



Finance Act 1991

1991 CHAPTER 31

PART I

CUSTOMS AND EXCISE, VALUE ADDED TAX AND CAR TAX

CHAPTER I

CUSTOMS AND EXCISE

Rates of duty

1 Spirits, beer, wine, made-wine and cider

- (1) In section 5 of the Alcoholic Liquor Duties Act 1979 (spirits) for “£17.35” there shall be substituted “£18.96”.
- (2) In section 36 of that Act (beer) for “£0.97” there shall be substituted “£1.06”.
- (3) For the Table of rates of duty in Schedule 1 to that Act (wine and made-wine) there shall be substituted the Table in Schedule 1 to this Act.
- (4) In section 62(1) of that Act (cider) for “£18.66” there shall be substituted “£20.40”.
- (5) This section shall be deemed to have come into force at 6 o'clock in the evening of 19th March 1991.

2 Tobacco products

- (1) For the Table in Schedule 1 to the Tobacco Products Duty Act 1979 there shall be substituted—

Status: This is the original version (as it was originally enacted).

“TABLE

1. Cigarettes	An amount equal to 21 per cent. of the retail price plus £40.15 per thousand cigarettes.
2. Cigars	£61.72 per kilogram.
3. Hand-rolling tobacco	£65.12 per kilogram.
4. Other smoking tobacco and chewing tobacco	£28.69 per kilogram.”

(2) This section shall be deemed to have come into force at 6 o'clock in the evening of 19th March 1991.

3 Hydrocarbon oil

(1) In section 6(1) of the Hydrocarbon Oil Duties Act 1979, for “£0.2248” (duty on light oil) and “£0.1902” (duty on heavy oil) there shall be substituted “£0.2585” and “£0.2187” respectively.

(2) In section 11(1) of that Act, for “£0.0083” (rebate on fuel oil) and “£0.0118” (rebate on gas oil) there shall be substituted “£0.0091” and “£0.0129” respectively.

(3) In section 13A(1) of that Act (rebate on unleaded petrol) for “£0.0299” there shall be substituted “£0.0344”.

(4) In section 14(1) of that Act (rebate on light oil for use as furnace fuel) for “£0.0083” there shall be substituted “£0.0091”.

(5) This section shall be deemed to have come into force at 6 o'clock in the evening of 19th March 1991.

4 Vehicles excise duty

(1) The Vehicles (Excise) Act 1971 shall be amended as follows.

(2) In Schedule 1 (annual rate of duty on certain vehicles not exceeding 450 kilograms unladen weight) in Part I, in paragraph 3 (interpretation) there shall be inserted at the end—

““weight unladen” shall be construed in accordance with section 190(2) of the Road Traffic Act 1988.”

(3) In Schedule 1, for the Table set out in Part II there shall be substituted—

<i>“Description of vehicle</i>	<i>Rate of duty</i>
	£
1. Bicycles of which the cylinder capacity of the engine does not exceed 150 cubic centimetres	15.00

Status: This is the original version (as it was originally enacted).

<i>“Description of vehicle</i>	<i>Rate of duty</i>
	<i>£</i>
2. Bicycles of which the cylinder capacity of the engine exceeds 150 cubic centimetres but does not exceed 250 cubic centimetres	30.00
3. Bicycles not included above	50.00
4. Tricycles	50.00”

- (4) In Schedule 3 (annual rates of duty on tractors etc.) in the Table set out in Part II—
- (a) in the entry relating to special machines, for “16.00” there shall be substituted “30.00”; and
 - (b) in the entry relating to recovery vehicles, for “50.00” there shall be substituted “75.00”.
- (5) Subsections (1) to (4) above shall apply in relation to licences taken out after 19th March 1991.
- (6) This section shall apply in relation to the Vehicles (Excise) Act (Northern Ireland) 1972 as it applies in relation to the Vehicles (Excise) Act 1971, but with the substitution for “section 190(2) of the Road Traffic Act 1988”, in subsection (2), of “Article 2(3) of the Road Traffic (Northern Ireland) Order 1981”.

