



**Isle of Man**

*Ellan Vannin*

**AT 38 of 1986**

**HYDROCARBON OIL DUTIES ACT 1986**





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## HYDROCARBON OIL DUTIES ACT 1986

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**Isle of Man***Ellan Vannin*

## HYDROCARBON OIL DUTIES ACT 1986

*Received Royal Assent:* 25 July 1986  
*Passed:* 21 October 1986  
*Commenced:* 1 April 1987

**AN ACT** to provide for the imposition of excise duties on hydrocarbon oil, petrol substitutes, power methylated spirits and road fuel gas and for connected purposes.

**GENERAL NOTE:** The maximum fines in this Act are as increased by the *Criminal Justice (Penalties, Etc.) Act 1993 s 1*.

### *The dutiable commodities*

#### **1 Hydrocarbon oil**

[P1979/5/1]

- (1) The following provisions define the various descriptions of oil referred to in this Act.<sup>1</sup>
- (2) “**Hydrocarbon oil**” means petroleum oil, coal tar, and oil produced from coal, shale, peat or any other bituminous substance, and all liquid hydrocarbons, but does not include such hydrocarbons or bituminous or asphaltic substances as are —
  - (a) solid or semi-solid at a temperature of 15°C, or
  - (b) gaseous at a temperature of 15°C and under a pressure of 1013.25 millibars.
- (3) “**Light oil**” means hydrocarbon oil —
  - (a) of which not less than 90 per cent. by volume distils at a temperature not exceeding 210°C, or
  - (b) which gives off an inflammable vapour at a temperature of less than 23°C when tested in the manner prescribed by the Acts relating to petroleum.
- (4) “**Heavy oil**” means hydrocarbon oil other than light oil.

- (5) “**Gas oil**” means heavy oil of which not more than 50 per cent. by volume distils at a temperature not exceeding 240°C and of which more than 50 per cent. by volume distils at a temperature not exceeding 340°C.<sup>2</sup>
- (6) [Repealed]<sup>3</sup>
- (6A) [Repealed]<sup>4</sup>
- (7) [Repealed]<sup>5</sup>
- (7A) [Repealed]<sup>6</sup>
- (8) “**Unleaded petrol**” means petrol that contains not more than 0.013 grams of lead per litre of petrol.<sup>7</sup>
- (8A) “**Aviation gasoline**” means light oil which —
- (a) is specially produced as fuel for aircraft,
  - (b) at 37.8°C, has a Reid Vapour Pressure of not less than 38kPa and not more than 49kPa, and
  - (c) is delivered for use solely as fuel for aircraft.<sup>8</sup>
- (9) “**Kerosene**” means heavy oil of which more than 50% by volume distils at a temperature of 240°C or less.<sup>9</sup>

## 2 Provisions supplementing s 1

[P1979/5/2]

- (1) The method of testing oil for the purpose of ascertaining its classification in accordance with section 1 shall, subject to subsection (3)(b) of that section, be such as the Treasury may direct.
- (1A) [Repealed]<sup>10</sup>
- (2) Subject to subsection (3), the Treasury may from time to time direct that, for the purposes of any duty of excise for the time being chargeable on hydrocarbon oil, any specified description of light oil shall be treated as being heavy oil.
- (3) The Treasury shall not give a direction under subsection (2) in relation to any description of oil unless it is satisfied that the description is one which should, according to its use, be classed with heavy oil.
- (4) For the purposes of the Customs and Excise Acts 1986, the production of hydrocarbon oil includes —
- (a) the obtaining of one description of hydrocarbon oil from another description of hydrocarbon oil; and
  - (b) the subjecting of hydrocarbon oil to any process of purification or blending,
- as well as the obtaining of hydrocarbon oil from other substances or from any natural source.



- (5) [Repealed]<sup>11</sup>

## 2AA Biodiesel

- (1) In this Act “**biodiesel**” means diesel quality liquid fuel that —
- (a) is produced from biomass or waste cooking oil,
  - (b) the ester content of which is not less than 96.5% by weight, and
  - (c) the sulphur content of which does not exceed 0.005% by weight or is nil.
- (2) In subsection (1) —
- (a) “diesel quality” means capable of being used for the same purposes as heavy oil;
  - (b) “liquid” does not include any substance that is gaseous at a temperature of 15°C and under a pressure of 1013.25 millibars;
  - (c) “biomass” means vegetable and animal substances constituting the biodegradable fraction of —
    - (i) products, wastes and residues from agriculture, forestry and related activities, or
    - (ii) industrial and municipal waste.<sup>12</sup>

## 2AB Bioethanol

- (1) In this Act “**bioethanol**” means a liquid fuel —
- (a) consisting of ethanol produced from biomass, and
  - (b) capable of being used for the same purposes as light oil.
- (2) In subsection (1) —
- (a) “liquid” does not include any substance that is gaseous at a temperature of 15°C and under a pressure of 1013.25 millibars, and
  - (b) “biomass” means vegetable and animal substances constituting the biodegradable fraction of —
    - (i) products, wastes and residues from agriculture, forestry and related activities, or
    - (ii) industrial and municipal waste.
- (3) A substance shall be treated as falling within subsection (1)(a) if it —
- (a) is denatured alcohol for the purposes of section 68A of the *Alcoholic Liquor Duties Act 1986*; and
  - (b) would fall within subsection (1)(a) (without reliance on this subsection) but for the presence of a component introduced —
    - (i) for the purpose of rendering the substance denatured alcohol, and
    - (ii) in the minimum proportion necessary for that purpose.<sup>13</sup>

## 2AC Aqua methanol

In this Act “**aqua methanol**” means a liquid fuel which meets each of the following conditions —

- (a) the amount of water it contains is not less than 4.7 per cent and not more than 5.3 per cent by volume;
- (b) the amount of methanol it contains is not less than 96 per cent by volume of the remainder of the substance; and
- (c) at a temperature of 15°C and under a pressure of 1013.25 millibars, it has a density of not less than 0.81 g/ml and not more than 0.82 g/ml.<sup>14</sup>

## 2A Power to amend definitions

(1) The Treasury may by order amend the definition for the purposes of this Act of —

- (za) aviation gasoline;<sup>15</sup>
- (a) biodiesel;<sup>16</sup>
- (b) bioethanol;<sup>17</sup>
- (ba) aqua methanol;<sup>18</sup>
- (c) unleaded petrol.<sup>19</sup>
- (d) [Repealed]<sup>20</sup>
- (e) [Repealed]<sup>21</sup>

[Subs (1) substituted by SD173/05.]

(1A) and (1B) [Repealed]<sup>22</sup>

(1C) The Treasury may by order amend the definition for the purposes of section 11 of “fuel oil”.<sup>23</sup>

(2) An order under this section may contain such incidental, supplementary and transitional provision as appears to the Treasury to be appropriate.

(3) An order made under this section shall not come into operation until approved by Tynwald.<sup>24</sup>

## 3 Hydrocarbon oil as ingredient of imported goods

[P1979/5/3]

Where imported goods contain hydrocarbon oil as a part or ingredient thereof, the oil shall be disregarded in the application to the goods of section 132 of the Management Act (charge of duty on manufactured or composite imported articles) unless in the opinion of the Treasury the goods should, according to their use, be classed with hydrocarbon oil.

#### 4 Petrol substitutes and energy products

- (1) This Act shall have effect in relation to such cases as may be specified in an order made by the Treasury as if references in this Act to hydrocarbon oil or to road fuel gas included references to any energy product which is designated by that order as a substance which is to be treated for the purposes of this Act as the equivalent of hydrocarbon oil or, as the case may be, of road fuel gas.<sup>25</sup>
- (2) The Treasury may by order provide, in relation to any substance which by virtue of this section is to be treated for the purposes of this Act as the equivalent of hydrocarbon oil or road fuel gas, for that substance to be treated for the purposes of such of the provisions of this Act as may be specified in the order as if it fell within such class or description of substance.<sup>26</sup>
- (3) In exercising its powers under this section, the Treasury shall so far as practicable secure that an energy product which is intended for, or capable of being put to, a particular use is treated for the purposes of this Act as if it were the substance to which, when put to that use, it is most closely equivalent.<sup>27</sup>
- (4) In this section “energy product” means a substance which —
  - (a) is an energy product for the purposes of Council Directive 2003/96/EC restructuring the Community framework for the taxation of energy products and electricity, and
  - (b) is not (apart from as a result of this section) hydrocarbon oil or road fuel gas within the meaning of this Act.<sup>28</sup>
- (5) An order under this section may make different provision for different cases and different substances.
- (6) Where a duty of excise is charged on a substance under a provision of this Act by virtue of an order under this section, no duty shall be charged on the substance under any other provision of the Act.<sup>29</sup>

#### 5 Road fuel gas and natural road fuel gas

- (1) In this Act “road fuel gas” means any substance which is gaseous at a temperature of 15°C and under a pressure of 1013.25 millibars, and which is for use as fuel in road vehicles.
- (2) In this Act “natural road fuel gas” is road fuel gas with a methane content of not less than 80%.<sup>30</sup>

#### *Charging provisions*

##### 5A Measurement of volume

- (1) In ascertaining for the purposes of this Act —

- (a) the amount of any duty of excise chargeable on any liquid by virtue of this Act; or
- (b) the amount of any rebate allowable on any such liquid by virtue of this Act,

the volume of that liquid shall be taken (if it would not otherwise be so taken) to be what would be its volume, calculated in accordance with regulations under subsection (2), at a temperature of 15°C.

- (2) The Treasury may by regulations make such provision as it thinks fit as to the method by which, in ascertaining any amount mentioned in subsection (1) —

- (a) the volume of any liquid is to be measured; or
- (b) the volume as at a temperature of 15°C of any amount of a liquid is to be determined,

and that provision may include provision made by reference to any internationally recognised conversion tables.

- (3) Any reference in sections 16 and 18 to 21 to the amount of any duty of excise which has been paid in respect of any substance, or to the amount of any rebate that has been allowed in respect of any substance, shall be construed as a reference —

- (a) to such amount as is shown to the satisfaction of the Treasury to have been paid or, as the case may be, allowed in respect of that substance; or
- (b) where regulations made by the Treasury so provide, to such amount as is calculated on such assumptions as to the volume of the substance in question as may be determined in accordance with any such regulations.

- (4) Regulations under this section —

- (a) may make different provision for different cases and for different substances; and
- (b) may contain such transitional, supplemental and incidental provision as the Treasury thinks fit.

- (5) Provision made under this section by any regulations may provide for any determination or measurement under the regulations to be made, or any description of a case or substance to be framed, by reference to such circumstances or other factors, or to the opinion of such persons, as the Treasury thinks fit.

- (6) For the purposes of this section “liquid” does not include any substance which is gaseous at a temperature of 15°C and under a pressure of 1013.25 millibars.<sup>31</sup>

## 6 Excise duty on hydrocarbon oil

- (1) There shall be charged on hydrocarbon oil —
  - (a) imported into the Island; or
  - (b) produced in the Island and delivered for home use from a refinery or from other premises used for the production of hydrocarbon oil or from any bonded storage for hydrocarbon oil, not being hydrocarbon oil chargeable with duty under paragraph (a),  
the rate specified in subsection (1A).<sup>32</sup>
- (1A) The rates are —
  - (a) £0.5795 a litre in the case of unleaded petrol,<sup>33</sup>
  - (aa) £0.3770 a litre in the case of aviation gasoline,<sup>34</sup>
  - (b) £0.6767 a litre in the case of light oil other than unleaded petrol or aviation gasoline, and<sup>35</sup>
  - (c) £0.5795 a litre in the case of heavy oil.<sup>36</sup>
- (2) Where imported hydrocarbon oil is removed to a refinery, the duty chargeable under subsection (1) shall, instead of being charged at the time of the importation or removal of that oil, be charged on the delivery of any goods from the refinery for home use and shall be the same as that which would be payable on the importation of like goods.
- (2A) [Repealed]<sup>37</sup>
- (3) and (4) [Repealed]<sup>38</sup>

### 6AA Excise duty on biodiesel<sup>39</sup>

- (1) A duty of excise shall be charged on the setting aside for a chargeable use by any person, or (where it has not already been charged under this section) on the chargeable use by any person, of biodiesel.
- (2) In subsection (1) “chargeable use” means use —
  - (a) as fuel for any engine, motor or other machinery, or
  - (b) as an additive or extender in any substance so used;
  - (c) for the production of bioblend.<sup>40</sup>
- (3) The rate of duty under this section is the same as that in the case of heavy oil.<sup>41</sup>
- (4) See section 14A (biodiesel used other than as fuel for road vehicles) for rebates on duty charged under this section.<sup>42</sup>

### 6AB Excise duty on blends of biodiesel and heavy oils<sup>43</sup>

- (1) A duty of excise shall be charged on bioblend —
  - (a) imported into the Island, or

- (b) produced in the Island and delivered for home use from a refinery or from other premises used for the production of hydrocarbon oil or from any bonded storage for hydrocarbon oil, not being bioblend chargeable with duty under paragraph (a).

This is subject to subsection (6).

- (2) In this Act “**bioblend**” means any mixture that is produced by mixing —
  - (a) biodiesel, and
  - (b) heavy oil not charged with the excise duty on hydrocarbon oil.
- (3) The rate per litre of duty under this section on any bioblend is the same as that in the case of heavy oil.<sup>44</sup>
- (4) [Repealed]<sup>45</sup>
- (4A) See section 14B (bioblend used other than as fuel for road vehicles) for rebates on duty charged under this section.<sup>46</sup>
- (5) [Repealed]<sup>47</sup>
- (6) Where imported bioblend is removed to a refinery, the duty chargeable under subsection (1) shall, instead of being charged at the time of the importation of the bioblend, be charged on the delivery of any goods from the refinery for home use and shall be the same as that which would be payable on the importation of like goods.<sup>48</sup>

### **6AC Application to biodiesel and bioblend of provisions relating to hydrocarbon oil<sup>49</sup>**

- (1) The Treasury may by regulations provide for —
  - (a) references in this Act, or specified references in this Act, to hydrocarbon oil to be construed as including references to —
    - (i) biodiesel;
    - (ii) bioblend;
  - (b) references in this Act, or specified references in this Act, to duty on hydrocarbon oil to be construed as including references to duty under —
    - (i) section 6AA;
    - (ii) section 6AB;
  - (c) biodiesel, or bioblend, to be treated for the purposes of such of the following provisions of this Act as may be specified as if it fell within a specified description of hydrocarbon oil.
- (2) Where the effect of provision made under subsection (1) is to extend any power to make regulations, provision made in exercise of the power as extended may be contained in the same statutory document as the provision extending the power.

- (3) In this section “specified” means specified by regulations under this section.
- (4) Regulations under this section may make different provision for different cases.
- (5) Paragraph (b) of subsection (1) shall not be taken as prejudicing the generality of paragraph (a) of that subsection.<sup>50</sup>

#### **6AD Excise duty on bioethanol**

- (1) A duty of excise shall be charged on the setting aside for a chargeable use by any person, or (where it has not already been charged under this section) on the chargeable use by any person, of bioethanol.
- (2) In subsection (1) “chargeable use” means use —
  - (a) as fuel for any engine, motor or other machinery,
  - (b) as an additive or extender in any substance so used, or
  - (c) for the production of bioethanol blend.
- (3) The rate of duty under this section is the same as that in the case of unleaded petrol.<sup>51</sup>

#### **6AE Excise duty on blends of bioethanol and hydrocarbon oil**

- (1) A duty of excise shall be charged on bioethanol blend —
  - (a) imported into the Island, or
  - (b) produced in the Island and delivered for home use from a refinery or other premises used in the production of hydrocarbon oil or from any bonded storage for hydrocarbon oil, not being bioethanol blend chargeable with duty under paragraph (a).
- (2) In this Act “**bioethanol blend**” means any mixture that is produced by mixing —
  - (a) bioethanol, and
  - (b) hydrocarbon oil not charged with excise duty.
- (3) The rate at which the duty shall be charged on any bioethanol blend is the same as that in the case of unleaded petrol.<sup>52</sup>
- (4) and (5) [Repealed]<sup>53</sup>
- (6) Where imported bioethanol blend is removed to a refinery, the duty chargeable under subsection (1) shall, instead of being charged at the time of the importation of the blend, be charged on the delivery of any goods from the refinery for home use and shall be the same as that which would be payable on the importation of like goods.<sup>54</sup>

#### **6AF Application to bioethanol and bioethanol blend of provisions relating**

**to hydrocarbon oil**

- (1) The Treasury may by regulations provide for —
  - (a) references in this Act, or specified references in this Act, to hydrocarbon oil to be construed as including references to —
    - (i) bioethanol;
    - (ii) bioethanol blend;
  - (b) references in this Act, or specified references in this Act, to duty on hydrocarbon oil to be construed as including references to duty under —
    - (i) section 6AD;
    - (ii) section 6AE;
  - (c) bioethanol, or bioethanol blend, to be treated for the purposes of such of the following provisions of this Act as may be specified as if it fell within a specified description of hydrocarbon oil.
- (2) Where the effect of provision made under subsection (1) is to extend any power to make regulations, provision made in exercise of the power as extended may be contained in the same statutory instrument as the provision extending the power.
- (3) In this section “specified” means specified by regulations under this section.
- (4) Regulations under this section may make different provision for different cases.
- (5) Paragraph (b) of subsection (1) shall not be taken as prejudicing the generality of paragraph (a) of that subsection.<sup>55</sup>

**6AG Excise duty on aqua methanol**

- (1) A duty of excise shall be charged on the setting aside for a chargeable use by any person, or (where it has not already been charged under this section) on the chargeable use by any person, of aqua methanol.
- (2) In subsection (1) “chargeable use” means use —
  - (a) as fuel for any engine, motor or other machinery; or
  - (b) as an additive or extender in any substance so used.
- (3) The rate of duty under this section is —
  - (a) in the case of a chargeable use within subsection (2)(a), £0.079 a litre;
  - (b) in the case of a chargeable use within subsection (2)(b), the rate prescribed by order made by the Treasury.
- (4) In exercising their power under subsection (3)(b), the Treasury shall so far as practicable secure that aqua methanol set aside for use or used as an



additive or extender in any substance is charged with duty at the same rate as the substance in which it is an additive or extender.

