any power, authority, or remedy for the purpose of giving effect to this Act, and recover the tax due or that ought to have been paid in any of the cases aforesaid as he has or can or may exercise in any other case.

Provision if too little tax has been paid.

27. If, after any tax has been paid under this Act, it is discovered that too little in amount has been paid, the person or company liable for the tax shall forthwith pay such additional amount; and the amount so payable shall be recoverable in any Court of competent jurisdiction by the Commissioner on behalf of the Crown, by suit in his own name.

Provision if too much tax has been paid.

28. If, after any tax for the then current year has been paid under this Act, it is discovered that too much in amount has been paid, the Commissioner, upon being satisfied that too much in amount has been paid, shall order the amount overpaid to be returned to the person or company entitled to receive the same.

Statutes of limitation not to bar remedy. Act not to limit operation of "The Crown Suits Act, 1881."

29. No statute of limitations, now or hereafter in force, shall bar or affect any action or remedy for recovery of tax under this Act; and nothing hereinbefore contained shall prevent the enforcement of any right or remedy conferred on Her Majesty, or on her behalf, by or under "The Crown Suits Act, 1881."

Power to purchase land at value stated in return in certain events.

30. The Governor in Council, on the recommendation of the Commissioner, may, at any time during a triennial period, whenever he deems it expedient for the protection of the revenue, purchase and take for Her Majesty any land, or any interest therein, mentioned in

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any return made under this Act, and may pay to the person or company making such return, and to whom the said property or the interest therein belongs, the sum at which such land is valued in such return, together with ten pounds for every one hundred pounds of such value, unless such person or company shall, within *fourteen* days after notice shall have been given by the Commissioner to such person or company, consent to have the same assessed, for the purposes of this Act, at the value which the Commissioner shall think was the fair actual value thereof at the date as at which the return relating thereto was made or ought to have been made under this Act.

31. If any person shall be dissatisfied with the amount at which the whole or any portion of his land is assessed, he shall be entitled to call upon the Commissioner either to reduce the assessment to the sum at which it was valued in the return of such person, or else to purchase such land at the sum at which the same was valued in such return; and the Commissioner shall, at his discretion, reduce the assessment accordingly, or shall, upon obtaining the consent of the Governor in Council, and upon having the land duly conveyed or assured to the Crown, purchase the same as hereinbefore provided.

Commissioner may be required to reduce assessment or purchase land.

No person shall be entitled to avail himself of the privilege conferred by this section after the expiration of ten days after the sitting of the Board or Resident Magistrate, as the case may be, who has fixed such assessment.

32. The Colonial Treasurer, upon the Governor's warrant, may issue and pay out of the Consolidated Fund, without any specific appropriation, any moneys required to be expended for the purposes of the *last two preceding* sections hereof.

Colonial Treasurer to pay purchase-money.

33. Any land or interest therein purchased under section *thirty* shall belong to Her Majesty from the date of the payment of the purchase-money thereof, and the title thereto shall absolutely vest in Her Majesty, without any conveyance or transfer, from the date of the gazetting of a notice by the Governor that he has so purchased it as aforesaid; and the same shall be sold or otherwise dealt with in such manner as the Governor in Council may direct, and the Governor is hereby empowered, in the name of Her Majesty, to convey, assure, or otherwise transfer the same to the purchaser thereof.

Land acquired may be sold, &c., as directed by Governor in Council.

PART V.

GENERAL PROVISIONS.

34. If any owner of land has no known agent in the colony, or is unknown, or cannot after due inquiry be found, a summons or writ issued in respect of any tax and posted upon a conspicuous part of such land shall be a sufficient service, and such service shall be sufficient whether the proceeding is in respect of such land or any other land belonging to the same owner.

Summons to unknown owner may be posted on land.

35. Judgment for the amount of tax due may be given, in any Court of competent jurisdiction, against the owner of any land, if he is unknown, under the designation of "the owner" of such land, on the Court being satisfied that such owner is absent or unknown, or cannot after due inquiry be found, and upon proof of service of summons as above provided.

Judgment may be given against owner.

Remedy against
tenant or mortgagee
if owner fails to pay.

