



# Finance Act 1993

## 1993 CHAPTER 34

### PART I

#### CUSTOMS AND EXCISE AND VALUE ADDED TAX

### CHAPTER I

#### GENERAL

#### *Alcoholic liquor duties*

#### **1 Rates of duty.**

- (1) In section 36 of the <sup>M1</sup>Alcoholic Liquor Duties Act 1979 (beer), as that section has effect apart from section 7(1) of the <sup>M2</sup>Finance Act 1991, for “£1.108” there shall be substituted “£1.163”.
- (2) 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.
- (3) In section 62(1) of that Act (cider) for “£21.32” there shall be substituted “£22.39”.
- (4) This section shall be deemed to have come into force at 6 o'clock in the evening of 16th March 1993.

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#### **Commencement Information**

**II** S. 1 in force at 6 p.m. on 16.3.1993 see s. 1(4)

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#### **Marginal Citations**

**M1** 1979 c. 4.

**M2** 1991 c. 31.

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**Changes to legislation:** There are currently no known outstanding effects for the Finance Act 1993, Chapter I. (See end of Document for details)

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## 2 Beer duty: rate for new regime.

- (1) In section 36(1) of the <sup>M3</sup>Alcoholic Liquor Duties Act 1979 (beer duty), as substituted by section 7(1) of the <sup>M4</sup>Finance Act 1991, for “£10.60” there shall be substituted “£10.45”.
- (2) This section shall be deemed to have come into force on 1st June 1993.

### Commencement Information

**I2** S. 2 in force at 1.6.1993 see S. 2(2)

### Marginal Citations

**M3** 1979 c. 4.

**M4** 1991 c. 31.

## 3 Low strength beer.

- (1) In section 1 of the Alcoholic Liquor Duties Act 1979 (alcoholic liquors dutiable under that Act) in subsection (3) (beer) for “1.2 per cent.” there shall be substituted “ 0.5 per cent. ”.
- (2) In section 36 of that Act (beer duty), as substituted by section 7(1) of the Finance Act 1991, after subsection (1) there shall be inserted the following subsection—
 

“(1A) No duty shall be chargeable under subsection (1) above on beer which is of a strength of 1.2 per cent. or less; but any such beer shall in all other respects be treated as if it were chargeable with a duty of excise.”
- (3) This section shall apply in relation to liquor which is produced in or imported into the United Kingdom, or removed into the United Kingdom from the Isle of Man, on or after the day on which this Act is passed.

## 4 Beer duty: abolition of certain reliefs, etc.

- (1) The Alcoholic Liquor Duties Act 1979 shall be amended as follows.
- (2) In subsection (2) of section 42 (drawback on exportation etc. of beer)—
  - (a) paragraph (a) (drawback on removal to excise warehouse) shall be omitted,
  - (b) in paragraph (b) the words “or removal to the Isle of Man” shall be omitted,
  - (c) also in paragraph (b) for “any such beer” there shall be substituted “ any beer to which this section applies ”, and
  - (d) for “exported, removed or shipped” there shall be substituted “ exported or shipped ”.
- (3) In subsections (3) and (4) of that section the word “remove,”, in each place where it occurs, shall be omitted.
- (4) Section 43 (warehousing of beer for exportation, etc.) shall cease to have effect.
- (5) In section 45(1) (repayment of duty on beer used in the production or manufacture of other beverages etc.)—
  - (a) at the end of paragraph (a) there shall be inserted “ or ”, and
  - (b) paragraph (b) shall be omitted.

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- (6) Section 51 (power to require production of books by brewers for sale) shall cease to have effect.
- (7) Subsections (2)(a) and (c) and (4) to (6) above shall come into force on 1st September 1993.
- (8) Subsections (2)(b) and (d) and (3) above shall come into force on such day as the Commissioners of Customs and Excise may by order made by statutory instrument appoint.