- (5) An order under this section —
  - (a) may make different provision for different cases; and
  - (b) may prescribe the rate of duty under subsection (3)(b) by reference to the rate of duty under this Act in respect of any other substance.<sup>56</sup>

#### **6AH Application to aqua methanol of provisions relating to hydrocarbon oil**

- (1) The Treasury may by regulations provide for —
  - (a) references in this Act, or specified references in this Act, to hydrocarbon oil to be construed as including references to aqua methanol;
  - (b) references in this Act, or specified references in this Act, to duty on hydrocarbon oil to be construed as including references to duty under section 6AG;
  - (c) aqua methanol to be treated for the purposes of such of the following provisions of this Act as may be specified as if it fell within a specified description of hydrocarbon oil.
- (2) Where the effect of provision made under subsection (1) is to extend any power to make regulations, provision made in exercise of the power as extended may be contained in the same regulations as the provision extending the power.
- (3) In this section “specified” means specified by regulations under this section.
- (4) Regulations under this section may make different provision for different cases.
- (5) Paragraph (b) of subsection (1) shall not be taken as prejudicing the generality of paragraph (a) of that subsection.<sup>57</sup>

#### **6A Fuel substitutes**

- (1) A duty of excise shall be charged on the setting aside for a chargeable use by any person, or (where it has not already been charged under this section) on the chargeable use by any person, of any liquid which is not —
  - (a) hydrocarbon oil,
  - (b) biodiesel,
  - (c) bioblend,
  - (d) bioethanol,
  - (e) bioethanol blend; or
  - (f) aqua methanol.<sup>58 59</sup>

- (2) In this section “chargeable use” in relation to any substance means the use of that substance —
- (a) as fuel for any engine, motor or other machinery; or
  - (b) as an additive or extender in any substance so used.<sup>60</sup>
- (2A) But the use of water is not a chargeable use if —
- (a) the water is comprised in an emulsion of water in gas oil, and
  - (b) the emulsion is stabilised by additives.<sup>61</sup>
- (3) The rate of the duty under this section shall be prescribed by order made by the Treasury.
- (4) In the following provisions of this Act references to hydrocarbon oil shall be construed as including references to any substance on which duty is charged under this section; and, accordingly, references to duty on hydrocarbon oil shall be construed, where a substance is to be treated as such oil, as including references to duty under this section.
- (5) The Treasury may by order provide for any substance on which duty is charged under this section to be treated for the purposes of such of the following provisions of this Act as may be specified in the order as if it fell within such description of hydrocarbon oil as may be so specified.<sup>62</sup>
- (6) In exercising its power under this section, the Treasury shall so far as practicable secure —
- (a) that a substance set aside for use or used as mentioned in subsection (2)(a) is —
    - (i) charged with duty at the same rate as, and
    - (ii) otherwise treated for the purposes of the following provisions of this Act as if it were, hydrocarbon oil of the description to which, when put to that use, it is most closely equivalent; and<sup>63</sup>
  - (b) that a substance set aside for use or used as an additive or extender in any substance is —
    - (i) charged with duty at the same rate as, and
    - (ii) otherwise treated for the purposes of the following provisions of this Act as if it were, the substance in which it is an additive or extender.
- (7) For the purposes of this section “liquid” does not include any substance which is gaseous at a temperature of 15°C and under a pressure of 1013.25 millibars.
- (8) An order under this section —
- (a) may make different provision for different cases and for different substances;

- (b) may prescribe the rate of duty under this section in respect of any substance by reference to the rate of duty under this Act in respect of any other substance; and
- (c) in making different provision for different substances may define a substance by reference to the use for which it is set aside or the use to which it is put.<sup>64</sup>

## 7 [Repealed]<sup>65</sup>

## 8 Excise duty on road fuel gas and natural road fuel gas

[P1979/5/8]

- (1) A duty of excise shall be charged on road fuel gas which is sent out from the premises of a person producing or dealing in road fuel gas and on which the duty charged by this section has not been paid.
- (2) The like duty of excise shall be charged on the setting aside for use, or on the use, by any person, as fuel for a road vehicle, of road fuel gas on which the duty charged by this section has not been paid.<sup>66</sup>
- (3) The rate of the duty under this section shall be —
  - (a) in the case of natural road fuel gas, £0.2470 a kilogram, and<sup>67</sup>
  - (b) in any other case, £0.3161 a kilogram.<sup>68</sup>
- (4) [Repealed]<sup>69</sup>

### *Delivery of oil without payment of duty*

## 9 Oil delivered for home use for certain industrial purposes

[P1979/5/9]

- (1) The Treasury may permit hydrocarbon oil to be delivered for home use to an approved person, without payment of excise duty on the oil, where —
  - (a) it is to be put by him to a use qualifying for relief under this section; or
  - (b) it is to be supplied by him in the course of a trade of supplying oil for any such use.
- (2) The uses of hydrocarbon oil qualifying for relief under this section are all uses which do not consist in either —
  - (a) the use of the oil as fuel for any engine, motor or other machinery; or
  - (b) the use of the oil as heating fuel.<sup>70</sup>
- (3) [Repealed]<sup>71</sup>

- (4) Where the Treasury is authorised to give permission under subsection (1) in the case of any oil, but the permission is for any reason not given, it shall, if satisfied that the oil has been put by an approved person to a use qualifying for relief under this section, repay to him the amount of the excise duty paid on the oil, less any rebate allowed in respect of the duty.
- (5) In this section —
  - (a) “an approved person” means a person for the time being approved in accordance with regulations made for any of the purposes of subsection (1) or (4) under section 27(1).
  - (b) [Repealed]<sup>72</sup>

## 10 Restrictions on the use of duty-free oil

[P1979/5/10]

- (1) Except with the consent of the Treasury no oil in whose case delivery without payment of duty has been permitted under section 9 shall —
  - (a) be put to a use not qualifying for relief under that section; or
  - (b) be acquired or taken into any vehicle, appliance or storage tank in order to be put to such a use.
- (2) In giving its consent for the purposes of subsection (1), the Treasury may impose such conditions as it thinks fit.
- (3) Where any person —
  - (a) uses or acquires oil in contravention of subsection (1); or
  - (b) is liable for oil being taken into a vehicle, appliance or storage tank in contravention of that subsection,his use or acquisition of the oil or, as the case may be, his becoming so liable shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties); and the Treasury may assess an amount equal to the excise duty on like oil at the rate in force at the time of the contravention as being excise duty due from him, and notify him or his representative accordingly.<sup>73</sup>
- (4) Where any person supplies oil having reason to believe that it will be put to a use not qualifying for relief under section 9 and that use without the consent of the Treasury would contravene subsection (1) his supplying the oil shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties).<sup>74</sup>
- (5) A person who, with the intent that the restrictions imposed by subsection (1) should be contravened —
  - (a) uses or acquires oil in contravention of that subsection; or
  - (b) supplies oil having reason to believe that it will be put to a use not qualifying for relief under section 9, being a use which, without the consent of the Treasury, would contravene that subsection,

- shall be guilty of an offence under this subsection.
- (6) A person who is liable for oil being taken into a vehicle, appliance or storage tank in contravention of subsection (1) shall be guilty of an offence under this subsection where the oil was taken in with the intent by him that the restrictions imposed by that subsection should be contravened.
- (7) A person guilty of an offence under subsection (5) or (6) shall be liable —
- (a) on summary conviction, to a fine of £5,000 or of three times the value of the oil in question, whichever is the greater, or to imprisonment for a term not exceeding 6 months, or to both; or
- (b) on conviction on information, to a fine or to imprisonment for a term not exceeding 7 years, or to both.<sup>75</sup>
- (8) [Repealed]<sup>76</sup>
- (9) Any oil acquired, or taken into a vehicle, appliance or storage tank as mentioned in subsection (1), or supplied as mentioned in subsection (4) or (5), shall be liable to forfeiture.

### *Rebate of duty*

## **11 Rebate on heavy oil**

[P1979/5/11]

- (1) Subject to sections 12(1), 13ZA and 13AA(1), where heavy oil charged with the excise duty on hydrocarbon oil is delivered for home use, there shall be allowed on the oil at the time of delivery a rebate of duty at the rate —
- (a) in the case of fuel oil, of £0.1070 a litre less than the rate at which the duty is for the time being chargeable;<sup>77</sup>
- (b) in the case of gas oil, of £0.1114 a litre less than the rate at which the duty is for the time being chargeable;<sup>78</sup>
- (ba) [Repealed]<sup>79</sup>
- (c) in the case of heavy oil which is neither fuel oil nor gas oil, equal to the rate at which the duty is for the time being chargeable.<sup>80</sup>
- (2) In this section —
- “fuel oil” means heavy oil which contains in solution an amount of asphaltenes of not less than 0.5 per cent. or which contains less than 0.5 per cent. but not less than 0.1 per cent. of asphaltenes and has a closed flash point not exceeding 150°C.
- “gas oil” [Repealed]<sup>81</sup>
- (3) This subsection applies in any case where —
- (a) oil is delivered for home use,

- (b) regulations under section 27 require, as a condition of allowing a rebate on the oil under subsection (1), that a marker prescribed by regulations under that section shall have been added to the oil, and
  - (c) the marker is present at the time of delivery for home use but in such a proportion that its presence falls to be disregarded by virtue of provision made by regulations under that section.<sup>82</sup>
- (4) In any case where subsection (3) applies, a rebate may be allowed on the oil at the time it is delivered for home use if it appears to the Treasury to be appropriate to allow it.<sup>83</sup>
- (5) Where a rebate is allowed under subsection (4), the rate at which the rebate is allowed —
- (a) shall be such rate as appears to the Treasury to be appropriate, but
  - (b) shall not be less than 95 per cent. of, and shall not exceed, the rate of rebate specified in the relevant paragraph of subsection (1).<sup>84</sup>
- (6) No rebate shall be allowed under this section in respect of bioblend or bioethanol blend.<sup>85</sup>

## 12 Rebate not allowed on fuel for road vehicles

[P1979/5/12]

- (1) If, on the delivery of heavy oil for home use, it is intended to use the oil as fuel for a road vehicle, a declaration shall be made to that effect in the entry for home use and thereupon no rebate under section 11 shall be allowed in respect of that oil.<sup>86</sup>
- (2) No heavy oil on whose delivery for home use rebate has been allowed (whether under section 11 or section 13ZA or [section] 13AA(1)) shall —
- (a) be used as fuel for a road vehicle; or
  - (b) be taken into a road vehicle as fuel,
- unless an amount equal to the amount for the time being allowable in respect of rebate on like oil has been paid to the Treasury in accordance with regulations made under section 24(1) for the purposes of this section.<sup>87</sup>
- (3) [Repealed]<sup>88</sup>

## 13 Penalties for contravention of section 12

[P1979/5/13]

- (1) Where any person —
- (a) uses heavy oil in contravention of section 12(2); or
  - (b) is liable for heavy oil being taken into a road vehicle in contravention of that subsection,

his use of the oil or his becoming so liable (or, where his conduct includes both, each of them) shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties).<sup>89</sup>

- (1A) Where oil is used, or is taken into a road vehicle, in contravention of section 12(2), the Treasury may —
- (a) assess an amount equal to the rebate on like oil at the rate in force at the time of the contravention as being excise duty due from any person who used the oil or was liable for the oil being taken into the road vehicle, and
  - (b) notify him or his representative accordingly.<sup>90</sup>
- (2) Where any person supplies heavy oil having reason to believe that it will be put to a particular use and that use would, if a payment under section 12(2) were not made in respect of the oil, contravene that subsection his supplying the oil shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties).<sup>91</sup>
- (3) A person who, with the intent that the restrictions imposed by section 12 should be contravened —
- (a) uses heavy oil in contravention of subsection (2) of that section; or
  - (b) supplies heavy oil having reason to believe that it will be put to a particular use, being a use which would, if a payment under that subsection were not made in respect of the oil, contravene that subsection,
- shall be guilty of an offence under this subsection.
- (4) A person who is liable for heavy oil being taken into a road vehicle in contravention of section 12(2) shall be guilty of an offence under this subsection where the oil was taken in with the intent by him that the restrictions imposed by that section should be contravened.
- (5) A person guilty of an offence under subsection (3) or (4) shall be liable —
- (a) on summary conviction, to a fine of £5,000 or of three times the value of the oil in question, whichever is the greater, or to imprisonment for a term not exceeding 6 months, or to both; or
  - (b) on conviction on information, to a fine or to imprisonment for a term not exceeding 7 years, or to both.<sup>92</sup>
- (6) Any heavy oil —
- (a) taken into a road vehicle as mentioned in section 12(2) or supplied as mentioned in subsection (2) or (3); or
  - (b) taken as fuel into a vehicle at a time when it is not a road vehicle and remaining in the vehicle as part of its fuel supply at a later time when it becomes a road vehicle,

shall be liable to forfeiture.

(7) [Repealed]<sup>93</sup>

### 13ZA Rebate on certain heavy oil used for heating etc

- (1) This section applies if, on the delivery of heavy oil (other than kerosene) upon which rebate at the rate mentioned in section 11(1)(c) would otherwise be allowed, it is intended to use the heavy oil —
  - (a) for heating, or
  - (b) as fuel for an engine.
- (2) Rebate is to be allowed on the heavy oil at the rate mentioned in section 11(1)(a) (rather than at the rate mentioned in section 11(1)(c)).
- (3) Nothing in this section applies in relation to heavy oil to which section 12(1) applies.<sup>94</sup>

### 13ZB Restrictions on supply of certain heavy oil for heating etc

- (1) If a person supplies relevant heavy oil, having reason to believe that it will be put to a particular use that is a prohibited use —
  - (a) the Treasury may assess the amount specified in subsection (3) as being excise duty due from the person (and may notify the person or the person's representative accordingly), and
  - (b) the supply of the heavy oil is conduct that attracts a penalty under section 9 of the Finance Act 1994 (civil penalties) (as it has effect in the Island).
- (2) Subsection (1) does not apply in relation to a quantity of relevant heavy oil if (before the time of supply) the amount specified in subsection (3) has been paid to the Treasury, in accordance with regulations, in respect of it.
- (3) The amount is —
 
$$Q \times RRFO$$
 where —
  - Q is the quantity (in litres) of the relevant heavy oil, and
  - RRFO is the rate for rebated fuel oil at the time of payment.
- (4) For the purposes of subsection (3) the rate for rebated fuel oil at any time is —
  - (a) the rate of duty under section 6(1A)(c) at that time, minus
  - (b) the rate of rebate allowable under section 11(1)(a) at that time.
- (5) In this section —
 

“prohibited use” means —

  - (a) use for heating, or
  - (b) use as fuel for an engine (except where such use would amount to use as fuel for a road vehicle),



“regulations” means regulations under section 27(1) made for the purposes of this section, and

“relevant heavy oil” means heavy oil, other than kerosene, upon which rebate at the rate mentioned in section 11(1)(c) has been allowed.

(6) Nothing in this section applies to a person who supplies relevant heavy oil for re-processing.<sup>95</sup>

### **13AA Restrictions on use of rebated kerosene**

(1) If, on the delivery of kerosene for home use, it is intended to use the kerosene as fuel for —

(a) an engine provided for propelling an excepted vehicle, or

(b) an engine which is neither for propelling a vehicle nor for heating,

a declaration shall be made to that effect and thereupon rebate shall be allowed at the rate then in force under paragraph (b) of subsection (1) of section 11, instead of at the rate then in force under paragraph (c) of that subsection.<sup>96</sup>

(2) Subject to subsection (3), no kerosene on whose delivery for home use a rebate at the rate given by section 11(1)(c) has been allowed shall —

(a) be used as fuel for an engine provided for propelling an excepted vehicle;

(b) be used as fuel for an engine which is used neither for propelling a vehicle nor for heating; or

(c) be taken into the fuel supply of an engine falling within paragraph (a) or (b).

(3) Subsection (2) does not apply to any quantity of kerosene in respect of which there has been paid to the Treasury an amount equal to duty on the same quantity of gas oil at the rate for rebated gas oil which is in force at the time of the payment.

(4) A payment under subsection (3) shall be made in accordance with regulations made under section 27(1) for the purposes of this section.