5 Pool betting duty

- (1) In section 7(1) of the Betting and Gaming Duties Act 1981 (which specifies 40 per cent. as the rate of pool betting duty) for “40 per cent.” there shall be substituted “37.50 per cent.”
- (2) This section shall apply in relation to bets made at any time by reference to an event taking place on or after 17th August 1991.

6 Gaming licence duty

- (1) The Betting and Gaming Duties Act 1981 shall be amended as follows.
- (2) In section 14 (rate of gaming licence duty) in subsection (1)—
- (a) in paragraph (a), for “£250” there shall be substituted “£10”; and
 - (b) in paragraph (b), the words “payable after the end of that period and” shall be omitted.
- (3) For the Table set out in section 14(1) there shall be substituted—

“TABLE

<i>Part of gross gaming yield</i>	<i>Rate</i>
The first £450,000	2½ per cent.
The next £2,250,000	12½ per cent.
The next £2,700,000	25 per cent.
The remainder	33⅓ per cent.”

Status: This is the original version (as it was originally enacted).

- (4) In section 15 (gaming without duly paid licence) there shall be inserted at the end—
- “(4) In subsection (1)(b) above the reference to amounts of gaming licence duty includes amounts payable in anticipation of gaming licence duty by virtue of regulations under paragraph 3(3)(d) of Schedule 2 to this Act.”
- (5) In paragraph 3 of Schedule 2 (Commissioners' regulation-making powers in connection with gaming licence duty) at the end of sub-paragraph (3) there shall be inserted—
- “(d) requiring, in relation to gaming licence duty chargeable by reference to the gross gaming yield from any premises in any period, that, at such time before the end of the period and in such manner as may be specified in the regulations, an amount be paid in anticipation of the duty chargeable, being an amount calculated in such manner as may be so specified.”
- (6) In paragraph 5 of that Schedule (power to estimate)—
- (a) in sub-paragraph (1), for the words from “on account” to “gaming yield” there shall be substituted “under section 14(1)(b) above or by virtue of regulations under paragraph 3(3)(d) above” and the words “of the duty” shall be omitted; and
- (b) in sub-paragraph (2), the word “duty” shall be omitted.
- (7) In paragraph 6 of that Schedule (persons from whom duty recoverable) in sub-paragraph (1), after “period” there shall be inserted “and any amount payable in anticipation of that duty by virtue of regulations under paragraph 3(3)(d) above” and “(3)(c)” shall be omitted.
- (8) In paragraph 7 of that Schedule (enforcement) there shall be inserted at the end—
- “(5) In sub-paragraphs (1)(b) and (3)(a) above references to the duty on gaming licences include amounts payable in anticipation of gaming licence duty by virtue of regulations under paragraph 3(3)(d) above.
- (6) In ascertaining for the purposes of sub-paragraph (1) or (3) above the amount of the duty which is unpaid or payment of which is sought to be avoided, an amount payable in anticipation of gaming licence duty by virtue of regulations under paragraph 3(3)(d) above shall be treated as an amount of duty.”
- (9) Subsections (2)(a) and (3) above shall have effect in relation to gaming licences for any period beginning after 30th September 1991.

Duties of excise: other provisions

7 Beer duty

- (1) For section 36 of the Alcoholic Liquor Duties Act 1979 (charge on beer imported into, or brewed in, the United Kingdom of an excise duty at a rate per hectolitre for every degree by which the original gravity of the beer exceeds 1000 degrees) there shall be substituted—

Status: This is the original version (as it was originally enacted).