36. If the owner of any land liable to taxation fails or neglects within the time limited in that behalf, to pay the tax imposed on such land, and such land is in the occupation of any tenant, mediate or immediate, of such owner, or if such land shall be subject to mortgage, the Commissioner shall have such and the like remedies against such tenant or mortgagee as he would have against the owner. 5

Person paying tax
may recover from
person liable.

37. Every person who, under the provisions of this Act, has been compelled to pay any tax in respect of land or mortgage for or on behalf of any other person shall be entitled to recover from the actual owner of such land or mortgage the amount of any such tax so paid by him, together with all costs of proceedings attending the recovery thereof; and in the case of a mortgage the amount of tax so paid may be added to the principal secured by the mortgage, and shall be charged with interest accordingly, or, at the option of the person paying the same, may be recovered as a debt due to him. 10

Remedy in case of
persons under
disability.

38. Where any person chargeable with tax is under any legal disability, or where any person so chargeable dies, in every such case the trustee of such person, upon default of payment, shall be and is hereby made liable to and charged with the payments which the said person under disability ought to have made or the person so dying was chargeable with. 15

And, if such trustee neglect or refuse to pay as aforesaid, it shall be lawful to proceed against him in like manner as against any other person making default of payment of the said tax.

And all trustees making payment as aforesaid shall be allowed every sum paid for such persons under disability in their accounts, and shall be allowed to deduct all such payments out of the assets of the person so dying. 25

In this section the word "trustee" shall be deemed to include the parents of an infant. 30

Married women
liable to tax.

39. Any married woman seised, possessed, or entitled to any land, mortgage, or income to or for her sole or separate use, shall be chargeable with and liable to pay tax in like manner as if she were sole and unmarried.

Covenants to evade
tax void.

40. Every covenant or agreement heretofore made or hereafter to be made between landlord and tenant, mortgagor and mortgagee, or between any other persons, altering or attempting to alter the nature of the estate or interest in any land or mortgage for the purpose of defeating or in any other manner evading the payment of tax imposed under this Act, or which shall be in any manner contrary to the true intent of this Act, or calculated to prevent its operation in any respect, shall, so far as regards any such covenant or agreement, be void and of no effect as between the parties thereto. 35

Tax to be a first
charge on land.

41. The tax on land payable under this Act shall be a first charge on the land in respect of which it is payable, and shall have priority over all charges, liens, mortgages, rates, or other incumbrances whatsoever; and, notwithstanding any sale, transfer, or conveyance of any land, it shall continue to be liable, in the hands of any purchaser or holder thereof, for the payment of any tax due or owing in respect thereof so long as such tax remains unpaid. 40

Commissioner or
officers may appear
in proceedings.

42. The Commissioner or Deputy Commissioner may appear in any action, or in any other proceeding whatsoever had or taken under 50

this Act, or before any Board, either personally or by solicitor or by some officer in the public service of the colony; and the appearance of any such officer, and his statement that he so appears by authority of the Commissioner, shall be sufficient evidence of such authority for

5 all purposes.

43. If any person, whether or not liable to taxation under this Act,—

Penalty for making false returns or evading tax.

10 (1.) Being within or having an agent within the Colony of New Zealand, fails or neglects to furnish, on or before the prescribed day, any return required by or under this Act, or, within a reasonable time, any further or fuller return required by the Commissioner;

15 (2.) Knowingly and wilfully makes or delivers any false return, or makes any false answer, whether verbal or in writing, in relation to his land, mortgages, or income, or any matter or thing affecting his liability to or exemption from tax; or

20 (3.) By any falsehood, wilful neglect, fraud, art, or contrivance whatsoever used or practised, or by or under any instrument made, signed, executed, taken, or received, evades or attempts to evade assessment of any land, mortgage, or income, whether liable to taxation or not, or the payment of any tax under this Act,—

25 every such person shall, on proof thereof before any two Justices of the Peace, be assessed and charged treble the amount of the tax of which such person has sought to evade the payment, in addition to any tax for which such person would have been otherwise liable; and every such person shall also be liable to a penalty of not less than *five* pounds nor more than *one hundred* pounds.