(5) [Repealed]<sup>97</sup>

(6) For the purposes of this section and section 13AB the rate for rebated gas oil which is in force at any time is the rate of duty which at that time is in force under section 6(1A) in the case of heavy oil as reduced by the rate of rebate allowable at any time under section 11(1)(b).<sup>98</sup>

(7) Nothing in this section has the effect of allowing a rebate on bioblend or bioethanol blend.<sup>99</sup>

**13AB Penalties for contravention of section 13AA**

- (1) If a person uses kerosene in contravention of section 13AA(2) —
  - (a) in respect of the quantity of kerosene used the Treasury may assess as being excise duty due from him an amount equal to duty on the same quantity of gas oil at the rate for rebated gas oil which is in force at the time of the contravention, and it may notify him or his representative accordingly;<sup>100</sup>
  - (b) his use of the kerosene shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties) as it has effect in the Island; and
  - (c) if he uses the kerosene with the relevant intent he shall be guilty of an offence.
- (2) If a person is liable for kerosene being taken into a fuel supply of an engine in contravention of section 13AA(2) —
  - (a) in respect of the quantity of kerosene taken into the fuel supply the Treasury may assess as being excise duty due from him an amount equal to duty on the same quantity of gas oil at the rate for rebated gas oil which is in force at the time of the contravention, and it may notify him or his representative accordingly;<sup>101</sup>
  - (b) his becoming so liable shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties), as it has effect in the Island; and
  - (c) if he has the relevant intent in relation to the kerosene being taken into the fuel supply, he shall be guilty of an offence.
- (3) and (4) [Repealed]<sup>102</sup>
- (5) If —
  - (a) a person supplies kerosene having reason to believe that it will be put to a particular use, and
  - (b) that use is one which, if a payment is not made under subsection (3) of section 13AA, will contravene subsection (2) of that section,his supplying the kerosene shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties) as it has effect in the Island and, if he makes the supply with the relevant intent, he shall be guilty of an offence.
- (6) In this section “the relevant intent” means the intent that the restrictions imposed by section 13AA(2) shall be contravened.
- (7) A person guilty of an offence under this section shall be liable —
  - (a) on summary conviction, to a fine of £5,000, or to custody for a term not exceeding 6 months, or to both;
  - (b) on conviction on information, to a penalty of any amount, or to a term of custody not exceeding 7 years, or to both.
- (8) Any kerosene falling within subsection (9) or (10) is liable to forfeiture.

- (9) Kerosene falls within this section if it is taken into a fuel supply in contravention of section 13AA(2).
- (10) Kerosene falls within this subsection if —
  - (a) it has been supplied in circumstances in which there is reason to believe that it will be put to a particular use; and
  - (b) that use is one which, if payment is not made under subsection (3) of section 13AA, will contravene subsection (2) of that section.<sup>103</sup>

### 13AC Use of rebated kerosene for private pleasure-flying

- (1) This section applies in respect of kerosene upon which a rebate under section 11(1)(c) has been allowed.
- (2) The kerosene must not be used as fuel for private pleasure-flying.
- (3) If, on the supply of a quantity of the kerosene to a person, the person makes a relevant declaration to the supplier —
  - (a) subsection (2) does not apply in relation to that kerosene, and
  - (b) the person must pay, in accordance with regulations, the amount specified in subsection (4) to the Treasury.
- (4) The amount is —
$$Q \times R$$
where —
  - Q is the quantity (in litres) of the kerosene, and
  - R is the rate of the rebate under section 11(1)(c) at the time of the declaration.
- (5) The amount referred to in subsection (3)(b) is to be treated as an amount of excise duty for the purposes of section 12 of the Finance Act 1994 (an Act of Parliament) (assessments to excise duty), as it has effect in the Island.
- (6) Regulations may provide, in cases where kerosene to which subsection (2) applies and other kerosene is taken into an aircraft as fuel, for the order in which the different kinds of kerosene are to be treated (for the purposes of this section and section 13AD) as used.
- (6A) In this section “private pleasure-flying” means the use of an aircraft otherwise than for commercial purposes by —
  - (a) the owner of the aircraft; or
  - (b) any other person entitled to use it.<sup>104</sup>
- (6B) For the purposes of subsection (6A), the cases in which an aircraft is to be regarded as used for commercial purposes include any case where —

- (a) consideration is provided by any person for the use of the aircraft (whether for the carriage of passengers or goods or for the supply of services or otherwise); or
  - (b) the aircraft is used for the purposes of any public authority.<sup>105</sup>
- (6C) Regulations may provide for other cases in which use of an aircraft is treated as being, or not being, private pleasure-flying for the purposes of this section.<sup>106</sup>
- (7) In this section —
- “private pleasure-flying” [Repealed]<sup>107</sup>
- “regulations” means regulations under section 27(1) made for the purposes of this section, and
- “relevant declaration”, in relation to a quantity of kerosene, means a declaration, made in the way and form specified by or under regulations, that the kerosene is to be used for private pleasure-flying.<sup>108</sup>

### **13AD Penalties for contravention of section 13AC**

- (1) This section applies if a person —
  - (a) uses a quantity of kerosene in contravention of section 13AC(2), or
  - (b) fails to comply with section 13AC(3)(b).
- (2) The Treasury may assess the amount specified in section 13AC(4) as being excise duty due from the person, and may notify the person or the person’s representative accordingly.
- (3) The use or failure attracts a penalty under section 9 of the Finance Act 1994 (an Act of Parliament) (civil penalties), as it has effect in the Island.
- (4) For the purposes of that section, if this section applies by virtue of subsection (1)(b) —
  - (a) the amount referred to in section 13AC(3)(b) is to be treated as an amount of excise duty,
  - (b) the penalty for the failure is to be calculated by reference to that amount, and
  - (c) the failure also attracts daily penalties.
- (5) If this section applies by virtue of subsection (1)(a), for the purpose of subsection (2) the reference in section 13AC(4) to the time of the declaration is to be read as the time of use.<sup>109</sup>

**13A [Repealed]**<sup>110</sup>**14 Rebate on light oil for use as furnace fuel**

[P1979/5/14]

- (1) On light oil charged with the excise duty on hydrocarbon oil, and delivered for home use as furnace fuel for burning in vapourised or atomised form by a person for the time being approved in accordance with regulations made for the purposes of this subsection under section 24(1), there shall be allowed at the time of delivery a rebate of duty at a rate of £0.1070 a litre less than the rate at which the duty is charged.<sup>111</sup>
- (1A) No rebate shall be allowed under this section in respect of bioethanol blend.<sup>112</sup>
- (2) Except with the consent of the Treasury, no oil in whose case rebate has been allowed under this section shall —
  - (a) be put to a use otherwise than as mentioned in subsection (1); or
  - (b) be acquired or taken into any vehicle, appliance or storage tank in order to be put to such a use.
- (3) In giving its consent for the purposes of subsection (2), the Treasury may impose such conditions as it thinks fit.
- (4) Where any person —
  - (a) uses or acquires oil in contravention of subsection (2); or
  - (b) is liable for oil being taken into a vehicle, appliance or storage tank in contravention of that subsection,his use or acquisition of the oil or, as the case may be, his becoming so liable shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties); and the Treasury may assess the amount of rebate allowed on the oil as being excise duty due from him, and notify him or his representative accordingly.<sup>113</sup>
- (5) Where any person supplies oil having reason to believe that it will be used otherwise than as mentioned in subsection (1) and that use without the consent of the Treasury would contravene subsection (2) his supplying the oil shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties).<sup>114</sup>
- (6) A person who, with the intent that the restrictions imposed by subsection (2) should be contravened —
  - (a) uses or acquires oil in contravention of that subsection; or
  - (b) supplies oil having reason to believe that it will be put to a use otherwise than as mentioned in subsection (1), being a use which, without the consent of the Treasury, would contravene subsection (2),

shall be guilty of an offence under this subsection.

- (7) A person who is liable for oil being taken into a vehicle, appliance or storage tank in contravention of subsection (2) shall be guilty of an offence under this subsection where the oil was taken in with the intent by him that the restrictions imposed by that subsection should be contravened.
- (8) A person guilty of an offence under subsection (6) or (7) shall be liable —
  - (a) on summary conviction, to a fine of £5,000 or of three times the value of the oil in question, whichever is the greater, or to imprisonment for a term not exceeding 6 months, or to both; or
  - (b) on conviction on information, to a fine, or to imprisonment for a term not exceeding 7 years, or to both.<sup>115</sup>
- (9) [Repealed]<sup>116</sup>
- (10) Any oil acquired, or taken into a vehicle, appliance or storage tank, as mentioned in subsection (2), or supplied as mentioned in subsection (5) or (6), shall be liable to forfeiture.

#### **14A Rebate on biodiesel used other than as fuel for road vehicles etc**

- (1) This section applies if, at the excise duty point, it is intended that biodiesel on which duty under section 6AA is charged will not be —
  - (a) used as fuel for a road vehicle,<sup>117</sup>
  - (aa) used as fuel for propelling private pleasure craft, or<sup>118</sup>
  - (b) used as an additive or extender in any substance used as mentioned in paragraph (a) or (aa).<sup>119</sup>
- (2) A rebate of duty is to be allowed on the biodiesel at a rate of £0.1114 a litre less than the rate of duty under section 6AA.<sup>120</sup>
- (3) In this section “the excise duty point” has the same meaning as in section 184(1) of the *Customs and Excise Management Act 1986*.
- (4) In this section “private pleasure craft” has the same meaning as in section 14E.<sup>121</sup>

#### **14B Rebate on bioblend used other than as fuel for road vehicles**

- (1) This section applies if, on the delivery for home use of bioblend on which duty under section 6AB is charged —
  - (a) it is intended that the bioblend will not be —
    - (i) used as fuel for a road vehicle, or
    - (ii) used as an additive or extender in any substance so used, and
  - (b) if the heavy oil used to produce the bioblend was kerosene, it is intended that the bioblend will not be —

- (i) used as fuel for an engine within paragraph (a) or (b) of section 13AA(1), or
  - (ii) used as an additive or extender in any substance so used.
- (2) A rebate of duty is to be allowed on the bioblend.
- (3) The rate per litre of the rebate is the sum of —
  - (a) HO% of the relevant hydrocarbon rebate rate, and
  - (b) BD% of the relevant biodiesel rebate rate.
- (4) “The relevant hydrocarbon oil rebate rate” is the rate specified in section 11(1) for the kind of heavy oil used to produce the bioblend.
- (5) “The relevant biodiesel rebate rate” is —
  - (a) if the heavy oil used to produce the bioblend was kerosene, the rate of duty under section 6AA, and
  - (b) otherwise, the rate of the rebate under section 14A.
- (6) Section 6AB(4) (meaning of “HO%” and “BD%”) applies for the purposes of subsection (3).<sup>122</sup>

#### **14C Restrictions on use of rebated biodiesel and bioblend**

- (1) Rebated biodiesel or bioblend must not be —
  - (a) used as fuel for a road vehicle,
  - (b) used as an additive or extender in any substance so used,<sup>123</sup>
  - (c) taken into a road vehicle as fuel or as an additive or extender in any substance used as fuel, or<sup>124</sup>
  - (d) (in the case of rebated biodiesel) used as fuel for propelling private pleasure craft or as an additive or extender in any substance so used.<sup>125</sup>
- (2) Rebated bioblend that was produced by mixing kerosene and biodiesel must not be —
  - (a) used as fuel for an engine within paragraph (a) or (b) of section 13AA(1),
  - (b) used as an additive or extender in any substance so used, or
  - (c) taken into the fuel supply of such an engine.
- (3) Subsections (1) and (2) do not apply to a quantity of biodiesel or bioblend if the amount specified in subsection (4) has been paid to the Treasury, in accordance with regulations, in respect of it.
- (4) The amount is —
 
$$Q \times R$$
 where —
 

Q is the quantity (in litres) of the biodiesel or bioblend, and

R is the rate of the rebate under section 14A or 14B at the time of payment.

- (4A) In subsection (1) “private pleasure craft” has the same meaning as in section 14E.<sup>126</sup>
- (5) In subsection (3) “regulations” means regulations under section 27(1) made for the purposes of this section.<sup>127</sup>

#### 14D Penalties for misuse of rebated biodiesel or bioblend

- (1) If biodiesel or bioblend is used or taken into a road vehicle in contravention of section 14C(1) or (2), the Treasury may assess the amount specified in section 14C(4) as being excise duty due from any person who —
- (a) used the biodiesel or bioblend, or
  - (b) was liable for it being taken into the vehicle,
- and may notify the person or the person’s representative accordingly.
- (2) Conduct within any of the following paragraphs attracts a penalty under section 9 of the Finance Act 1994(c) (civil penalties) (as it has effect in the Island) —
- (a) using biodiesel or bioblend in contravention of 14C(1) or (2),
  - (b) becoming liable for biodiesel or bioblend being taken into a vehicle or the fuel supply of an engine in contravention of section 14C(1) or (2), and
  - (c) supplying biodiesel or bioblend, having reason to believe that it will be put to a particular use that is a prohibited use.<sup>128</sup>
- (3) A person commits an offence if —
- (a) the person intentionally uses biodiesel or bioblend in contravention of section 14C(1) or (2),
  - (b) the person is liable for biodiesel or bioblend being taken into a vehicle or the fuel supply of an engine in contravention of section 14C(1) or (2), and knows that the taking in is in contravention of that provision, or
  - (c) the person supplies biodiesel or bioblend, intending that it will be put to a particular use that is a prohibited use.
- (4) “**Prohibited use**” means a use that would contravene section 14C(1) or (2) if no payment under section 14C(3) were made in respect of the biodiesel or bioblend.
- (5) A person guilty of an offence under this section is liable —
- (a) on summary conviction, to —
    - (i) a fine not exceeding £5,000 or (if it is greater) 3 times the value of the biodiesel or bioblend in question, or



- (ii) imprisonment for a term not exceeding 6 months, or both, and
- (b) on conviction on information, to a fine or imprisonment for a term not exceeding 7 years or both.<sup>129</sup>

#### **14E Rebated heavy oil and bioblend: private pleasure craft**

- (1) This section applies in respect of rebated heavy oil or bioblend.
- (2) The heavy oil or bioblend must not be used as fuel for propelling private pleasure craft.
- (3) If, on the supply by a person (“the supplier”) of a quantity of the heavy oil or bioblend to another person, the other person makes a relevant declaration to the supplier —
  - (a) subsection (2) does not apply in relation to that heavy oil or bioblend, and
  - (b) the supplier must pay, in accordance with regulations, the amount specified in subsection (4) to the Treasury.
- (4) The amount is —
 
$$Q \times R$$
 where —
  - Q is the quantity (in litres) of the heavy oil or bioblend, and
  - R is the rate of the relevant rebate at the time of supply.
- (5) The “relevant rebate” is —
  - (a) in the case of heavy oil upon which rebate was allowed under section 13ZA or 13AA(1), the rebate under that provision,
  - (b) in the case of heavy oil to which paragraph (a) does not apply, the rebate under section 11 for that kind of heavy oil, and
  - (c) in the case of bioblend, the rebate under section 11(1)(b).
- (6) The amount referred to in subsection (3)(b) is to be treated as an amount of excise duty for the purposes of section 12 of the Finance Act 1994 (an Act of Parliament) (assessments to excise duty), as it has effect in the Island.
- (7) Regulations may provide, in cases where heavy oil or bioblend to which subsection (2) applies and other heavy oil or bioblend is taken into a craft as fuel, for the order in which the different substances are to be treated (for the purposes of this section and section 14F) as used.
- (7A) [Repealed]<sup>130</sup>
- (7B) In this section “private pleasure craft” means any aircraft or vessel used otherwise than for commercial purposes by —
  - (a) the owner of the aircraft or vessel; or

- (b) any other person entitled to use it.<sup>131</sup>
- (7C) For the purposes of subsection (7B), the cases in which an aircraft or vessel is to be regarded as used for commercial purposes include any case where—
- (a) consideration is provided by any person for the use of the aircraft or vessel (whether for the carriage of passengers or goods or for the supply of services or otherwise); or
- (b) the aircraft or vessel is used for the purpose of any public authority.<sup>132</sup>
- (7D) Regulations may provide for other cases in which aircraft or vessel is treated as being, or not being, a private pleasure craft for the purpose of this section.<sup>133</sup>
- (8) In this section —
- “private pleasure craft” [Repealed]<sup>134</sup>
- “regulations” means regulations under section 27(1) made for the purposes of this section, and
- “relevant declaration”, in relation to a quantity of heavy oil or bioblend, means a declaration, made in the way and form specified by or under regulations, that the heavy oil or bioblend is to be used as fuel for propelling private pleasure craft.<sup>135</sup>

#### **14F Penalties for contravention of section 14E**

- (1) This section applies if a person —
- (a) uses a quantity of rebated heavy oil or bioblend in contravention of section 14E(2), or
- (b) fails to comply with section 14E(3)(b).
- (2) The Treasury may assess the amount specified in section 14E(4) as being excise duty due from the person, and may notify the person or the person’s representative accordingly.
- (3) The use or failure attracts a penalty under section 9 of the Finance Act 1994 (an Act of Parliament) (civil penalties), as it has effect in the Island.
- (4) For the purposes of that section, if this section applies by virtue of subsection (1)(b) —
- (a) the amount referred to in section 14E(3)(b) is to be treated as an amount of excise duty,
- (b) the penalty for failure is to be calculated by reference to that amount, and
- (c) the failure also attracts daily penalties.