“36 Beer: charge of excise duty

- (1) There shall be charged on beer—
 - (a) imported into the United Kingdom, or
 - (b) produced in the United Kingdom,a duty of excise at the rate of £10.60 per hectolitre per cent. of alcohol in the beer.
- (2) Subject to the provisions of this Act—
 - (a) the duty on beer produced in, or imported into, the United Kingdom shall be charged and paid, and
 - (b) the amount chargeable in respect of any such duty shall be determined and become due,in accordance with regulations under section 49 below.”
- (2) After section 41 of that Act (which specifies certain reliefs from duty) there shall be inserted—

“41A Suspension of duty: registration of persons and premises

- (1) A person registered by the Commissioners under this section may hold, on premises so registered in relation to him, any beer of a prescribed class or description—
 - (a) which has been produced in, or imported into, the United Kingdom, and
 - (b) which is chargeable as such with excise duty,without payment of that duty.
- (2) A person entitled under subsection (1) above to hold beer on premises without payment of duty may also without payment of duty carry out on those premises such operations as may be prescribed on, or in relation to, such of the beer as may be prescribed.
- (3) No person shall be registered under this section unless—
 - (a) he is a registered brewer or a packager of beer; and
 - (b) he appears to the Commissioners to satisfy such requirements for registration as they may think fit to impose.
- (4) No premises shall be registered under this section unless—
 - (a) they are used for the production or packaging of beer, or
 - (b) they are adjacent to, and occupied by the same person as, premises falling within paragraph (a) above which are registered under this section,and they appear to the Commissioners to satisfy such requirements for registration as the Commissioners may think fit to impose.
- (5) The Commissioners may register a person or premises under this section for such periods and subject to such conditions as they think fit.
- (6) The Commissioners may at any time for reasonable cause—

Status: This is the original version (as it was originally enacted).

- (a) revoke or vary the terms of their registration of any person or premises under this section; or
 - (b) restrict the premises which are so registered.
- (7) As respects beer chargeable with a duty of excise that has not been paid, regulations under section 49 below may, without prejudice to the generality of that section, make provision—
- (a) regulating the holding or packaging of, or the carrying out of other operations on or in relation to, any such beer on registered premises without payment of the duty;
 - (b) for securing and collecting the duty on any such beer held on registered premises;
 - (c) permitting the removal of any such beer from registered premises without payment of duty in such circumstances and subject to such conditions as may be prescribed;
 - (d) for such persons as may be prescribed to be liable to pay the duty on any such beer held on, or removed without payment of duty from, registered premises, and for the circumstances in which, and the time at which, they are liable to do so.
- (8) If any person contravenes or fails to comply with any condition of registration under this section he shall be liable on summary conviction to a penalty not exceeding level 5 on the standard scale; and any beer in respect of which the offence was committed shall be liable to forfeiture.
- (9) In this section—
- “prescribed” means specified in, or determined in accordance with, regulations made by the Commissioners under section 49 below;
 - “registered premises” means premises registered under this section.”
- (3) For sections 47 and 48 of that Act (licences to brew beer and to use premises for adding solutions to beer) there shall be substituted—

“47 Registration of producers of beer

- (1) A person who produces beer on any premises in the United Kingdom must be registered with the Commissioners under this section in respect of those premises; and in this Act “registered brewer” means a person registered under this section in respect of any premises.
- (2) A person who produces beer on any premises shall not be required to be registered under this section in respect of those premises if the beer is produced solely for his own domestic use or solely for the purposes of research or experiments in the production of beer.
- (3) An application for the registration under this section of any person required to be so registered in respect of any premises—
 - (a) shall be made at least fourteen days before the day on which he begins production of beer on those premises; and
 - (b) shall be in such form and manner as the Commissioners may by or under regulations prescribe.

Status: This is the original version (as it was originally enacted).