30 Any person aiding and assisting, in any manner whatsoever, to commit any offence within the meaning of this section shall, upon conviction, be liable to a penalty of not less than *five* pounds nor more than *fifty* pounds.

35 The word "person" in this section includes the public officer of a company, and the agent or trustee of any person or company.

40 44. (1.) Whenever, upon any information against a principal offender under the *last-preceding* section, the Justices before whom the same shall be heard shall hold the matter of the information to be proved, there shall be two convictions, the first in the common form, adjudging the defendant to pay the penalty imposed and such costs as shall be allowed, and the second adjudging the defendant to pay treble the amount of the tax of which he has sought to evade the payment.

Procedure to recover penalty.

45 (2.) Such first conviction shall be forthwith enforceable in the manner directed by "The Justices of the Peace Act, 1882;" but such second conviction shall not be formally drawn up until the amount of the tax of which the defendant has sought to evade payment shall have been ascertained by the Commissioner, who shall proceed to ascertain and fix the same within three months from the date of the

50 conviction.

(3.) The Commissioner shall give notice to the defendant of the amount so ascertained, and, if the defendant shall, within fourteen

days from the giving of such notice, object to such amount, he shall be entitled to have such objection heard in the manner provided by regulations.

(4.) At any time after such amount shall have been ascertained by the Commissioner or, upon objection, by any authority empowered to determine the same, the second conviction may be formally drawn up adjudging the defendant to pay treble the amount so ascertained or determined, and shall be forthwith enforceable in the manner directed by "The Justices of the Peace Act, 1882." 5

Penalty for obstructing officers.

45. If any person obstructs any officer acting in the discharge of his duty under this Act, or refuses or neglects to answer questions put by any such officer relating to any land, mortgage, or income belonging to such person, or as to any deductions claimed or allowed in respect of such land, mortgages, or income, or any part thereof, or gives any false or evasive answer, he shall, in any of such cases, be guilty of an offence, and on conviction shall be liable to a penalty not exceeding *fifty* pounds. 10 15

False declaration punishable as perjury.

46. If any person, in any declaration made under or authorised by this Act, knowingly and wilfully declares to any matter or thing which is false or untrue, every such person so offending shall be deemed guilty of perjury, and liable to be dealt with accordingly. 20

Procedure to recover penalties.

47. (1.) All penalties imposed under this Act shall be recoverable only in a summary way before any Resident Magistrate or two or more Justices of the Peace, in the manner prescribed by "The Justices of the Peace Act, 1882," upon the information of a person or persons appointed by the Governor either generally or for the purpose of any particular case; and when recovered shall be paid into the Consolidated Fund. 25

Not prejudiced by irregularity.

(2.) No proceeding for or in respect of any penalty imposed by this Act shall be prejudiced or affected by reason of any irregularity in any assessment made under this Act, or of any informality therein, or in any notice or other proceeding in relation thereto. 30

Power to remit or compound for penalties.

(3.) The Governor may, at his discretion, mitigate or stay or compound proceedings for any penalty, and may reward any person who informs of any offence against this Act or assists in the recovery of any penalty. 35

Offences may be prosecuted within three years.

48. Notwithstanding anything in "The Justices of the Peace Act, 1882," or any other Act, any information or complaint to be heard in a summary way under that Act, or for the recovery of any penalty under this Act, may be laid at any time within three years next after the date of the offence committed or the penalty incurred. 40

SCHEDULES.

Schedules.

SCHEDULE A.

(1.) *The ordinary Tax on Land.*

1. Every person and company being the owner of land shall be liable to tax in accordance with this Act, and such tax shall be assessed and levied upon the actual value of such land; but the value of improvements upon all land owned by any person or company up to three thousand pounds shall be deducted from such assessed value, and any mortgage-debt then due or owing upon such land shall also be deducted from such value.

Tax to be assessed on the actual value of land.

“Actual value” means the capital value for which the fee-simple of land with all improvements (if any) could be purchased for cash :

Meaning of “actual value.”

“Improvements” include houses and buildings, fencing, planting, draining of land, clearing from timber, scrub or fern, laying down in grass or pasture, but the effect or benefit of such improvements shall be visible and unexhausted at the time of valuation.