- (5) If this section applies by virtue of subsection (1)(a), for the purpose of subsection (2) the reference in section 14E(4) to the time of supply is to be read as the time of use.<sup>136</sup>

## 15 Supplementary rebate

In addition to any rebate allowed under sections 11 to 14, the Treasury may, by order, allow a supplementary rebate on any hydrocarbon oil used in the Island.<sup>137</sup>

### *Drawback*

## 16 Drawback of duty on shipment as stores etc of certain goods

[P1979/5/15]

- (1) A drawback equal to any amount paid in respect of the goods in question by way of the excise duty on hydrocarbon oil shall be allowed on the shipment as stores or warehousing in an excise warehouse for use as stores of —
- (a) any hydrocarbon oil; or
  - (b) any article in which there is contained any hydrocarbon oil which was used, or which formed a component of any article used, as an ingredient in the manufacture or preparation of the article.<sup>138</sup>
- (2) The Treasury may by order direct as respects articles of any class or description specified in the order that, subject to the provisions of the order, drawback shall be allowed under subsection (1) in respect of hydrocarbon oil (or goods containing it) used as a material, solvent, extractant, preservative or finish in the manufacture or preparation of the articles.
- (3) On the making of an order under subsection (2) this Act shall have effect, subject to the provisions of the order and of this section, as if the reference in subsection (1)(b) to an article in which there is contained any hydrocarbon oil used as an ingredient in the manufacture or preparation of the article included a reference to an article of the class or description specified in the order.
- (4) An order made under subsection (2) as respects articles of any class or description —
- (a) may provide for drawback to be allowed in respect of hydrocarbon oil (or goods containing it) used as a material, solvent, extractant, preservative or finish in the manufacture or preparation not directly of articles of that class or description but articles incorporated in them; and
  - (b) may provide that the quantity of hydrocarbon oil as respects duty on which drawback is to be allowed shall be determined by reference to average quantities or otherwise.

**17 [Repealed]<sup>139</sup>***Miscellaneous reliefs***18 Heavy oil used by horticultural producers**

[P1979/5/17]

- (1) If, on an application made for the purposes of this section by a horticultural producer, it is shown to the satisfaction of the Treasury that within the period for which the application is made any quantity of heavy oil has been used by the applicant as mentioned in subsection (2), then, subject as provided below, the applicant shall be entitled to obtain from the Treasury repayment of the amount of any excise duty which has been paid in respect of the quantity so used less any rebate allowed in respect of the duty.
- (2) A horticultural producer shall be entitled to repayment under this section in respect of oil used by him —
  - (a) in the heating, for the growth of horticultural produce primarily with a view to the production of horticultural produce for sale, of any building or structure, or of the earth or other growing medium in it; or
  - (b) in the sterilisation of the earth or other growing medium to be used for the growth of horticultural produce as mentioned in paragraph (a) in any building or structure.
- (3) Where any quantity of oil is used partly for any such purpose as is mentioned in subsection (2) and partly for another purpose, such part of that quantity shall be treated as used for each purpose as may be determined by the Treasury.
- (4) The Treasury may require an applicant for repayment under this section —
  - (a) to state such facts concerning the hydrocarbon oil delivered to or used by him, or concerning the production of horticultural produce by him, as it may think necessary to deal with the application;
  - (b) to furnish it in such form as it may require with proof of any statement so made; and
  - (c) to permit an officer to inspect any premises or plant used by him for the production of horticultural produce or in or for which any such oil was used.
- (5) If —
  - (a) the facts required by the Treasury under subsection (4)(a) are not stated; or
  - (b) proof of the matters referred to in subsection (4)(b) is not furnished to the satisfaction of the Treasury; or

- (c) an applicant fails to permit inspection of premises or plant as required under subsection (4)(c),

the facts shall be deemed for the purposes of this section to be such as the Treasury may determine.

- (6) In this section —
  - (a) “horticultural produce” has the meaning given by Schedule 1; and
  - (b) “horticultural producer” means a person growing horticultural produce primarily for sale.

## 19 [Repealed]<sup>140</sup>

## 20 Fuel used in fishing boats, etc

[P1979/5/19]

- (1) Subsection (3) shall have effect in the case of —
  - (a) any fishing boat entered in the fishing boat register under the Merchant Shipping Act 1894 (an Act of Parliament) and used for the purposes of fishing by a person gaining a substantial part of his livelihood by fishing, whether he is the owner of the boat or not; or
  - (b) any lifeboat owned by the Royal National Lifeboat Institution (in this subsection called “the Institution”); or
  - (c) any tractor or gear owned by the Institution and used for the purpose of launching or hauling in any lifeboat owned by it,

in respect of which an application is made to the Treasury for the purposes of this section by the Institution.<sup>141</sup>

- (2) Paragraphs (b) and (c) of subsection (1) shall apply to hovercraft as if hovercraft were boats or vessels.
- (3) Subject to the provisions of this section, if it appears to the satisfaction of the Treasury that the applicant has used any quantity of hydrocarbon oil on board that boat or for the purposes of that tractor or gear, the applicant shall be entitled to obtain from the Treasury repayment of any excise duty which has been paid in respect of the oil so used less any rebate allowed in respect of the duty.
- (4) [Repealed]<sup>142</sup>

## 21 Fuel used in producing energy for certain purposes

[P1979/5/19A]

- (1) If on an application made for the purposes of this section by an approved person it is shown to the satisfaction of the Treasury —

- (a) that any quantity of rebated hydrocarbon oil has been used by him, otherwise than at a refinery or other premises used for the production of hydrocarbon oil, as fuel for producing energy; and
- (b) that not less than one-sixth or more than one-third of that energy was used in the treatment of hydrocarbon oil at a refinery or in the production of hydrocarbon oil at other premises used for the production of such oil,

the applicant shall be entitled to obtain from the Treasury repayment of one-third of the amount of excise duty which has been paid in respect of the quantity so used less the rebate allowed in respect of the duty.

- (2) In this section “an approved person” means a person for the time being approved in accordance with regulations made for the purposes of this section under section 27(1).

## 22 Contaminated or accidentally mixed oil

[P1979/5/20]

- (1) This section applies where it is shown to the satisfaction of the Treasury —
  - (a) that hydrocarbon oil has been delivered for home use, that since it was so delivered it has become contaminated, and that at the time it became contaminated it was oil on which the appropriate duty of excise had been paid, or
  - (b) that hydrocarbon oils of different descriptions have been delivered for home use, that since they were so delivered they have become accidentally mixed with each other, and that at the time of mixing they were oils on which the appropriate duty of excise had been paid.
- (2) Subject to any conditions which the Treasury sees fit to impose for the protection of the revenue, it may make to such person as it sees fit a payment in accordance with subsection (3).
- (3) The payment shall be of an amount appearing to the Treasury to be equal to the excise duty which would have been payable if —
  - (a) the oil had been delivered for home use (uncontaminated) at the time it became contaminated (where subsection (1)(a) applies), or
  - (b) the oils had been delivered for home use (unmixed) at the time they became mixed (where subsection (1)(b) applies).
- (4) The power to make a payment to a person under subsection (2) in relation to oils that have become accidentally mixed does not apply in relation to a mixture in respect of which he is liable to pay duty under section 23B.<sup>143</sup>

*Mixing*<sup>144</sup>**23 Mixing: adjustment of duty**

- (1) Subsections (2) and (3) apply if —
  - (a) a relevant substance upon which duty under this Act has been charged is mixed in a pipe-line with another kind of relevant substance upon which such duty has been charged, and
  - (b) the mixing is approved mixing (see subsection (5)).<sup>145</sup>
- (2) If the Treasury is of the opinion that —
  - (a) the amount of duty that would be charged on the mixture (if duty were charged at the time of mixing), is greater than
  - (b) the total amount of duty charged as mentioned in subsection (1)(a),it may charge under this section a duty of excise on the mixture of an amount equal to the difference.<sup>146</sup>
- (3) If the Treasury is of the opinion that the amount mentioned in subsection (2)(a) is less than the amount mentioned in subsection (2)(b), it may make under this section an allowance of an amount equal to the difference.<sup>147</sup>
- (4) Where a charge or allowance is made under this section, any relief or rebate which was permitted or allowed in respect of the charges mentioned in subsection (1)(a) is for the purposes of this Act to be disregarded.<sup>148</sup>
- (4A) In this section “relevant substance” means biodiesel, bioethanol, bioblend, bioethanol blend or hydrocarbon oil.<sup>149</sup>
- (4B) The cases that fall within subsection (1)(a) include cases where one kind of hydrocarbon oil is mixed with another kind of hydrocarbon oil.<sup>150</sup>
- (5) The Treasury may make regulations —
  - (a) enabling it to grant to persons (whether individually or of a specified class) permission to mix relevant substances (or specified kinds of relevant substances) in a pipe-line, and to withdraw permission for reasonable cause;<sup>151</sup>
  - (b) enabling permission to be granted subject to conditions and conditions to be varied for reasonable cause,and in this section “approved mixing” means mixing in accordance with permission under the regulations.
- (6) The Treasury may make regulations —
  - (a) for prescribing the method of charging the duty under this section;

- (b) for determining the form of the allowance under this section (which may be by way of repayment or otherwise) and the time the allowance may be made.

*Administration and enforcement*

### **23A Power to allow reliefs**

[P1979/5/20AA]

- (1) The Treasury may make regulations allowing reliefs as regards —
  - (a) any duty of excise which has been charged in respect of hydrocarbon oil, or road fuel gas;<sup>152</sup>
  - (b) any amount which has been paid to the Treasury under section 12(2), 13ZB(2) or 14C(3) above;<sup>153</sup>
  - (c) any amount which would (apart from the regulations) be payable to the Treasury under section 12(2), 13ZB(2) or 14C(3) above.<sup>154</sup>
- (2) The regulations may include such provision as the Treasury thinks fit in connection with allowing reliefs, and in particular may —
  - (a) provide for relief to take the form of a repayment or remission or an allowance to be set off against duty payable to the Treasury by the person claiming relief;<sup>155</sup>
  - (b) provide for relief to be allowed in cases or classes of case set out in the regulations;
  - (c) provide for relief to be allowed to the extent set out in the regulations;
  - (d) provide for relief to be allowed subject to conditions imposed by the regulations;
  - (e) provide for relief to be allowed subject to such conditions as the Treasury may impose on the person claiming relief;
  - (f) provide for the taking of samples of hydrocarbon oil in order to ascertain whether relief should be allowed or has been properly allowed;
  - (g) make provision as to administration (which may include provision requiring the making of applications for relief);
  - (ga) provide for oil on which relief is allowed to be treated for the purposes of this Act as oil on which a rebate has been allowed;<sup>156</sup>
  - (h) make different provision in relation to different cases or classes of case;
  - (i) include such supplementary, incidental, consequential or transitional provisions as appear to the Treasury to be necessary or expedient.



- (3) The conditions which may be imposed as mentioned in subsection (2)(d) or (e) above may include conditions as to the physical security of premises, the provision (by bond or otherwise) of security for payment, or such other matters as the Treasury thinks fit.
- (4) Where a person contravenes or fails to comply with any regulation made under this section or any condition imposed by or under such a regulation —
  - (a) his contravention or failure to comply shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties); and<sup>157</sup>
  - (b) any goods in respect of which the contravention or failure occurred shall be liable to forfeiture.
- (5) A reference in this section to a duty of excise includes a reference to any addition to such duty by virtue of section 1 of the *Excise Duties (Surcharges or Rebates) Act 1986*.
- (6) Schedule 4 to this Act shall have effect with respect to any sample of hydrocarbon oil taken in pursuance of regulations made under this section.<sup>158</sup>

### **23AB Power to allow reliefs for fuel testing etc**

- (1) The Treasury may by regulations make provision allowing reliefs as regards excise duty charged in respect of experimental fuel where —
  - (a) the fuel is, or is to be, used for the purposes of a fuel-testing project that is approved by the Treasury,
  - (b) the project is approved for the purposes of the development of the fuel (see subsection (8)(a)), and
  - (c) the use takes place, or is to take place, during the period that, for the purposes of the project, is the relief period for the fuel (see subsection (8)(b)).
- (2) In this section “experimental fuel” means a substance of a description specified in regulations made by the Treasury.
- (3) For each experimental fuel, the Treasury shall by regulations make provision specifying —
  - (a) the beginning and end of the period that is the experimental period for that fuel; and
  - (b) the form that (subject to any directions under subsection (9)(a)) is to be taken by relief under this section as regards excise duty chargeable on that fuel.
- (4) A form of relief specified under subsection (3)(b) must be an authorised form; and for the purposes of this section “an authorised form” is —
  - (a) a repayment, or
  - (b) a rebate (or extra rebate).

- (5) Relief under this section shall be allowed —
- (a) to the extent specified in, or determined in accordance with, regulations under subsection (1), and
  - (b) subject to —
    - (i) such conditions as the Treasury may impose, and
    - (ii) any directions under subsection (9)(b).
- (6) The conditions that may be imposed under subsection (5)(b)(i) include, in particular, conditions in connection with —
- (a) the collection, keeping, compilation or analysis, or
  - (b) the supply to the Treasury or other persons,
- of data, or information, relating to the production, use or performance of an experimental fuel.
- (7) Subsections (8) and (9) apply where the Treasury has approved a fuel-testing project.
- (8) The Treasury shall give directions specifying —
- (a) each experimental fuel for the purposes of whose development the project is approved;
  - (b) for each fuel specified under paragraph (a), the beginning and end of the period that, for the purposes of the project, is (in accordance with subsection (10)) the relief period for the fuel; and
  - (c) any conditions imposed under subsection (5)(b)(i) that apply to the allowance under this section of relief as regards excise duty chargeable in respect of an experimental fuel used, or to be used, for the purposes of the project.
- (9) The Treasury may give directions —
- (a) providing for relief as regards excise duty chargeable in respect of an experimental fuel used, or to be used, for the purposes of the project to take an authorised form different to the form specified under subsection (3)(b);
  - (b) as to administration in connection with allowing reliefs under this section as regards excise duty chargeable in respect of an experimental fuel used, or to be used, for the purposes of the project.
- (10) For the purposes of subsection (8)(b) —
- (a) the beginning of the relief period for a fuel may not be earlier than the beginning of the experimental period for that fuel; and
  - (b) the end of the relief period for a fuel may not be later than the end of the experimental period for that fuel.
- (11) In this section —
- “excise duty” means —

- (a) excise duty chargeable by virtue of this Act, or
- (b) any addition to such duty by virtue of section 1 of the *Excise Duties (Surcharges or Rebates) Act 1986*;

“fuel-testing project” means a pilot project connected with the technological development of environment-friendly fuels.

- (12) Regulations under this section may make different provision for different cases.<sup>159</sup>

### 23B Mixing of rebated oil

- (1) A duty of excise shall be charged on a mixture which is —
  - (a) produced by mixing fully rebated heavy oil with heavy oil which is not fully rebated, and
  - (b) supplied for use as fuel for any engine, motor or other machinery.
- (2) A duty of excise shall be charged on a mixture which is —
  - (a) produced by mixing partially rebated heavy oil with heavy oil which is not partially rebated, and
  - (b) supplied for use as fuel for any engine, motor or other machinery;but a mixture on which duty is charged under subsection (1) shall not be charged under this subsection.
- (3) [Repealed]<sup>160</sup>
- (4) The rate of duty on a mixture under subsection (1) or (2) shall be —
  - (a) in the case of a mixture supplied for use as fuel for a road vehicle, the rate of duty specified in section 6(1A)(c) (general rate for heavy oil), and<sup>161</sup>
  - (b) in any other case, equivalent to the rate of rebate specified in section 11(1)(b) (general rate for gas oil).
- (5) [Repealed]<sup>162</sup>
- (6) For the purposes of this section —
  - (a) oil is fully rebated if a rebate has been allowed in respect of it under section 11(1)(c) (general rebate for heavy oil),
  - (b) oil is partially rebated if a rebate has been allowed in respect of it under any other provision of section 11 or under section 13ZA or 13AA, and<sup>163</sup>
  - (c) a reference to mixing is a reference to non-approved mixing (within the meaning given by section 20A(5)).
- (7) The person liable to pay duty charged under this section on supply or production of a mixture is the person supplying or producing the mixture.