- (4) If any person fails to apply for registration under this section in circumstances where he is required by subsection (3)(a) above to do so, he shall be liable on summary conviction to a penalty not exceeding level 4 on the standard scale; and any beer or worts produced in contravention of that provision shall be liable to forfeiture.
- (5) If any person produces beer on any premises in circumstances in which he is required to be, but is not, registered under this section in respect of those premises, he shall be liable on summary conviction to a penalty not exceeding level 5 on the standard scale; and any beer or worts in respect of which the offence was committed shall be liable to forfeiture.”
- (4) The enactments and instruments mentioned in Schedule 2 to this Act shall have effect with the amendments specified in that Schedule.
- (5) This section shall come into force on such day as the Commissioners may by order made by statutory instrument appoint, and different days may be so appointed for different provisions or for different purposes.
- (6) An order under subsection (5) above may contain such saving or transitional provision as the Commissioners think fit; and, without prejudice to the generality of the foregoing, any such order may include provision—
- (a) for treating beer—
- (i) produced, or in the process of being produced, before the relevant day, and
- (ii) held on, or in the process of being transported between, registered premises on that day,
- as beer produced on or after that day and chargeable accordingly, and
- (b) for the remission or repayment of any duty charged or paid in respect thereof under provisions replaced by this section and Schedule 2 to this Act.
- (7) In this section—
- “the Commissioners” means the Commissioners of Customs and Excise;
- “registered premises” means—
- (a) premises which, on the relevant day, are registered under section 41A of the Alcoholic Liquor Duties Act 1979, or
- (b) premises in respect of which, on that day, a person is registered under section 47 of that Act;
- “the relevant day” means the day appointed for the coming into force of subsection (1) of the section 36 substituted by subsection (1) above.

8 Vehicles excise duty: exemptions

- (1) The Vehicles (Excise) Act 1971 shall be amended as follows.
- (2) In section 4(1) (exemptions) after paragraph (ca) there shall be inserted—
- “(cb) vehicles used solely as mine rescue vehicles or for the purpose of conveying or drawing emergency winding-gear at mines;”.
- (3) In section 4(1)(ka) (pedestrian controlled vehicles) the words “(other than mowing machines)” shall be omitted.

Status: This is the original version (as it was originally enacted).

- (4) In section 4(2), the following definition shall be inserted before the definition of “ambulance”—
- ““fire engine” means a vehicle—
- (a) constructed or adapted for use for the purpose of fire fighting, salvage or both, and
 - (b) used solely for the purposes of a fire brigade (whether or not one maintained under the Fire Services Act 1947);”.
- (5) In section 4(2), after the definition of “veterinary ambulance” there shall be inserted—
- ““weight unladen” shall be construed in accordance with section 190(2) of the Road Traffic Act 1988.”
- (6) Section 7(4) (power to exempt civil defence vehicles) shall cease to have effect.
- (7) Subsections (3) and (5) above shall be deemed to have come into force on 20th March 1991.
- (8) Subsection (4) above shall be deemed to have come into force on 1st June 1991.
- (9) Subsection (6) above shall come into force on 1st October 1991.
- (10) This section shall apply in relation to the Vehicles (Excise) Act (Northern Ireland) 1972 as it applies in relation to the Vehicles (Excise) Act 1971, but with the following modifications—
- (a) in subsection (4), for “the Fire Services Act 1947” there shall be substituted “the Fire Services (Northern Ireland) Order 1984”, and
 - (b) in subsection (5), for “section 190(2) of the Road Traffic Act 1988” there shall be substituted “Article 2(3) of the Road Traffic (Northern Ireland) Order 1981”.

9 Vehicles excise duty: combined transport

- (1) The Vehicles (Excise) Act 1971 (“the 1971 Act”) and the Vehicles (Excise) Act (Northern Ireland) 1972 (“the 1972 Act”) shall be amended as follows.
- (2) After section 18A of the 1971 Act there shall be inserted—

“Rebate of duty

18B Combined transport of goods

- (1) This section applies to any goods vehicle which—
- (a) has a plated gross weight or a plated train weight which exceeds 3,500 kilograms, or
 - (b) has neither a plated gross weight nor a plated train weight, but has a design weight which exceeds 3,500 kilograms.
- (2) Where in the course of the transport of goods between member States by means of combined transport a goods vehicle to which this section applies is transported by rail in Great Britain at a time when a vehicle licence for it is in force, the holder of the licence shall, on making a claim, be entitled to receive from the Secretary of State, by way of rebate of the duty paid upon the licence,

Status: This is the original version (as it was originally enacted).

a sum of an amount calculated in accordance with the method prescribed for the purpose by the Secretary of State.