Meaning of “improvements.”

Provided that in the case of draining of land, clearing from timber, scrub, or fern, and laying down in grass or pasture, no deduction shall be allowed for such improvements or such part thereof as shall have been made or effected more than *ten* years prior to the date as at which the assessment is made.

Certain improvements must have been effected more than ten years prior to assessment.

2. When the assessed value of all the land of any owner, less the value of improvements thereon up to three thousand pounds, and the amount due or owing on mortgage as aforesaid does not exceed one thousand five hundred pounds, there shall be deducted by way of exemption a sum of five hundred pounds :

Deduction of £500 in certain cases.

Provided that only one exemption shall be allowed to an owner of land when such value and the amount due or owing to him on mortgage do not together exceed one thousand five hundred pounds, but if the assessed value of such land and mortgage, less deductions, shall exceed one thousand five hundred pounds then no exemption shall be allowed.

Proviso.

Provided, further, that where the owner of any land or mortgage which does not produce a larger income than one hundred and twenty pounds per annum shall be incapacitated by age, ill-health, or other cause from earning further income from business or employment, a further exemption, which, together with the sum of five hundred pounds hereinbefore mentioned, shall not exceed *two* thousand pounds, may be allowed to such owner by the Commissioner, on his being satisfied that the payment of tax in full would entail hardship on such owner.

Further proviso.

3. Every purchaser of Crown land on credit or deferred payments, and the assignee or transferee of any such purchaser, shall be deemed to be the owner of such land for the purposes of this Act, and shall pay the tax in respect thereof :

Purchasers of Crown lands on credit liable to tax.

Provided that every such purchaser may deduct the amount due

or payable to the Crown by way of purchase-money from the assessed value of such land as if it were a mortgage thereon.

Leaseholds liable to tax.

4. The owner of any leasehold interest in land shall be liable to taxation under this Act upon the value of his interest in such land.

Apportionment of deduction for improvements.

The deduction of three thousand pounds for improvements shall, as between the owner and the lessee, be made in proportion to the interest of each of them in such improvements; and such proportion shall be ascertained and determined both as between the owner and the original lessee, or any sub-lessee, in such manner as shall be prescribed.

Exempt lands in hands of tenants liable to tax.

5. Where any land is wholly exempt from liability to tax, every person or company being in occupation of such land as tenant, or otherwise using or occupying the same, shall be liable to tax on the assessed value of the interest held by such person or company in such land.

Occupiers of land for mining purposes liable as upon income from business.

6. Every person being the holder or occupier of any Crown lands for "mining purposes" within the meaning of "The Mining Act, 1886," shall be liable to tax as upon income from business, and not upon the assessed value of his interest in such land.

This provision shall extend to any company being the holder or occupier of land for the purposes aforesaid.

(2.) *The Tax on Mortgages.*

Mortgagees to be taxed on mortgages.

1. Every person or company being a mortgagee of land shall be liable to taxation in respect of every mortgage held by such mortgagee, and every such mortgage shall be assessed as if it were land, but at the actual value of such mortgage to the mortgagee; and, if any difference shall arise as to such value for the purposes of this Act, the same shall be decided by the Commissioner in such manner as may be prescribed; and a mortgagee shall be entitled to the exemption of *five hundred* pounds hereinbefore provided for, but not further.

Mortgagee not exempt in certain cases.

2. No mortgagee shall be entitled to exemption from tax by reason only that the land included in such mortgage is exempt from taxation.

Mortgagee not to be liable to graduated tax on land.

3. No mortgage shall be liable to the graduated tax imposed upon land under Schedule B to this Act.

Meaning of "mortgage."

"Mortgage" means any charge whatsoever upon land, or any interest therein, duly registered or recorded in the manner required by law against or in respect of such land or interest, and whether created by deed, will, or any other instrument or in any other manner.

Meaning of "mortgagee."

"Mortgagee" includes the person or company entitled to a mortgage or any part thereof, and to receive the interest or any part thereof payable in respect of any mortgage.

SCHEDULE B.