- (8) Where duty under a provision of this Act has been paid on an ingredient of a mixture, the duty charged under this section shall be reduced by the amount of any duty that the Treasury is satisfied has been paid on the ingredient (but not to a negative amount).
- (9) The Treasury may exempt a person from liability to pay duty under any provision of this Act in respect of production or supply of a mixture of a kind described in subsection (1)(a) or (2)(a) if satisfied that —
  - (a) the liability was incurred accidentally, and
  - (b) in the circumstances the person should be exempted.<sup>164</sup>

### 23C Mixing of rebated oil: supplementary

- (1) A person who supplies or produces a mixture on which duty is charged under section 23B must notify the Treasury of the supply or production —
  - (a) in advance, or
  - (b) within the period of seven days beginning with the date of supply or production.<sup>165</sup>
- (2) [Repealed]<sup>166</sup>
- (3) Notification under subsection (1) must be given in such form and in such manner, and must contain such particulars, as the Treasury may direct.<sup>167</sup>
- (4) Subject to subsection (7), where it appears to the Treasury —
  - (a) that a person has produced or supplied a mixture on which duty is charged under section 23B, and
  - (b) that he is the person liable to pay the duty,it may assess the amount of duty due from him to the best of its judgement and notify that amount to him or his representative.
- (5) An assessment under subsection (4) shall be treated as if it were an assessment under section 12(1) of the Finance Act 1994 as it has effect in the Island.
- (6) The Treasury may give a direction that a person who is, or expects to be, liable to pay duty charged under section 23B —
  - (a) shall account for duty charged under that section by reference to such periods (“accounting periods”) as may be determined by or under the direction;
  - (b) shall make, in relation to accounting periods, returns in such form and at such times and containing such particulars as may be so determined;
  - (c) shall pay duty charged under that section at such times and in such manner as may be so determined.

- (7) The power to make an assessment under subsection (4) does not apply in relation to a person who is for the time being subject to a direction under subsection (6).
- (8) Where any person —
- (a) fails to give a notification which he is required to give under subsection (1), or
  - (b) fails to comply with a direction under subsection (6),
- his failure shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties) as it has effect in the Island.<sup>168</sup>

### **23CA Prohibition on mixing of aqua methanol**

- (1) Aqua methanol on which duty under section 6AG(3)(a) has been charged must not be mixed with any relevant substance.
- (2) In subsection (1) “relevant substance” means biodiesel, bioethanol, bioblend, bioethanol blend or hydrocarbon oil.
- (3) A person commits an offence under this subsection if —
- (a) the person intentionally uses aqua methanol in contravention of subsection (1); or
  - (b) the person supplies aqua methanol, intending that it will be used in contravention of subsection (1).
- (4) A person guilty of an offence under subsection (3) shall be liable —
- (a) on summary conviction to custody for a term not exceeding 6 months, or to a fine not exceeding £5,000 or 3 times the value of the aqua methanol in question (if greater), or both; or
  - (b) on conviction on information, to custody for a term not exceeding 7 years or a fine, or both.
- (5) Any aqua methanol, or any mixture containing aqua methanol, in respect of which an offence under subsection (3) has been committed shall be liable to forfeiture.<sup>169</sup>

### **23CB Mixing of aqua methanol in contravention of prohibition: adjustment of duty**

- (1) A duty of excise shall be charged on a mixture which is produced by mixing aqua methanol on which duty under section 6AG(3)(a) of this Act has been charged with a relevant substance.
- (2) In subsection (1) “relevant substance” means biodiesel, bioethanol, bioblend, bioethanol blend or hydrocarbon oil.
- (3) The rate of duty on a mixture under subsection (1) shall be the rate of duty specified in section 6(1A)(c) (general rate for heavy oil).

- (4) The person liable to pay duty charged under this section on production of a mixture is the person producing the mixture.
- (5) Where it appears to the Treasury —
  - (a) that a person (“P”) has produced a mixture on which duty is charged under this section; and
  - (b) that P is the person liable to pay the duty,it may assess the amount of duty due from P to the best of its judgment and notify that amount to P or P’s representative.
- (6) An assessment under subsection (5) shall be treated as if it were an assessment under section 12(1) of the Finance Act 1994 (of Parliament), as it has effect in the Island.<sup>1</sup>
- (7) Where duty under a provision of this Act has been paid on an ingredient of a mixture, the duty charged under this section shall be reduced by the amount of any duty which the Treasury is satisfied has been paid on the ingredient (but not to a negative amount).
- (8) The Treasury may exempt a person from liability to pay duty under this section in respect of production of a mixture of a kind described in subsection (1) if satisfied that —
  - (a) the liability was incurred accidentally; and
  - (b) in the circumstances the person should be exempted.<sup>170</sup>

### **23D Determination by Treasury of composition of substance**

- (1) The Treasury may, for any prescribed purpose, determine in such way as it considers appropriate the proportion of any substance that is biodiesel or bioethanol.
- (2) In subsection (1) “prescribed purpose” means a purpose, prescribed by regulations made by the Treasury, that relates to any duty under this Act.<sup>171</sup>

## **24 Regulations with respect to hydrocarbon oil, petrol substitutes and road fuel gas**

[P1979/5/21]

- (1) The Treasury may, with a view to the protection of the revenue, make regulations —
  - (a) for any of the purposes specified in Part I of Schedule 2 (which relates to hydrocarbon oil);
  - (b) [Repealed]<sup>172</sup>

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<sup>1</sup> 1994 c.9 (of Parliament). Applied in the Island by SD 369/94.

- (c) for any of the purposes specified in Part III of that Schedule (which relates to road fuel gas).
- (2) In the case of regulations made for the purposes mentioned in subsection (1)(a), different regulations may be made for different classes of hydrocarbon oil; and the power to make such regulations shall include power to make regulations —
  - (a) regulating the allowance and payment of drawback under or by virtue of section 16; and
  - (b) for making the allowance and payment of drawback by virtue of an order under subsection (2) of section 12, or subsection (3) of section 13AA, subject to such conditions as the Treasury sees fit to impose for the protection of the revenue.<sup>173</sup>
- (2A) In the case of regulations made for the purposes mentioned in subsection (1)(b), different regulations may be made for different classes of road fuel gas.<sup>174</sup>
- (3) Where any person contravenes any regulation made under this section his contravention shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties), and any goods in respect of which any person contravenes any such regulation shall be liable to forfeiture.<sup>175</sup>

## **25 Prohibition on use of fuel substitutes on which duty has not been paid<sup>176</sup>**

[P1979/5/22]

- (1) Where any person —
  - (a) puts to a chargeable use (within the meaning of section 6A) any liquid which is not hydrocarbon oil; and
  - (b) knows or has reasonable cause to believe that there is duty charged under section 6A on that liquid which has not been paid and is not lawfully deferred,

his putting the liquid to that use shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties), and any goods in respect of which any person contravenes this subsection shall be liable to forfeiture.<sup>177</sup>

- (1AA) Where any person —
  - (a) puts any biodiesel to a chargeable use (within the meaning of section 6AA), and
  - (b) knows or has reasonable cause to believe that there is duty charged under section 6AA on that biodiesel which has not been paid and is not lawfully deferred,

his putting the biodiesel to that use shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties), and any goods in respect of which any person contravenes this subsection shall be liable to forfeiture.<sup>178</sup>

- (1AB) Where any person —

- (a) puts any bioethanol to a chargeable use (within the meaning of section 6AD), and
- (b) knows or has reasonable cause to believe that there is duty charged under section 6AD on that bioethanol which has not been paid and is not lawfully deferred,

his putting the bioethanol to that use shall attract a penalty under section 9 of the Finance Act 1994 of Parliament, as it has effect in the Island, and any goods in respect of which a person contravenes this section shall be liable to forfeiture.<sup>179</sup>

(1AC) Where any person —

- (a) puts any aqua methanol to a chargeable use (within the meaning of section 6AG); and
- (b) knows or has reasonable cause to believe that there is duty charged under section 6AG on that aqua methanol which has not been paid and is not lawfully deferred,

his or her putting the aqua methanol to that use shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties)<sup>2</sup>, as it has effect in the Island, and any goods in respect of which a person contravenes this section shall be liable to forfeiture.<sup>180</sup>

(1A) Section 10 of the Finance Act 1994 (exception for cases of reasonable excuse) shall not apply in relation to conduct attracting a penalty by virtue of subsection (1), (1AA), (1AB) or (1AC).<sup>181</sup>

(2) In subsection (1), “liquid” does not include any substance which is gaseous at a temperature of 15°C and under a pressure of 1013.25 millibars.

## **26 Prohibition on use etc of road fuel gas on which duty has not been paid**

[P1979/5/23]

(1) Where any person —

- (a) uses as fuel in; or
- (b) takes as fuel into,

a road vehicle any road fuel gas on which he knows or has reasonable cause to believe that the excise duty chargeable under section 8 has not been paid his use of the road fuel gas or, as the case may be, his taking it as fuel into that vehicle shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties), and any goods in respect of which a person contravenes this subsection shall be liable to forfeiture.<sup>182</sup>

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<sup>2</sup> Section 9 was applied by SD 369/94.



- (1A) Section 10 of the Finance Act 1994 (exception for cases of reasonable excuse) shall not apply in relation to conduct attracting a penalty by virtue of subsection (1) above.<sup>183</sup>
- (1B) Where any person —
- (a) uses as fuel in, or
  - (b) takes as fuel into,
- a road vehicle any road fuel gas on which the excise duty chargeable under section 8 has not been paid, the Treasury may assess the amount of that duty as being excise duty due from that person and notify him or his representative accordingly.<sup>184</sup>
- (2) [Repealed]<sup>185</sup>

## 26A Regulation of traders in controlled oil

- (1) If a revenue trader who is not a registered excise dealer and shipper —
- (a) buys or sells controlled oil in the course of a trade or business, or
  - (b) in the course of a trade or business deals in controlled oil,
- his buying or selling, or dealing in the oil shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties).
- (2) Subsection (1) does not apply to the buying of oil by a revenue trader if —
- (a) the oil is for use by the trader, and
  - (b) that use does not involve selling or dealing in hydrocarbon oil.
- (3) Subsection (1) does not apply to the selling of oil by a revenue trader if —
- (a) that oil was for use by the trader,
  - (b) that use did not involve selling or dealing in hydrocarbon oil,
  - (c) that use came to an end before the oil was used, and
  - (d) the oil is sold after the use ends.
- (4) Where a revenue trader who is not a registered excise dealer and shipper is entitled to the possession of any controlled oil, the oil is liable to forfeiture.
- (5) Subsection (4) does not apply to oil if —
- (a) that oil is for use by the revenue trader, and
  - (b) that use does not involve selling or dealing in hydrocarbon oil.
- (6) Subsection (4) does not apply to oil if —
- (a) the oil was for use by the revenue trader,
  - (b) that use did not involve selling or dealing in hydrocarbon oil,
  - (c) that use has come to an end,
  - (d) that use came to an end before the oil was used, and

- (e) the oil is being held pending sale or other disposal.
- (7) Where oil is liable to forfeiture by virtue of subsection (4) —
- (a) anything mixed with the oil,
  - (b) any container in which the oil (and anything mixed with it) is kept, and
  - (c) any equipment kept for dispensing the contents of any such container,
- is liable to forfeiture.
- (8) This section shall have effect from a date to be appointed by order.<sup>186</sup>

### **26B Power to provide for exceptions to section 26A**

- (1) The Treasury may by regulations make provision for —
- (a) exceptions by section 26A(1) in addition to those allowed by section 26A(2) and (3);
  - (b) exceptions to section 26A(4) in addition to those allowed by section 26A(5) and (6);
  - (c) exceptions to section 26A(7).
- (2) Regulations under subsection (1) may provide for exceptions allowed by such regulations to have effect subject to conditions —
- (a) specified by such regulations;
  - (b) specified by the Treasury under such regulations.<sup>187</sup>

### **26C Warehousing**

- (1) For the purposes of Part VIII of the *Customs and Excise Management Act 1986* (warehousing) the substances specified in subsection (4) shall be treated as if they were chargeable with duty (and therefore within the scope of section 93(1)(a) or (c) of that Act) whether or not duty is in fact chargeable.
- (2) The Treasury may make regulations under section 94 of that Act (warehousing regulations) that relate to a substance specified in subsection (4).
- (3) In respect of a substance specified in subsection (4) which has been or is to be deposited in an excise warehouse by virtue of subsection (2), the Treasury may —
- (a) treat the substance, or make provision by regulations for treating the substance, as if duty were chargeable in relation to it by virtue of a specified enactment;
  - (b) make any regulations, or do any other thing, of a kind that they could make or do (whether or not by virtue of a provision of Part

VIII of that Act) in respect of a substance deposited in an excise warehouse under Part VIII of that Act.

- (4) The substances referred to in subsection (1) are —
- (a) petroleum gas,
  - (b) animal fat set aside for use as motor fuel or heating fuel,
  - (c) vegetable fat set aside for use as motor fuel or heating fuel,
  - (d) non-synthetic methanol set aside for use as motor fuel or heating fuel,
  - (da) aqua methanol,<sup>188</sup>
  - (e) biodiesel,
  - (f) a mixture of two or more substances specified in paragraphs (a) to (e), and
  - (g) any other substance specified for the purposes of this section in regulations made by the Treasury.
- (5) In subsection (4) —
- (a) “petroleum gas” means any hydrocarbon which —
    - (i) is gaseous at a temperature of 15°C and under a pressure of 1013.25 millibars, and
    - (ii) is not natural gas (as defined in paragraph (b)),
  - (b) “natural gas” means gas with a methane content of not less than 80%,
  - (c) “animal fat” means a triglyceride of animal origin,
  - (d) “vegetable fat” means a triglyceride of vegetable origin, and
  - (e) “non-synthetic methanol” means methyl alcohol of non-synthetic origin.
- (6) Regulations under subsection (4)(g) —
- (a) may make provision only if the Treasury thinks it necessary or expedient for a purpose connected with Council Directive 2008/118/EC concerning the general arrangements for excise duty,<sup>189</sup>
  - (b) may, in particular, make provision by reference to that Directive or any other Community instrument, and
  - (c) may, in particular, make provision by reference to the purpose for which a substance is intended to be used.<sup>190</sup>

**27 Control of use of duty-free and rebated oil**

[P1979/5/24]

- (1) The Treasury may make regulations for any of the purposes of section 9(1) or (4), any of sections 11 to 14E, section 18, section 20 or section 21, section 23AB, and in particular for the purposes specified in Schedule 3.<sup>191</sup>
- (2) The regulations may provide for restricting (whether by reference to locality, the obtaining of a licence from the Treasury or other matters) the cases in which payments to the Treasury under section 12(2), 13ZB(2), 13AA(3) or 14C(3) are to be effective for the purposes of those provisions.<sup>192</sup>
- (3) For the purposes of the Customs and Excise Acts 1986, the presence in any hydrocarbon oil, biodiesel or bioblend of a marker which, in regulations made under this section, is prescribed in relation to —
  - (a) oil delivered without payment of duty under section 9; or
  - (b) rebated heavy oil, rebated light oil, rebated biodiesel or rebated bioblend,<sup>193</sup>

shall be conclusive evidence that oil has been so delivered or, as the case may be, that the rebate in question has been allowed.<sup>194</sup>

- (4) Where any person contravenes any regulation made under this section his contravention shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties), and any goods in respect of which any person contravenes any such regulation shall be liable to forfeiture.<sup>195</sup>
- (4A) Where —
  - (a) a rebate of duty is allowed on any oil, biodiesel or bioblend, and<sup>196</sup>
  - (b) a person contravenes or fails to comply with any requirement which, by virtue of any regulations made under this section, is a condition of allowing the rebate,

the Treasury may assess an amount equal to the rebate as being excise duty due from that person, and notify him or his representative accordingly.<sup>197</sup>

- (4B) Where —
  - (a) any oil is delivered without payment of duty, and
  - (b) a person contravenes or fails to comply with any requirement which, by virtue of any regulations made under this section, is a condition of allowing the oil to be delivered without payment of duty,

the Treasury may assess an amount equal to the excise duty on like oil at the rate in force at the time of the contravention or failure to comply as being excise duty due from that person, and notify him or his representative accordingly.<sup>198</sup>

- (4C) In a case where subsection (4D) applies, the power of the Treasury under subsection (4A) includes power, if it appears to it to be appropriate, to assess (and notify) an amount less than the amount of the rebate concerned.<sup>199</sup>
- (4D) This subsection applies in any case where —
- (a) the Treasury has power to assess (and notify) an amount under subsection (4A) by virtue of a contravention of, or failure to comply with, a requirement such as is mentioned in paragraph 5 of Schedule 3 to this Act, and
  - (b) the marker whose addition is required by the requirement is present at the time of the contravention or failure but in such a proportion that its presence falls to be disregarded by virtue of provision made by regulations under this section for the purpose mentioned in paragraph 7 of that Schedule.<sup>200</sup>
- (5) Schedule 4 shall have effect with respect to any sample of hydrocarbon oil, biodiesel or bioblend taken in pursuance of regulations made under this section.<sup>201</sup>

#### **27AA Registered excise dealers and shippers regulations: special provision for traders in controlled oil**

- (1) For the purposes of section 107B(1)(p) of the Management Act (registered excise dealers and shippers regulations may, in particular, make provision authorised by this section), this section authorises provision —
- (a) requiring traders in controlled oil to notify prescribed information;
  - (b) requiring traders in controlled oil to make prescribed returns;
  - (c) authorising a trader in controlled oil to carry out or arrange for the carrying out of any prescribed activity falling within section 107B(1)(b) of the Management Act in relation to controlled oil, but subject to prescribed conditions or restrictions;
  - (d) requiring a trader in controlled oil to give security by prescribed means for amounts that may become due from him by way of repayment of rebate;
  - (e) for taking into account, in determining whether a trader in controlled oil has —
    - (i) contravened any provision of registered excise dealers and shippers regulations, or
    - (ii) failed to comply with any prescribed condition, restriction or requirement,the extent to which the trader has followed guidance issued by the Treasury (including guidance issued after the making of provision under this paragraph referring to it).