- (3) The Secretary of State may by regulations prescribe when and how a claim for a rebate under this section is to be made and the evidence to be provided in support of such a claim.
- (4) For the purposes of this section—
 - (a) goods are transported by means of combined transport where they are loaded on a goods vehicle which is transported by rail between the following points, namely the nearest suitable rail loading station to the point of loading and the nearest suitable rail unloading station to the point of unloading;
 - (b) “design weight” and “goods vehicle” have the same meanings as in Schedule 4 to this Act; and
 - (c) references to the plated gross weight or plated train weight of a goods vehicle shall be construed in accordance with paragraph 9 of that Schedule.”
- (3) Subsection (2) above shall apply in relation to the 1972 Act as it applies in relation to the 1971 Act, but with the following modifications—
 - (a) for the words “Great Britain” there shall be substituted the words “Northern Ireland”,
 - (b) for the words “plated gross weight”, in each place where they occur, there shall be substituted the words “relevant maximum weight”, and
 - (c) for the words “plated train weight”, in each place where they occur, there shall be substituted the words “relevant maximum train weight”.
- (4) In section 26(2)(a) of the 1971 Act (penalty for making false declarations) for the word “or”, in the first place where it occurs, there shall be substituted “, a claim for a rebate under section 18B of this Act or an application”.
- (5) In section 37(4) of the 1971 Act and section 34(4) of the 1972 Act (additional regulation-making powers in relation to documents required by regulations under certain provisions) after “17(1),” there shall be inserted “18B(3),”.
- (6) This section shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.

10 Extension of Vehicles (Excise) Act 1971 to Northern Ireland

- (1) The Vehicles (Excise) Act 1971 (“the 1971 Act”), and any other Act to the extent that it amends or extends the 1971 Act, shall extend to Northern Ireland.
- (2) In consequence of subsection (1) above—
 - (a) the 1971 Act shall have effect subject to Part I of Schedule 3 to this Act, and
 - (b) section 11 of the Finance Act 1976 (which extends the power to make regulations under the 1971 Act to require information about goods vehicles, etc.) shall have effect subject to Part II of that Schedule.
- (3) This section shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.

Status: This is the original version (as it was originally enacted).

- (4) An order under subsection (3) above may contain such supplementary, incidental, consequential, saving or transitional provision as the Secretary of State thinks fit.

Management

11 Revenue traders and registered excise dealers and shippers

- (1) In section 1 of the Customs and Excise Management Act 1979 (interpretation) in subsection (1), after the definition of “Queen’s warehouse” there shall be inserted—

““registered excise dealer and shipper” means a revenue trader approved and registered by the Commissioners under section 100G below;

“registered excise dealers and shippers regulations” means regulations under section 100G below;”.

- (2) In the definition of “revenue trader” in that subsection, in paragraph (a) (person carrying on a trade or business subject to any of the revenue trade provisions of the customs and excise Acts) after the words “customs and excise Acts” there shall be inserted the words “or which consists of or includes—

(i) the buying, selling, importation, exportation, dealing in or handling of any goods of a class or description which is subject to a duty of excise (whether or not duty is chargeable on the goods); or

(ii) the financing or facilitation of any such transactions or activities;”.

- (3) Schedule 4 to this Act shall have effect.

12 Protection of the revenues derived from excise duties

Schedule 5 to this Act (which makes provision for the purpose of protecting the revenues derived from duties of excise) shall have effect.