The graduated Tax on Land.

Persons and companies to be liable to graduated tax on land.

In addition to the tax imposed under Schedule A, when the assessed value of land, after allowing for all improvements thereon as defined in Schedule A, exceeds the value mentioned in the first column of this Schedule, and is less than the amount mentioned in the second column thereof, every person and company being the owner

of such land shall be liable to a further graduated annual tax at the rate mentioned in the third column of this Schedule.

First Column.	Second Column.	Third Column : Rate of Graduated Tax.	Scale of taxation.
Where the value is £5,000	and is less than £10,000	one-eighth of a penny.	
Where the value is £10,000	and is less than £20,000	two-eighths of a penny.	
Where the value is £20,000	and is less than £30,000	three-eighths of a penny.	
Where the value is £30,000	and is less than £40,000	four-eighths of a penny.	
Where the value is £40,000	and is less than £50,000	five-eighths of a penny.	
Where the value is £50,000	and is less than £70,000	six-eighths of a penny.	
Where the value is £70,000	and is less than £90,000	seven-eighths of a penny.	
Where the value is £90,000	and is less than £110,000	one penny.	
Where the value is £110,000	and is less than £130,000	one penny and one-eighth of a penny.	
Where the value is £130,000	and is less than £150,000	one penny and two-eighths of a penny.	
Where the value is £150,000	and is less than £170,000	one penny and three-eighths of a penny.	
Where the value is £170,000	and is less than £190,000	one penny and four-eighths of a penny.	
Where the value is £190,000	and is less than £210,000	one penny and five-eighths of a penny.	
Where the value is £210,000	...	one penny and six-eighths of a penny.	

And such tax shall be assessed and levied on the total amount of the assessed unimproved value of the land.

No deduction shall be allowed under this Act in respect of any mortgage from the value of the land upon which such graduated tax is payable. No deduction in respect of mortgages.

SCHEDULE C.

INCOME OF COMPANIES.

1. Every company carrying on any business, adventure, or concern in New Zealand (other than a company wholly or mainly carrying on the business of life insurance) shall be liable to the tax on income which shall be assessed and paid by such company in respect of the gains and profits derived or received from such business in each year ending on the thirty-first day of March. What companies liable to income-tax.

The income of the company shall include dividends earned, sums carried to reserve fund, and any other profits made or income derived from the use or produce of land, and not divided among shareholders or persons entitled to such gains or profits during such year as aforesaid. Meaning of "income."

2. In any case where a company has at any time borrowed money on debentures from persons not resident in New Zealand, such company shall be deemed to be the agent of all such debenture-holders, and be liable to pay tax accordingly, and every such company shall have the right to recover from the debenture-holders any tax so paid. But no such debenture-holders shall be allowed any deduction by way of exemption from liability to such assessment. Certain companies to be deemed agents of persons not resident in New Zealand.

Company not entitled to exemption in respect of income-tax.

3. No company shall be entitled to any exemption in respect of the assessment for tax on income, but the person receiving any income in respect of any share or interest in any company shall not be liable to tax thereon.

How life-insurance companies to be liable.

4. In respect of companies or associations carrying on the business of life insurance in New Zealand (including the department created under "The Government Insurance and Annuities Act, 1874"), tax shall be assessed and paid upon the income derived by each such company or department from investments of any kind other than investments in land or upon mortgages of land.

SCHEDULE D.

INCOME FROM BUSINESS.

Persons liable to tax from business.

1. Every person shall be liable to tax in respect of income derived from business on the full amount of the balance of the profits or gains of such business.

Meaning of expression.

"Income derived from business" means the gains or profits derived or received in New Zealand from any trade, manufacture, adventure, or concern in the nature of trade, whether the same shall be respectively carried on in New Zealand or elsewhere, in each year ending on the thirty-first day of March, and not taxed under any other Schedule of this Act.

Deduction from taxable amount by way of exemption.

2. Tax shall be assessed and paid by every person upon the income derived from business as aforesaid, and, when the taxable amount of income so derived has been ascertained in accordance with this Act, every person or firm of partners engaged in any business shall be entitled to a deduction by way of exemption of three hundred pounds; and no person, whether in partnership or carrying on business alone, shall be allowed more than one such exemption either in respect of business, or employment, or emolument.