- (2) In this section —
- “prescribed” has the meaning given by section 107B(3) of the Management Act;
- “trader in controlled oil” means a registered excise dealer and shipper carrying on a trade or business that consists of or includes the dealing in, buying or selling of controlled oil.<sup>202</sup>

## 27A Penalties for misuse of marked oil

- (1) Marked oil shall not be used as fuel for a road vehicle.
- (2) For the purposes of this section marked oil is any hydrocarbon oil in which a marker is present which is for the time being designated by regulations made by the Treasury under subsection (3).
- (3) The Treasury may for the purposes of this section designate any marker which appears to it to be used for the purposes of the law of any place (whether within or outside the Isle of Man) for identifying hydrocarbon oil that is not to be used as fuel for road vehicles, or for road vehicles of a particular description.
- (4) [Repealed]<sup>203</sup>
- (5) Where a person uses any hydrocarbon oil in contravention of subsection (1), his use of the oil shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties) (as applied to the Isle of Man).
- (6) If a person who uses any marked oil in contravention of subsection (1) does so in the knowledge that the oil he is using is marked oil, he shall be guilty of an offence and liable —
- (a) on summary conviction, to a fine of the statutory maximum, or to custody for a term not exceeding 6 months, or to both;
- (b) on conviction on information, to a fine of any amount, or to a term of custody not exceeding 7 years, or to both.
- (7) Any marked oil which is in a road vehicle as part of the fuel supply for the engine which propels the vehicle shall be liable to forfeiture.
- (8) Where in any proceedings relating to this section a question arises as to the nature of any substance present at any time in any hydrocarbon oil —
- (a) a certificate of the Treasury to the effect that that substance is or was a marker designated for the purposes of this section shall be sufficient, unless the contrary is shown, for establishing that fact; and
- (b) any document purporting to be such a certificate shall be taken to be one unless it is shown not to be.<sup>204</sup>

*Supplementary*

## 28 Public documents

- (1) Without prejudice to subsection (2), the Treasury may by order amend the rate of any duty chargeable, and any rebate of duty allowable, under this Act.
- (2) Section 180 of the Management Act (Tynwald procedure, application of legislation, power to amend and date of commencement) shall have effect in relation to this Act as it has in relation to that Act and for this purpose, the references in that section to “section 190” and “the *Customs and Excise Management Act 1979*” shall be construed as references to “section 32” and “the *Hydrocarbon Oil Duties Act 1979*” respectively.

## 29 Directions

[P1979/5/26]

Directions given under any provision of this Act may make different provisions for different circumstances and may be varied or revoked by subsequent directions thereunder.

## 30 Interpretation

[P1979/5/27]

- (1) In this Act —

“**aqua methanol**” has the meaning given by section 2AC;<sup>205</sup>

“**aviation gasoline**” has the meaning given by section 1(8A);<sup>206</sup>

“**bioblend**” has the meaning given by section 6AB(2);<sup>207</sup>

“**biodiesel**” has the meaning given by section 2AA;<sup>208</sup>

“**bioethanol**” has the meaning given by section 2AB;<sup>209</sup>

“**bioethanol blend**” has the meaning given by section 6AE(2);

Definition of “**bioethanol blend**” inserted by SD566/04.]

“**controlled oil**” means hydrocarbon oil in respect of which a rebate has been allowed under section 11(1)(b), (ba) or (c) or 13AA or biodiesel or bioblend in respect of which a rebate has been allowed under section 14A or 14B;<sup>210</sup>

“**excepted vehicle**” means a vehicle that is an excepted vehicle within the meaning of Schedule 5;<sup>211</sup>

“**the Finance Act 1994**” means the Finance Act 1994, an Act of Parliament, as it has effect in the Island;<sup>212</sup>

“**gas oil**” has the meaning given by section 1(5);<sup>213</sup>

“**heavy oil**” has the meaning given by section 1(4);

“**higher octane unleaded petrol**” [Repealed]<sup>214</sup>

“**hydrocarbon oil**” has the meaning given by section 1(2);

“**kerosene**” has the meaning given by section 1(9);<sup>215</sup>

“**light oil**” has the meaning given by section 1(3);

“**the Management Act**” means the *Customs and Excise Management Act 1986*;

“**public authority**” has the meaning given in section 6 of the *Freedom of Information Act 2015*;<sup>216</sup>

“**petrol substitute**” [Repealed]

“**power methylated spirits**” [Repealed]<sup>217</sup>

“**rebate**” means rebate of duty under section 11, 13ZA, 13AA, 14, 14A, 14B or 23AB, but excludes supplementary rebate of duty under section 15, and “**rebated**” has a corresponding meaning;<sup>218</sup>

“**refinery**” means any premises which —

- (a) are approved by the Treasury for the treatment of hydrocarbon oil; or
- (b) are approved by it for the production of energy for use in the treatment of hydrocarbon oil at premises approved under paragraph (a) or in the production of hydrocarbon oil at other premises used for the production of such oil,

and the Treasury may approve any premises under paragraph (b) if it appears to it that more than one-third of the energy will be produced for such use as is mentioned in that paragraph;

“**road fuel gas**” has the meaning given by section 5;

“**road vehicle**” means a vehicle constructed or adapted for use on roads, but does not include any excepted vehicle.<sup>219</sup>

“**sulphur-free diesel**” [Repealed]<sup>220</sup>

“**sulphur-free petrol**” [Repealed]<sup>221</sup>

“**ultra low sulphur diesel**” [Repealed]<sup>222</sup>

“**ultra low sulphur petrol**” [Repealed]<sup>223</sup>

“**unleaded petrol**” has the meaning given by section 1(8).<sup>224</sup>

(1ZA) For the purposes of this Act, a substance is used as fuel for a vehicle if (and only if) it is used as fuel for —

- (a) the engine provided for propelling the vehicle, or
- (b) an engine which draws fuel from the same supply as that engine.<sup>225</sup>

(1ZB) For those purposes, a substance is taken into a vehicle as fuel, or as an additive or extender in any fuel, if (and only if) it is taken into the vehicle



as part of the supply from which the engine provided for propelling the vehicle draws fuel.<sup>226</sup>

- (1ZC) For those purposes, the following persons are liable for a substance being taken into a vehicle or into the fuel supply of an engine —
- (a) the person who has charge of the vehicle or engine at the time the substance is taken in, and
  - (b) the owner of the vehicle or engine at that time (or, if another person is entitled to possession of it at that time, that other person).<sup>227</sup>
- (1ZD) Subsection (1ZC) applies in relation to appliances and storage tanks as it applies in relation to vehicles.<sup>228</sup>
- (2) If in the case of any premises which the Treasury can approve under paragraph (b) of the definition of “refinery” in subsection (1) it appears to it appropriate to do so, it may direct that the provisions of this Act (other than that definition) shall apply to them as if, instead of being a refinery, they were other premises used for the production of hydrocarbon oil.
- (2A) The Treasury may by order amend Schedule 5 (excepted vehicles) to this Act so as to —
- (a) add a class of excepted vehicle;
  - (b) remove a class of excepted vehicle; or
  - (c) redefine a class of excepted vehicle.<sup>229</sup>
- (2B) Section 2A(2) and (3) shall apply to an order under subsection (2A).<sup>230</sup>
- (3) This Act and the other Acts included in the Customs and Excise Acts 1986 shall be construed as one Act but where a provision of this Act refers to this Act that reference is not to be construed as including a reference to any of the others.
- (4) Any expression used in this Act or in any instrument made under this Act to which a meaning is given by any other Act included in the Customs and Excise Acts 1986 has, except where the context otherwise requires, the same meaning in this Act or in any such instrument as in that Act; and for ease of reference the Table below indicates the expressions used in this Act to which a meaning is given by any other such Act —

*Management Act*

“container”

“the Customs and Excise Acts 1986”

“excise warehouse”

“goods”

“hovercraft”

“Manx waters”<sup>231</sup>

“occupier”  
“officer” and “proper” in relation to an officer  
“pipe-line”  
“port”  
“registered excise dealer and shipper”  
“representative”  
“revenue trader”  
“ship”  
“shipment”  
“stores”  
“warehouse”

*Alcoholic Liquor Duties Act 1986*

“spirits”.<sup>232</sup>

### **31 Consequential amendments and transitional provisions**

[P1979/5/28]

- (1) The enactments specified in Schedule 6 shall be amended in accordance with the provisions of that Schedule.
- (2) [Repealed]<sup>233</sup>
- (3) Any resolution of Tynwald which was in force immediately before this Act came into operation and which allowed a supplementary rebate on any hydrocarbon oil used in the Island, shall have effect as if it were an order made by the Treasury under section 15 and may be modified or revoked accordingly.

### **32 Citation and commencement**

- (1) This Act may be cited as the Hydrocarbon Oil Duties Act 1986 and is included in the Acts which may be cited as the Customs and Excise Acts 1986.
- (2) This Act shall come into operation on such day as the Treasury may by order appoint, and different days may be appointed for different purposes and different provisions.<sup>234</sup>

**SCHEDULE 1****MEANING OF “HORTICULTURAL PRODUCE” FOR PURPOSES OF RELIEF  
UNDER SECTION 18**

## Section 18(6)

In section 18 of this Act “horticultural produce” means —

- (a) fruit;
  - (b) vegetables of a kind grown for human consumption, including fungi, but not including maincrop potatoes or peas grown for seed, for harvesting dry or for vining;
  - (c) flowers, pot plants and decorative foliage;
  - (d) herbs;
  - (e) seeds other than pea seeds, and bulbs and other material, being seeds, bulbs or material for sowing or planting for the production of —
    - (i) fruit,
    - (ii) vegetables falling within paragraph (b),
    - (iii) flowers, plants or foliage falling within paragraph (c), or
    - (iv) herbs,or for reproduction of the seeds, bulbs or other material planted; or
  - (f) trees and shrubs, other than trees grown for the purpose of afforestation;
- but does not include hops.

**SCHEDULE 2****SUBJECTS FOR REGULATIONS UNDER SECTION 24**

## Section 24(1)

**PART I – HYDROCARBON OIL**

1. Prohibiting the production of hydrocarbon oil or any description of hydrocarbon oil except by a person holding a licence.
2. Fixing the date of expiration of any such licence.
3. Regulating the production, storage and warehousing of hydrocarbon oil or any description of hydrocarbon oil and the removal of any such oil to or from premises used for the production of any such oil.

4. Prohibiting the refining of hydrocarbon oil elsewhere than in a refinery.
5. Prohibiting the incorporation of gas in hydrocarbon oil elsewhere than in a refinery.
6. Regulating the use and storage of hydrocarbon oil in a refinery.
7. Regulating or prohibiting the removal to a refinery of hydrocarbon oil in respect of which any rebate has been allowed.
8. Regulating the removal of imported hydrocarbon oil to a refinery without payment of the excise duty on such oil.
9. Making provision for securing payment of the excise duty on any imported hydrocarbon oil received into a refinery.
10. Relieving from the excise duty chargeable on hydrocarbon oil produced in the Island any such oil intended for exportation or shipment as stores.
11. [Repealed]<sup>235</sup>
12. Conferring power to require information relating to the supply or use of aviation gasoline to be given by producers, dealers or users.
13. Requiring producers and users of and dealers in aviation gasoline to keep and produce records in relation to aviation gasoline.
14. Generally for securing and collecting the excise duty chargeable on hydrocarbon oil.

## **PART II**<sup>236</sup>

### **PART III – ROAD FUEL GAS**

20. Prohibiting the production of gas, and dealing in gas on which the excise duty has not been paid, except by persons holding a licence.
21. Fixing the date of expiration of any such licence.
22. Regulating the production, dealing in, storage and warehousing of gas and the removal of gas to and from premises used therefor.
23. Requiring containers for gas to be marked in the manner prescribed by the regulations.
24. Conferring power to require information relating to the supply or use of gas and containers for gas to be given by producers of and dealers in gas, and by the person

owning or possessing or for the time being in charge of any road vehicle which is constructed or adapted to use gas as fuel.

25. Requiring a person owning or possessing a road vehicle which is constructed or adapted to use gas as fuel to keep such accounts and records in such manner as may be prescribed by the regulations, and to preserve such books and documents relating to the supply of gas to or by him, or the use of gas by him, for such period as may be so prescribed.

26. Requiring the producing of books or documents relating to the supply or use of gas or the use of any road vehicle.

27. Authorising the entry and inspection of premises (other than private dwelling-houses) and the examination of road vehicles, and authorising, or requiring the giving of facilities for, the inspection of gas found on any premises entered or on or in any road vehicle.

28. Generally for securing and collecting the excise duty.

29. In this Part “**the excise duty**” means the excise duty chargeable under section 8 on gas, and “**gas**” means road fuel gas.

#### SCHEDULE 2A<sup>237</sup>

#### SCHEDULE 3

#### SUBJECTS FOR REGULATIONS UNDER SECTION 27

##### Section 27(1)

##### *As to grant of relief*

1. Regulating the approval of persons for purposes of section 9(1) or (4) or 14(1), whether individually or by reference to a class, and whether in relation to particular descriptions of oil or generally; enabling approval to be granted subject to conditions and providing for the conditions to be varied, or the approval revoked, for reasonable cause.

2. Enabling permission under section 9(1) to be granted subject to conditions as to the giving of security and otherwise.

3. Requiring claims or applications for repayment under section 9(4), 17, 18, 20 or 21 to be made at such times and in respect of such periods as are prescribed; providing that no such claim or application shall lie where the amount to be paid is less than the prescribed minimum; and preventing, where a claim or application can be made under section 9(4) or 20, the payment of drawback.<sup>238</sup>

*As to mixing of oil*

4. Imposing restrictions on the mixing with other oil of any rebated oil or oil delivered without payment of duty.

*As to marking of oil*

5. Requiring as a condition of allowing rebate on, or delivery without payment of duty of, any oil (subject to any exceptions provided by or under the regulations) that there shall have been added to that oil, at such times, in such manner and in such proportions as may be prescribed, one or more prescribed markers, with or without a prescribed colouring substance (not being a prescribed marker), and that a declaration to that effect is furnished.

6. Prescribing the substances which are to be used as markers.

7. Providing that the presence of a marker shall be disregarded if the proportion in which it is present is less than that prescribed for the purposes of this paragraph.

8. Prohibiting the addition to any oil of any prescribed marker or prescribed colouring substance except in such circumstances as may be prescribed.

9. Prohibiting the removal from any oil of any prescribed marker or prescribed colouring substance.

10. Prohibiting the addition to oil of any substance, not being a prescribed marker, which is calculated to impede the identification of a prescribed marker.

11. Regulating the storage or movement of prescribed markers.

12. Requiring any person who adds a prescribed marker to any oil to keep in such manner and to preserve for such period as may be prescribed such accounts and records in connection with his use of that marker as may be prescribed, and requiring the production of the accounts and records.

13. Requiring, in such circumstances or subject to such exceptions as may be prescribed, that any drum, storage tank, delivery pump or other container or outlet which contains any oil in which a prescribed marker is present shall be marked in the prescribed manner to indicate that the oil is not to be used as road fuel or for any other prohibited purpose.

14. Requiring any person who supplies oil in which a prescribed marker is present to deliver to the recipient a document containing a statement in the prescribed form to the effect that the oil is not to be used as road fuel or for any other prohibited purpose.

15. Prohibiting the sale of any oil the colour of which would prevent any prescribed colouring substance from being readily visible if present in the oil.

16. Prohibiting the importation of oil in which any prescribed marker, or any other substance which is calculated to impede the identification of a prescribed marker, is present.

*As to control of storage, supply etc. of oil, entry of premises etc.*

17. Regulating the storage or movement of oil.

18. Restricting the supply of oil in respect of which rebate has been allowed and not repaid or on which excise duty has not been paid.

19. Prohibiting the use of aviation gasoline otherwise than as a fuel for aircraft.

20. Prohibiting the taking of aviation gasoline into fuel tanks for engines other than aircraft engines.

21. Requiring a person owning or possessing a road vehicle which is constructed or adapted to use heavy oil as fuel to keep such accounts and records in such manner as may be prescribed, and to preserve such books and documents relating to the supply of heavy oil to or by him, or the use of heavy oil by him, for such period as may be prescribed.

22. Requiring the production of books or documents relating to the supply or use of oil or the use of any vehicle.

23. Authorising the entry and inspection of premises (other than private dwelling-houses) and the examination of vehicles, and authorising, or requiring the giving of facilities for, the inspection of oil found on any premises entered or on or in any vehicle and the taking of samples of any oil inspected.

#### *Interpretation*

24. In this Schedule —

“oil” means hydrocarbon oil;

“prescribed” means prescribed by regulations made under section 27.<sup>239</sup>

#### SCHEDULE 4

##### SAMPLING

Section 23A(6) and 27(5)

1. The person taking a sample —

- (a) if he takes it from a motor vehicle, shall if practicable to do so in the presence of a person appearing to him to be the owner or person for the time being in charge of the vehicle;

- (b) if he takes the sample on any premises but not from a motor vehicle, shall if practicable take it in the presence of a person appearing to him to be the occupier of the premises or for the time being in charge of the part of the premises from which it is taken.

