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THE PERSONAL TAX PLANNING REVIEW

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EDITORIAL

The issue opens with a report by the Consulting Editor of last December's Roy Goode lecture given by Lord Hoffmann. The report, as well as the original lecture, should form part of the compulsory reading of any official at H M Revenue and Customs who is charged with the design of anti-avoidance legislation. The report will also make useful reading for any individual who is asked by a client for the likely attitude of the judiciary towards any anti-avoidance legislation already drafted.

The second article, by Francis Davey, addresses some of the issues arising from the *Arkwright* case concerning the value for inheritance tax purposes of an interest in half the marital home.

The next two articles consider the meaning of the word "occupation" in the context of the pre-owned assets legislation. The first is by Oliver Radley-Gardner. Oliver sets out a full history of the meaning given to the word in other contexts and then suggests how it should be interpreted in Schedule 15 to the Finance Act 2004. In the second, Stephen Yates considers how the legislation applies when different storeys of a single property are occupied by different persons.

The fifth article is by Keith Gordon. It challenges the current understanding of the capital gains tax taper relief rules and suggests that the share identification rules, whilst relevant for the purposes of calculating the pre-taper gain, are not applicable when determining how much taper relief is available on a particular disposal.

Finally, Ralph Ray provides some notes of the recent Key Haven lecture on trust taxation.