SCHEDULE E.

INCOME FROM EMPLOYMENT OR EMOLUMENT.

Persons liable to tax from employment or emolument.

1. Every person shall be liable to tax in respect of income derived from employment or emolument and not derived from business as aforesaid.

Meaning of expression.

"Income derived from employment or emolument" means the gains or profits derived or received in New Zealand in each year ending on the thirty-first day of March, and whether such person is residing in New Zealand or elsewhere, from the exercise of any profession, employment, or vocation of any kind not otherwise liable to taxation under this Act, or from any salary, wages, allowances, pension, stipend, or charge or annuity of any kind not charged on land.

2. Tax shall be assessed and paid by every person upon the income derived from employment or emolument as aforesaid, and, when the taxable amount of income so derived has been ascertained in accordance with this Act, every person or firm of partners engaged in any employment or receiving any emolument shall be entitled to a deduction by way of exemption of three hundred pounds; and no person, whether in partnership or engaged in such employment alone, shall be allowed more than one such exemption either in respect of business, employment, or emolument.

Deduction from taxable amount by way of exemption.

SCHEDULE F.

MISCELLANEOUS RULES AS TO ASSESSMENT OF INCOME.

1. All losses and outgoings actually incurred by any person or company in production of the income shall be deducted from the gross amount of his income :

Losses, &c., to be deducted from gross amount of income.

2: But, in estimating the balance of the income liable to tax in the case of any business, employment, or emolument, no sum shall be deducted therefrom for—

For what matters no deduction to be allowed:

- (a.) Any sum expended for repairs of premises occupied for the purposes of the business or employment, nor for any sum expended for the supply of or repairs to or alterations in any implements, utensils, or machinery employed or used for the purposes of such business or employment, beyond the sum usually expended in any year for such purposes ;
- (b.) Nor on account of loss not connected with or arising out of such business or employment; nor on account of any capital withdrawn therefrom, nor for any sum used or intended to be used as capital in such business or employment, nor for any capital used in the improvement of premises occupied for the purposes of such business or employment ;
- (c.) Nor on account of any interest which might have been made on such sums if laid out at interest ;
- (d.) Nor for any bad debts, except bad debts proved to be such to the satisfaction of the Commissioner ;
- (e.) Nor for any average loss beyond the actual amount of loss after adjustment, nor for any sum recoverable under any insurance or contract of indemnity ;
- (f.) Any disbursements or expenses whatever not being money wholly and exclusively laid out or expended for the purposes of such business or employment ;
- (g.) Any disbursements or expenses of maintenance of the parties, their families, or domestic establishments ;
- (h.) Nor for the rent or value of any dwelling - house or domestic offices, or any part of such dwelling-house or domestic offices, except such part thereof as may be used for the purposes of such business or employment not exceeding such proportion of the said rent or value as may be allowed by the Commissioner ;

(i.) Nor for any sums expended in any other domestic or private purposes distinct from the purposes of such business or employment.

Computations of tax to be made separately.

3. The computation of tax arising in respect of any business or any employment carried on by two or more persons jointly shall be made and stated separately and distinctly from any other tax chargeable on the same persons or any of them.

Companies, &c., to furnish lists of persons employed.

4. Every company and local authority, and every person carrying on business or engaged in any employment, shall, in such manner and form as may be prescribed, from time to time furnish the Commissioner with lists of all persons employed by them, and the salary, wages, stipend, or other allowances or emolument paid or allowed to each such person.

Certain allowances to be taken into account as income.

5. Allowances made to any person by way of house-rent, and all amounts received or receivable by way of extra salary, bonus, allowance, or emolument, shall be taken into account as part of the annual income liable to taxation.

Deduction allowed in case where land occupied for business or employment has paid tax on land.

6. When any person or company occupies for the purposes of business or employment any land in respect of which tax on land is payable by him or it under this Act for the same period, such person or company shall be entitled, in any return of income for such period, to deduct a sum equal to five per centum on the amount on which such person or company is liable to pay tax on land.