2. (1) The result of an analysis of a sample shall not be admissible —
- (a) in criminal proceedings under the Customs and Excise Acts 1986; or
  - (b) on behalf of the Treasury in any civil proceedings under those Acts, unless the analysis was made by an authorised analyst and the requirements of paragraph 1 (where applicable) and of the following provisions of this paragraph have been complied with.

(2) The person taking a sample must at the time have divided it into three parts (including the part to be analysed), marked and sealed or fastened up each part, and —

- (a) delivered one part to the person in whose presence the sample was taken in accordance with paragraph 1, if he requires it; and
- (b) retained one part for future comparison.

(3) Where it was not practicable to comply with the relevant requirements of paragraph 1, the person taking the sample must have served notice on the owner or person in charge of the vehicle or, as the case may be, the occupier of the premises informing him that the sample has been taken and that one part of it is available for delivery to him, if he requires it, at such time and place as may be specified in the notice.

3. (1) Subject to sub-paragraph (2), in any such proceedings as are mentioned in paragraph 2(1) a certificate purporting to be signed by an authorised analyst and certifying the presence of any substance in any sample as may be specified in the certificate shall be evidence, of the facts stated in it.<sup>240</sup>

(2) Without prejudice to the admissibility of the evidence of the analyst such a certificate shall not be admissible as evidence —

- (a) unless a copy of it has, not less than 7 days before the hearing, been served by, or on behalf of, the prosecutor or, in the case of civil proceedings, the Treasury on all other parties to the proceedings; or
- (b) if any of those other parties, not less than 3 days before the hearing or within such further time as the court may in special circumstances allow, serves notice on the prosecutor, or as the case may be, the Treasury requiring the attendance at the hearing of the person by whom the analysis was made.

4. (1) Any notice required or authorised to be given under this Schedule shall be in writing.



(2) Any such notice shall be deemed, unless the contrary is shown, to have been received by a person if it is shown to have been left for him at his last-known residence or place of business in the Island.

(3) Any such notice may be given by post, and the letter containing the notice may be sent to the last-known residence or place of business in the Island of the person to whom it is directed.

(4) Any such notice given to the secretary or clerk of a company or body of persons (incorporated or unincorporated) on behalf of the company or body shall be deemed to have been given to the company or body; and for the purpose of the foregoing provisions of this paragraph any such company or body of persons having an office in the Island shall be treated as resident at that office or, if it has more than one, at the registered or principal office.

(5) Where any such notice is to be given to any person as the occupier of any land, and it is not practicable after reasonable inquiry to ascertain —

- (a) what is the name of any person being the occupier of the land; or
- (b) whether or not there is a person being the occupier of the land, the notice may be addressed to the person concerned by any sufficient description of the capacity in which it is given to him.

(6) In any case to which sub-paragraph (5) applies, and in any other case where it is not practicable after reasonable inquiry to ascertain an address in the Island for the service of a notice to be given to a person as being the occupier of any land, the notice shall be deemed to have been received by the person concerned on being left for him on the land, either in the hands of a responsible person or conspicuously affixed to some building or object on the land.

(7) Sub-paragraphs (2) to (6) shall not affect the validity of any notice duly given otherwise than in accordance with those sub-paragraphs.

5. In this Schedule “**authorised analyst**” means —

- (a) the public analyst or a person acting under his direction; or
- (b) any chemist authorised by the Treasury to make analyses for the purposes of this Schedule.

6. References in this Schedule to the taking of a sample or to a sample shall be construed respectively as references to the taking of a sample in pursuance of regulations under section 23A or 27 and to a sample so taken.<sup>241</sup>

7. This Schedule shall have effect in its application to a vehicle of which a person other than the owner is, or is for the time being, entitled to possession as if for references to the owner there were substituted references to the person entitled to possession.

**SCHEDULE 5**  
**EXCEPTED VEHICLES**

Section 30(1)<sup>242</sup>

*Unlicensed vehicles not used on public roads*

1. A vehicle is an excepted vehicle while —
- (a) it is not used on a public road, and
  - (b) no licence under the *Licensing and Registration of Vehicles Act 1985* is in force in respect of it.

*Tractors*

2. (1) A vehicle is an excepted vehicle if it is —
- (a) an agricultural tractor.
  - (b) [Repealed]<sup>243</sup>
- (2) In sub-paragraph (1) “agricultural tractor” means a tractor which —
- (a) is designed and constructed primarily for use otherwise than on roads, and
  - (b) is not used on public roads otherwise than for —
    - (i) purposes relating to agriculture, horticulture or forestry;
    - (ii) cutting verges bordering public roads;
    - (iii) cutting hedges or trees bordering public roads or bordering verges which border public roads;
    - (iv) spreading material on roads to deal with frost, ice or snow;<sup>244</sup>
    - (v) proceeding to and from the place where the tractor is to be used or has been used for the purpose in sub-paragraph (iv); or<sup>245</sup>
    - (vi) collecting or returning equipment or material needed for the purposes of sub-paragraph (iv).<sup>246 247 248</sup>
- (3) [Repealed]<sup>249</sup>
- (4) [Repealed]<sup>250</sup>

*Light agricultural vehicles*

3. (1) A vehicle is an excepted vehicle if it is a light agricultural vehicle.
- (2) In sub-paragraph (1) “light agricultural vehicle” means a vehicle which —
- (a) has a weight not exceeding 1,000 kilograms,

- (b) is designed and constructed so as to seat only the driver,
- (c) is designed and constructed primarily for use otherwise than on roads, and
- (d) is not otherwise than for —
  - (i) purposes relating to agriculture, horticulture or forestry;
  - (ii) spreading material on roads to deal with frost, ice or snow;
  - (iii) proceeding to or from the place where the vehicle is to be used or has been used for the purposes in sub-paragraph (ii); or
  - (iv) collecting or returning equipment or material needed for the purpose in sub-paragraph (ii).<sup>251</sup>

*Agricultural material handlers*

- 3A. (1) An agricultural material handler is an excepted vehicle.
- (2) In sub-paragraph (1), an “agricultural material handler” means a vehicle which is —
- (a) designed and constructed primarily for use otherwise than on roads,
  - (b) designed to lift goods or burden, and
  - (c) not used on public roads otherwise than for —
    - (i) purposes relating to agriculture, horticulture or forestry;
    - (ii) cutting verges bordering public roads;
    - (iii) cutting hedges or trees bordering public roads or bordering verges which border public roads;
    - (iv) spreading material on roads to deal with frost, ice or snow;<sup>252</sup>
    - (v) proceeding to or from the place where the tractor is to be used or has been used for the purpose in sub-paragraph (iv); or<sup>253</sup>
    - (vi) collecting or returning equipment or material needed for the purpose of sub-paragraph (iv).<sup>254 255 256</sup>

*Agricultural engines*

4. (1) An agricultural engine is an excepted vehicle.
- (2) In sub-paragraph (1), “agricultural engine” means a vehicle which —
- (a) is designed and constructed primarily for use otherwise than on roads,
  - (b) is designed, and used, solely for purposes relating to agriculture, horticulture or forestry,

- (c) is used on public roads only for proceeding to and from the place where it is to be or has been used for those purposes, and
- (d) when so proceeding does not carry any load except such as is necessary for its propulsion or for the operation of any machinery built-in or permanently attached to the vehicle.<sup>257</sup>

Agricultural processing vehicles

4A. (1) An agricultural processing vehicle is an excepted vehicle.

(2) In sub-paragraph (1), an “agricultural processing vehicle” means a vehicle which —

- (a) is used for the conveyance of built-in processing machinery,
- (b) is used on public roads only for proceeding to and from the place where that processing machinery is to be used, and
- (c) when so proceeding does not carry any load except such as is necessary for its propulsion or for the operation of any machinery built-in or permanently attached to the vehicle.<sup>258</sup>

Vehicles used between different parts of land

5. A vehicle is an excepted vehicle if —

- (a) it is used only for purposes relating to agriculture, horticulture or forestry,
- (b) it is used on public roads only in passing between different areas of land occupied by the same person, and
- (c) the distance it travels on public roads in passing between any two such areas does not exceed 1.5 kilometres.

*Mowing machines*

6. A mowing machine is an excepted vehicle.

*Snow clearing vehicles*

7. A vehicle is an excepted vehicle when it is —

- (a) being used, or
- (b) going to or from the place where it is to be or has been used, for the purpose of clearing snow from public roads by means of a snow plough or similar device (whether or not forming part of the vehicle).

*Gritters*

8. A vehicle is an excepted vehicle if it is constructed or adapted, and used, solely for the conveyance of machinery for spreading material on roads to deal with frost, ice or snow (with or without articles or materials used for the purposes of the machinery).

*Mobile cranes*

9. (1) A mobile crane is an excepted vehicle.

(2) In sub-paragraph (1) “mobile crane” means a vehicle which is designed and constructed as a mobile crane and which —

- (a) is used on public roads only as a crane in connection with work carried on at a site in the immediate vicinity or for the purpose of proceeding to and from a place where it is to be or has been used as a crane,
- (b) when so proceeding does not carry any load except such as is necessary for its propulsion or the operation of built-in lifting apparatus.<sup>259</sup>
- (c) if its maximum gross weight exceeds 3,500 kilograms, and<sup>260</sup>
- (d) in sub-paragraph (c), “maximum gross weight” has the same meaning as in regulation 3 of the Road Vehicles (Maintenance and Use) Regulations 2002 [SD673/02].<sup>261</sup>

*Mobile pumping vehicles*

9A. (1) A mobile pumping vehicle is an excepted vehicle.

(2) In sub-paragraph (1), a “mobile pumping vehicle” means a vehicle —

- (a) which is constructed or adapted for use, and used, for the conveyance of a pump and jib satisfying the requirements specified in sub-paragraph (3),
- (b) which is used on public roads only —
  - (i) when the vehicle is stationary and the pump is being used to pump material from a point in the immediate vicinity to another such point, or
  - (ii) for the purposes of proceeding to and from a place where the pump is to be or has been used, and
- (c) which when so proceeding, does not carry —
  - (i) the material that is to be or has been pumped, or
  - (ii) any other load except such as is necessary for the propulsion or equipment of the vehicle or for the operation of the pump.

(3) The requirements referred to in sub-paragraph (2)(a) are that each of the pump and jib is —

- (a) built in as part of the vehicle, and
- (b) designed so that material pumped by the pump is delivered to a desired height or depth through piping that —
  - (i) is attached to the pump and the jib, and
  - (ii) is raised or lowered to that height or depth by operation of the jib.<sup>262</sup>

*Digging machines*

10. (1) A digging machine is an excepted vehicle.

(2) In sub-paragraph (1) “digging machine” means a vehicle which is designed, constructed and used for the purpose of trench digging, or any kind of excavating or shovelling work, and which —

- (a) is used on public roads only for that purpose or for the purpose of proceeding to and from the place where it is to be or has been used for that purpose, and
- (b) when so proceeding does not carry any load except such as is necessary for its propulsion or equipment.

*Works trucks*

11. (1) A works truck is an excepted vehicle.

(2) In sub-paragraph (1) “works truck” means a goods vehicle which is designed for use in private premises and is used on public roads only —

- (a) for carrying goods between private premises and a vehicle on a road within one kilometre of those premises,
- (b) in passing from one part of private premises to another,
- (c) in passing between private premises and other private premises in a case where the premises are within one kilometre of each other, or
- (d) in connection with road works at the site of the works or within one kilometre of the site of the works.

(3) In sub-paragraph (2) “goods vehicle” means a vehicle constructed or adapted for use and used for the conveyance of goods or burden of any description, whether in the course of trade or not.

12. [Repealed]<sup>263</sup>

*Road rollers*

13. A road roller is an excepted vehicle.

*Road surfacing vehicles*

- 13A. (1) A road surfacing vehicle is an excepted vehicle.
- (2) In sub-paragraph (1), “road surfacing vehicle” means a vehicle which —
- (a) is designed and constructed to perform an operation necessary to construct or restore the surface of a road,
  - (b) does not carry any load on a public road except such as is necessary for its propulsion or for the operation any machinery built-in or permanently attached to the vehicle, and
  - (c) has a maximum speed not exceeding 20 kilometres per hour.<sup>264</sup>

*Tar sprayers*

- 13B. (1) A tar sprayer is an excepted vehicle.
- (2) In sub-paragraph (1), a “tar sprayer” means a vehicle which is constructed or permanently adapted, and used, solely for spraying tar on to the road or for proceeding to and from the place where it is to be used or has been used for that purpose.<sup>265</sup>

*Interpretation*

14. In this Schedule “**public road**” means a road which is repairable at the public expense.

**SCHEDULE 6**

**AMENDMENT OF ENACTMENTS**

Section 31(1)<sup>266</sup>

**SCHEDULE 7**<sup>267</sup>





## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

<sup>1</sup> Subs (1) amended by SD201/08.

<sup>2</sup> Subs (5) added by SD445/97.

<sup>3</sup> Subs (6) repealed by SD640/08.

<sup>4</sup> Subs (6A) inserted by SD173/05 and repealed by SD640/08.

<sup>5</sup> Subs (7) repealed by SD640/08.

<sup>6</sup> Subs (7A) inserted by SD173/05 and repealed by SD640/08.

<sup>7</sup> Subs (8) substituted by SD173/05 and amended by SD640/08.

<sup>8</sup> Subs (8A) inserted by SD640/08.

<sup>9</sup> Original subs (9) repealed by SD521/02. Subs (9) added by SD201/08.

<sup>10</sup> Subs (1A) repealed by SD521/02.

<sup>11</sup> Subs (5) repealed by SD391/93.

<sup>12</sup> S 2AA inserted by SD521/02.

<sup>13</sup> S 2AB inserted by SD566/04.

<sup>14</sup> S 2AC inserted by SD2016/0269, effective in relation to supplies made on or after 01/10/2016.

<sup>15</sup> Para (za) inserted by SD640/08.

<sup>16</sup> Para (a) substituted by SD201/08.

<sup>17</sup> Para (b) substituted by SD201/08.

<sup>18</sup> Para (ba) inserted by SD2016/0269, effective in relation to supplies made on or after 01/10/2016.

<sup>19</sup> Para (c) substituted by SD201/08.

<sup>20</sup> Para (d) repealed by SD201/08.

<sup>21</sup> Para (e) repealed by SD201/08.

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- <sup>22</sup> Subss (1A) and (1B) inserted by SD521/02 and repealed by SD201/08.
- <sup>23</sup> Subs (1C) inserted by SD566/04.
- <sup>24</sup> S 2A inserted by SD542/00.
- <sup>25</sup> Subs (1) amended by SD566/04.
- <sup>26</sup> Subs (2) amended by SD521/02 and by SD566/04.
- <sup>27</sup> Subs (3) amended by SD521/02 and by SD566/04.
- <sup>28</sup> Subs (4) substituted by SD566/04.
- <sup>29</sup> S4 substituted by SD391/93. Subs (6) substituted by SD566/04.
- <sup>30</sup> Subs (2) added by SD173/05.
- <sup>31</sup> S 5A inserted by SD391/93.
- <sup>32</sup> Subs (1) amended by SD445/97 and by SD640/08.
- <sup>33</sup> Para (a) amended by SD188/11 effective 6 p.m. 23/3/2011.
- <sup>34</sup> Para (aa) inserted by SD338/09 and amended by SD188/11 effective 6 p.m. 23/3/2011.
- <sup>35</sup> Para (b) amended by SD188/11 effective 6 p.m. 23/3/2011.
- <sup>36</sup> Subs (1A) substituted by SD201/08. Para (c) amended by SD188/11 effective 6 p.m. 23/3/2011.
- <sup>37</sup> Subs (2A) repealed by GC116/90.
- <sup>38</sup> Subss (3) and (4) repealed by SD640/08.
- <sup>39</sup> Note: The provisions of section 6AA are subject to the provisions of paragraph 2(4) and (5) of SD521/02.
- <sup>40</sup> Para (c) added by SD566/04.
- <sup>41</sup> Subs (3) amended by SD247/10.
- <sup>42</sup> S 6AA inserted by SD521/02. Subs (4) added by SD201/08.
- <sup>43</sup> Note: The provisions of section 6AB are subject to the provisions of paragraph 2(4) and (5) of SD521/02.
- <sup>44</sup> Subs (3) substituted by SD247/10.
- <sup>45</sup> Subs (4) repealed by SD247/10.
- <sup>46</sup> Subs (4A) inserted by SD201/08.
- <sup>47</sup> Subs (5) repealed by SD247/10.
- <sup>48</sup> S 6AB inserted by SD521/02.
- <sup>49</sup> Note: The provisions of section 6AC are subject to the provisions of paragraph 2(4) and (5) of SD521/02.
- <sup>50</sup> S 6AC inserted by SD521/02.
- <sup>51</sup> S 6AD inserted by SD566/04 (as amended by SD903/04), with saving. Subs (3) amended by SD247/10.
- <sup>52</sup> Subs (3) substituted by SD247/10.
- <sup>53</sup> Subss (4) and (5) repealed by SD247/10.
- <sup>54</sup> S 6AE inserted by SD566/04, with saving.
- <sup>55</sup> S 6AF inserted by SD566/04.
- <sup>56</sup> S 6AG inserted by SD2016/0269, effective in relation to supplies made on or after 01/10/2016.