#### Commencement Information

- I3** S. 4 wholly in force at 1.1.1995; s. 4(1)(7)(8) in force at Royal Assent; s. 4(2)(a)(c)(4)-(6) in force at 1.9.1993 see s. 4(7); s. 4(2)(b)(d)(3) in force at 1.1.1995 by S.I. 1994/2968, art. 2

## 5 Blending of alcoholic liquors.

- (1) In Part VI of the <sup>M5</sup>Alcoholic Liquor Duties Act 1979 the following section shall be inserted before section 67—

### “66A Blending of alcoholic liquors.

- (1) Subject to subsections (4) to (6) below, a person shall not blend two or more alcoholic liquors—
  - (a) each of which is of a kind mentioned in paragraphs (a) to (e) of section 1(1) above, but
  - (b) not all of which fall within the same one of those paragraphs, except in an excise warehouse or on premises which, in relation to the liquors blended, are for the time being permitted premises.
- (2) Subject to subsections (4) to (6) below, a person shall not blend two or more alcoholic liquors which—
  - (a) fall within the same paragraph of section 1(1) above, but
  - (b) are not all of the same alcoholic strength, except in an excise warehouse or on premises which, in relation to the liquors blended, are for the time being permitted premises.
- (3) In relation to the blending of particular alcoholic liquors—
  - (a) if the liquor which is the product of the blending is beer, permitted premises are premises which are registered under section 41A above and premises in respect of which a person is registered under section 47 above;
  - (b) if the liquor which is the product of the blending is wine, permitted premises are premises in respect of which a licence under section 54(2) above is held;
  - (c) if the liquor which is the product of the blending is made-wine, permitted premises are premises in respect of which a licence under section 55(2) above is held;

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- (d) if the liquor which is the product of the blending is cider, permitted premises are premises in respect of which a person is registered under section 62 above.
- (4) Subsections (1) and (2) above do not apply unless the blending is done with a view to offering for sale the liquor which is the product of the blending.
- (5) Subsections (1) and (2) above do not apply where the liquor which is the product of the blending is intended for consumption on the premises on which the blending takes place.
- (6) The Commissioners may direct that subsections (1) and (2) above shall not apply to the blending of alcoholic liquors in such circumstances as are specified in the direction.
- (7) Where a person contravenes subsection (1) or (2) above, the following shall be liable to forfeiture—
  - (a) the liquor which is the product of the blending;
  - (b) all such vessels, utensils and materials for the blending of alcoholic liquors as are found in his possession.
- (8) In this section any reference to blending liquors includes a reference to otherwise mixing them.”
- (2) In subsection (5) of section 55 of that Act (exemption for certain producers of made-wine from requirement to hold excise licence) before paragraph (a) there shall be inserted the following paragraph—
  - “(aa) he does not blend or otherwise mix two or more alcoholic liquors to which paragraphs (a) and (b) of section 66A(1) below or paragraphs (a) and (b) of section 66A(2) below apply;”.
- (3) In that section—
  - (a) paragraph (e) of subsection (5) and the word “and” immediately preceding that paragraph shall be omitted, and
  - (b) subsection (5A) shall be omitted.
- (4) This section shall apply in relation to the blending or other mixing of alcoholic liquors on or after the day on which this Act is passed.

**Marginal Citations**

M5 1979 c. 4.

## 6 Mixing of wine and spirits in excise warehouse.

- (1) In subsection (1) of section 58 of the <sup>M6</sup>Alcoholic Liquor Duties Act 1979 (mixing of wine and spirits in excise warehouse)—
  - (a) for “6 litres” there shall be substituted “ 12 litres ”,
  - (b) for “except as provided by subsection (2) below” there shall be substituted “ by virtue of this section ”, and
  - (c) for “23 per cent.” there shall be substituted “ 22 per cent. ”.
- (2) Subsection (2) of that section shall be omitted.

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- (3) This section shall apply in relation to mixing done on or after the day on which this Act is passed.