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- <sup>57</sup> S 6AH inserted by SD2016/0269, effective in relation to supplies made on or after 01/10/2016.
- <sup>58</sup> Para (f) inserted by SD2016/0269, effective in relation to supplies made on or after 01/10/2016.
- <sup>59</sup> Subs (1) amended by SD566/04.
- <sup>60</sup> Para (b) substituted by SD566/04.
- <sup>61</sup> Subs (2A) inserted by SD542/00.
- <sup>62</sup> Subs (5) amended by SD521/02.
- <sup>63</sup> Para (a) amended by SD521/02 as amended by SD569/03.
- <sup>64</sup> S 6A inserted by SD391/93.
- <sup>65</sup> S 7 repealed by SD391/93.
- <sup>66</sup> Subs (2) amended by SD201/08.
- <sup>67</sup> Para (a) amended by SD188/11 effective 23/3/2011.
- <sup>68</sup> Subs (3) substituted by SD173/05. Para (b) amended by SD188/11 effective 6 p.m. 23/3/2011.
- <sup>69</sup> Subs (4) repealed by SD201/08.
- <sup>70</sup> Subs (2) substituted by SD84/93.
- <sup>71</sup> Subs (3) repealed by SD84/93.
- <sup>72</sup> Para (b) repealed by SD84/93.
- <sup>73</sup> Subs (3) amended by SD460/94 and by SD226/97.
- <sup>74</sup> Subs (4) amended by SD460/94.
- <sup>75</sup> Para (b) amended by GC271/88.
- <sup>76</sup> Subs (8) repealed by SD201/08.
- <sup>77</sup> Para (a) amended by SD188/11 effective 6 p.m. 23/3/2011.
- <sup>78</sup> Para (b) amended by SD188/11 effective 6 p.m. 23/3/2011.
- <sup>79</sup> Para (ba) inserted by SD445/97 and repealed by SD201/08 and by SD640/08.
- <sup>80</sup> Subs (1) amended by SD607/96, by SD640/08 and by SD648/09. Para (c) amended by SD445/97.
- <sup>81</sup> Definition of “gas oil” repealed by SD445/97.
- <sup>82</sup> Subs (3) added by SD542/00.
- <sup>83</sup> Subs (4) added by SD542/00.
- <sup>84</sup> Subs (5) added by SD542/00.
- <sup>85</sup> Subs (6) added by SD521/02 and amended by SD566/04.
- <sup>86</sup> Subs (1) amended by SD521/02.
- <sup>87</sup> Subs (2) amended by SD607/96, by SD521/02 and by SD640/08.
- <sup>88</sup> Subs (3) repealed by SD201/08.
- <sup>89</sup> Subs (1) amended by SD460/94 and by SD167/00.
- <sup>90</sup> Subs (1A) inserted by SD167/00.
- <sup>91</sup> Subs (2) amended by SD460/94.
- <sup>92</sup> Para (b) amended by GC271/88.
- <sup>93</sup> S 13 amended by SD640/08. Subs (7) repealed by SD201/0 8.
- <sup>94</sup> S 13ZA inserted by SD640/08.
- <sup>95</sup> S 13ZB inserted by SD640/08.

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- <sup>96</sup> Subs (1) amended by SD173/05.
- <sup>97</sup> Subs (5) repealed by SD201/08.
- <sup>98</sup> Subs (6) amended by SD445/97, by SD173/05 and by SD201/08.
- <sup>99</sup> S 13AA inserted by SD607/96. Subs (7) added by SD566/04.
- <sup>100</sup> Para (a) substituted by SD570/98.
- <sup>101</sup> Para (a) substituted by SD570/98.
- <sup>102</sup> Subss (3) and (4) repealed by SD201/08.
- <sup>103</sup> S 13AB inserted by SD607/96 and amended by SD640/08.
- <sup>104</sup> Subs (6A) inserted by SD2019/0077 (as amended by SD2020/0403) with effect from 31/12/2020 at 23:00.
- <sup>105</sup> Subs (6B) inserted by SD2019/0077 (as amended by SD2020/0403) with effect from 31/12/2020 at 23:00.
- <sup>106</sup> Subs (6C) inserted by SD2019/0077 (as amended by SD2020/0403) with effect from 31/12/2020 at 23:00.
- <sup>107</sup> Definition of “private pleasure-flying” repealed by SD2019/0077 (as amended by SD2020/0403) with effect from 31/12/2020 at 23:00.
- <sup>108</sup> S 13AC inserted by SD640/08.
- <sup>109</sup> S 13AD inserted by SD640/08.
- <sup>110</sup> S 13A repealed by SD201/08 and by SD640/08.
- <sup>111</sup> Subs (1) amended by SD188/11 effective 6 p.m. 23/3/2011.
- <sup>112</sup> Subs (1A) inserted by SD566/04.
- <sup>113</sup> Subs (4) amended by SD460/94 and by SD226/97.
- <sup>114</sup> Subs (5) amended by SD460/94.
- <sup>115</sup> Para (b) amended by GC271/88.
- <sup>116</sup> Subs (9) repealed by SD201/08.
- <sup>117</sup> Para (a) amended by SD640/08.
- <sup>118</sup> Para (aa) inserted by SD640/08.
- <sup>119</sup> Para (b) amended by SD640/08.
- <sup>120</sup> Subs (2) amended by SD373/11 effective 6 pm 23/3/2011.
- <sup>121</sup> S 14A inserted by SD201/08. Subs (4) added by SD640/08.
- <sup>122</sup> S 14B inserted by SD201/08.
- <sup>123</sup> Para (b) amended by SD640/08.
- <sup>124</sup> Para (c) amended by SD640/08.
- <sup>125</sup> Para (d) added by SD640/08.
- <sup>126</sup> Subs (4A) inserted by SD640/08.
- <sup>127</sup> S 14C inserted by SD201/08.
- <sup>128</sup> Para (c) amended by SD648/09.
- <sup>129</sup> S 14D inserted by SD201/08.
- <sup>130</sup> Subs (7A) inserted by SD198/12 and repealed by SD2019/0077 (as amended by SD2020/0403) with effect from 31/12/2020 at 23:00.
- <sup>131</sup> Subs (7B) inserted by SD2019/0077 (as amended by SD2020/0403) with effect from 31/12/2020 at 23:00.



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- <sup>132</sup> Subs (7C) inserted by SD2019/0077 (as amended by SD2020/0403) with effect from 31/12/2020 at 23:00.
- <sup>133</sup> Subs (7D) inserted by SD2019/0077 (as amended by SD2020/0403) with effect from 31/12/2020 at 23:00.
- <sup>134</sup> Definition of “private pleasure craft” repealed by SD2019/0077 (as amended by SD2020/0403) with effect from 31/12/2020 at 23:00.
- <sup>135</sup> S 14E inserted by SD640/08.
- <sup>136</sup> S 14F inserted by SD640/08.
- <sup>137</sup> S 15 amended by Value Added Tax Act 1996 Sch 16.
- <sup>138</sup> Subs (1) amended by SD391/93 and by SD499/99 with saving.
- <sup>139</sup> S 17 repealed by SD201/08.
- <sup>140</sup> S 19 repealed by SD671/96.
- <sup>141</sup> Subs (1) amended by SD226/97.
- <sup>142</sup> Subs (4) repealed by SD460/94.
- <sup>143</sup> Subs (4) added by SD707/96.
- <sup>144</sup> Cross-heading amended by SD2016/0269, effective in relation to supplies made on or after 01/10/2016.
- <sup>145</sup> Subs (1) substituted by SD201/08.
- <sup>146</sup> Subs (2) substituted by SD201/08.
- <sup>147</sup> Subs (3) substituted by SD201/08.
- <sup>148</sup> Subs (4) substituted by SD201/08.
- <sup>149</sup> Subs (4A) inserted by SD201/08.
- <sup>150</sup> Subs (4B) inserted by SD201/08.
- <sup>151</sup> Para (a) amended by SD201/08.
- <sup>152</sup> Para (a) amended by SD391/93.
- <sup>153</sup> Para (b) amended by SD201/08 and by SD640/08.
- <sup>154</sup> Para (c) amended by SD201/08 and by SD640/08.
- <sup>155</sup> Para (a) amended by SD542/00.
- <sup>156</sup> Para (ga) inserted by SD542/00.
- <sup>157</sup> Para (a) substituted by SD460/94.
- <sup>158</sup> S 23A inserted by GC336/89.
- <sup>159</sup> S 23AB inserted by SD272/01.
- <sup>160</sup> Subs (3) repealed by SD201/08.
- <sup>161</sup> Para (a) amended by SD201/08 and by SD2016/0269, effective in relation to supplies made on or after 01/10/2016.
- <sup>162</sup> Subs (5) repealed by SD201/08.
- <sup>163</sup> Para (b) amended by SD640/08.
- <sup>164</sup> S 23B substituted by SD566/04 with saving. Subs (9) amended by SD201/08.
- <sup>165</sup> Subs (1) substituted by SD566/04.
- <sup>166</sup> Subs (2) repealed by SD566/04.
- <sup>167</sup> Subs (3) amended by SD566/04.
- <sup>168</sup> S 23C inserted by SD707/96.

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- <sup>169</sup> S 23CA inserted by SD2016/0269, effective in relation to supplies made on or after 01/10/2016.
- <sup>170</sup> S 23CB inserted by SD2016/0269, effective in relation to supplies made on or after 01/10/2016.
- <sup>171</sup> S 23D inserted by SD201/08.
- <sup>172</sup> Para (b) repealed by SD391/93.
- <sup>173</sup> Para (b) amended by SD521/02.
- <sup>174</sup> Subs (2A) inserted by SD173/05.
- <sup>175</sup> Subs (3) amended by SD460/94.
- <sup>176</sup> S 25 heading substituted by SD2016/0269, effective in relation to supplies made on or after 01/10/2016.
- <sup>177</sup> Subs (1) amended by SD391/93 and by SD460/94.
- <sup>178</sup> Subs (1AA) inserted by SD521/02.
- <sup>179</sup> Subs (1AB) inserted by SD566/04.
- <sup>180</sup> Subs (1AC) inserted by SD2016/0269, effective in relation to supplies made on or after 01/10/2016.
- <sup>181</sup> Subs (1A) inserted by SD460/94 and amended by SD566/04 and by SD2016/0269, effective in relation to supplies made on or after 01/10/2016.
- <sup>182</sup> Subs (1) amended by SD460/94.
- <sup>183</sup> Subs (1A) inserted by SD460/94.
- <sup>184</sup> Subs (1B) inserted by SD226/97.
- <sup>185</sup> Subs (2) repealed by SD201/08.
- <sup>186</sup> S 26A inserted by SD521/02.
- <sup>187</sup> S 26B inserted by SD521/02.
- <sup>188</sup> Para (da) inserted by SD2016/0269, effective in relation to supplies made on or after 01/10/2016.
- <sup>189</sup> Para (a) amended by SD685/10 effective 1/9/2010.
- <sup>190</sup> S 26C inserted by SD566/04.
- <sup>191</sup> Subs (1) amended by GC123/87, by SD378/96, by SD607/96, by SD671/96, by SD445/97, by SD272/01, by SD201/08 and by SD640/08.
- <sup>192</sup> Subs (2) amended by SD607/96, by SD201/08 and by SD640/08.
- <sup>193</sup> Para (b) amended by SD201/08.
- <sup>194</sup> Subs (3) amended by SD201/08.
- <sup>195</sup> Subs (4) amended by SD460/94.
- <sup>196</sup> Para (a) amended by SD201/08.
- <sup>197</sup> Subs (4A) inserted by SD226/97.
- <sup>198</sup> Subs (4B) inserted by SD226/97.
- <sup>199</sup> Subs (4C) inserted by SD542/00.
- <sup>200</sup> Subs (4D) inserted by SD542/00.
- <sup>201</sup> Subs (5) amended by SD201/08.
- <sup>202</sup> S 27AA inserted by SD521/02.
- <sup>203</sup> Subs (4) repealed by SD201/08.
- <sup>204</sup> S 27A inserted by SD378/96.

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- <sup>205</sup> Definition of “aqua methanol” inserted by SD2016/0269, effective in relation to supplies made on or after 01/10/2016.
- <sup>206</sup> Definition of “aviation gasoline” amended by SD640/08.
- <sup>207</sup> Definition of “bioblend” inserted by SD521/02.
- <sup>208</sup> Definition of “biodiesel” inserted by SD521/02.
- <sup>209</sup> Definition of “bioethanol” inserted by SD566/04.
- <sup>210</sup> Definition of “controlled oil” inserted by SD521/02 and amended by SD201/08.
- <sup>211</sup> Definition of “excepted vehicle” inserted by SD201/08.
- <sup>212</sup> Definition of “the Finance Act 1994” inserted by SD460/94.
- <sup>213</sup> Definition of “gas oil” inserted by SD445/97.
- <sup>214</sup> Definition of “higher octane unleaded petrol” repealed by SD521/02.
- <sup>215</sup> Definition of “kerosene” inserted by SD201/08.
- <sup>216</sup> Definition of “public authority” inserted by SD2019/0077 9as amended by SD2020/0403) with effect from 31/12/2020 at 23:00.
- <sup>217</sup> Definitions of “petrol substitute” and “power methylated spirits” repealed by SD391/93.
- <sup>218</sup> Definition of “rebate” amended by GC123/87, by SD272/01, by SD521/02, by SD201/08 and by SD640/08.
- <sup>219</sup> Definition of “road vehicle” amended by SD545/95 and by SD201/08.
- <sup>220</sup> Definition of “sulphur-free diesel” inserted by SD173/05 and repealed by SD640/08.
- <sup>221</sup> Definition of “sulphur-free petrol” inserted by SD173/05 and repealed by SD640/08.
- <sup>222</sup> Definition of “ultra low sulphur diesel” added by SD445/97 and repealed by SD640/08.
- <sup>223</sup> Definition of “ultra low sulphur petrol” added by SD650/00 and repealed by SD640/08.
- <sup>224</sup> Definition of “unleaded petrol”, originally definition of “unleaded petrol” and “leaded petrol”, added by SD650/00 and amended by SD640/08.
- <sup>225</sup> Subs (1ZA) inserted by SD201/08.
- <sup>226</sup> Subs (1ZB) inserted by SD201/08.
- <sup>227</sup> Subs (1ZC) inserted by SD201/08.
- <sup>228</sup> Subs (1ZD) inserted by SD201/08.
- <sup>229</sup> Subs (2A) inserted by SD593/06.
- <sup>230</sup> Subs (2B) inserted by SD593/06.
- <sup>231</sup> Entry inserted by SD198/12.
- <sup>232</sup> Subs (4) amended by SD545/95, by SD226/97 (wherein s 27(4) incorrectly cited) and by SD521/02.
- <sup>233</sup> Subs (2) repealed by Statute Law Revision Act 1992 Sch 2.
- <sup>234</sup> ADO (whole Act) 1/4/1987 (GC51/87).
- <sup>235</sup> Para 11 repealed by SD640/08.
- <sup>236</sup> Part II (paras 15 to 19) repealed by SD391/93.
- <sup>237</sup> Sch 2A repealed by SD566/04.
- <sup>238</sup> Para 3 amended by SD671/96 and by SD521/02.
- <sup>239</sup> Para 24 amended by SD201/08.

- <sup>240</sup> Subpara 24 amended by SD201/08.
- <sup>241</sup> Para 6 amended by GC336/89.
- <sup>242</sup> Sch 5 substituted by SD545/95.
- <sup>243</sup> Item (b) repealed by SD167/00.
- <sup>244</sup> Sub-item (iv) inserted by SD390/13.
- <sup>245</sup> Sub-item (v) inserted by SD390/13.
- <sup>246</sup> Sub-item (vi) inserted by SD390/13.
- <sup>247</sup> Item (b) amended by SD390/13.
- <sup>248</sup> Subpara (2) substituted by SD93/07.
- <sup>249</sup> Subpara (3) repealed by SD93/07.
- <sup>250</sup> Subpara (4) repealed by SD167/00.
- <sup>251</sup> Item (d) substituted by SD390/13.
- <sup>252</sup> Sub-item (iv) inserted by SD390/13.
- <sup>253</sup> Sub-item (v) inserted by SD390/13.
- <sup>254</sup> Sub-item (vi) inserted by SD390/13.
- <sup>255</sup> Item (c) amended by SD390/13.
- <sup>256</sup> Para 3A inserted by SD93/07.
- <sup>257</sup> Subpara (2) added by SD93/07.
- <sup>258</sup> Para 4A inserted by SD93/07.
- <sup>259</sup> Item (b) amended by SD93/07.
- <sup>260</sup> Item (c) added by SD93/07.
- <sup>261</sup> Item (d) added by SD93/07.
- <sup>262</sup> Para 9A inserted by SD93/07.
- <sup>263</sup> Para 12 repealed by SD93/07.
- <sup>264</sup> Para 13A inserted by SD93/07.
- <sup>265</sup> Para 13B inserted by SD93/07.
- <sup>266</sup> Sch 6 spent on the repeal of the Value Added Tax and Other Taxes Act 1973.
- <sup>267</sup> Sch 7 repealed by Statute Law Revision Act 1992 Sch 2.