**Marginal Citations**

M6 1979 c. 4.

**7 Sparkling wine or made-wine.**

- (1) In Schedule 1 to the Alcoholic Liquor Duties Act 1979 (rates of duty on wine and made-wine), for paragraphs 1 and 2 there shall be substituted the following paragraphs—

“1 Paragraphs 2 and 3 below apply for the purposes of this Act.

2 (1) Wine or made-wine which is for the time being in a closed container is sparkling if, due to the presence of carbon dioxide or any other gas, the pressure in the container, measured at a temperature of 20°C, is not less than 3 bars in excess of atmospheric pressure.

(2) Wine or made-wine which is for the time being in a closed container is sparkling regardless of the pressure in the container if the container has a mushroom-shaped stopper (whether solid or hollow) held in place by a tie or fastening.

(3) Wine or made-wine which is not for the time being in a closed container is sparkling if it has characteristics similar to those of wine or made-wine which has been removed from a closed container and which, before removal, fell within sub-paragraph (1) above.

3 (1) Wine or made-wine shall be regarded as having been rendered sparkling if, as a result of aeration, fermentation or any other process, it either falls within paragraph 2(1) above or takes on such characteristics as are referred to in paragraph 2(3) above.

(2) Wine or made-wine which has not previously been rendered sparkling by virtue of sub-paragraph (1) above shall be regarded as having been rendered sparkling if it is transferred into a closed container which has a mushroom-shaped stopper (whether solid or hollow) held in place by a tie or fastening.

(3) Wine or made-wine which is in a closed container and has not previously been rendered sparkling by virtue of sub-paragraph (1) or (2) above shall be regarded as having been rendered sparkling if the stopper of its container is exchanged for a stopper of a kind mentioned in sub-paragraph (2) above.”

- (2) This section shall apply in relation to wine and made-wine which is produced in or imported into the United Kingdom, or removed into the United Kingdom from the Isle of Man, on or after the day on which this Act is passed.

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## 8 Denatured alcohol.

- (1) Denatured alcohol of such a description as may be specified in regulations made by the Commissioners of Customs and Excise shall not, if it would otherwise be so charged, be charged with any duty of excise under section 5 of the <sup>M7</sup>Alcoholic Liquor Duties Act 1979 (charge on spirits) on its importation into the United Kingdom from another member State.
- (2) The following references, namely—
  - (a) the references in sections 75, 77, 79 and 80 of that Act (regulation of methylated spirits) to methylated spirits;
  - (b) the reference in section 77(1)(e) of that Act to spirits for methylation; and
  - (c) the references in section 78 of that Act to methylated spirits or spirits (other than in the expression “duty payable on spirits”),
 shall each be construed as including a reference to denatured alcohol of any description from time to time specified in regulations made for the purposes of subsection (1) above.
- (3) In this section “denatured alcohol” means any substance appearing to the Commissioners of Customs and Excise to fall within Article 27.1.(a) of the Directive of the Council of the European Communities dated 19th October 1992 No. [92/83/EEC](#) (directive on the harmonisation of the structures of excise duties on alcohol and alcoholic beverages).
- (4) Any description of denatured alcohol specified in regulations under this section may be framed by reference to such circumstances or other factors, or to the approval or opinion of such persons (including the authorities in any member State), as may be so specified.
- (5) The power of the Commissioners of Customs and Excise to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the House of Commons; and any such regulations may contain such transitional, supplemental and incidental provision as those Commissioners think fit.

### Marginal Citations

M7 1979 c. 4.

## *Hydrocarbon oil duties*

## 9 Rates of duty.

- (1) In section 6(1) of the <sup>M8</sup>Hydrocarbon Oil Duties Act 1979 for “£0.2779” (duty on light oil) and “£0.2285” (duty on heavy oil) there shall be substituted “ £0.3058 ” and “ £0.2514 ” respectively.
- (2) In section 11(1) of that Act (rebate on heavy oil) for “£0.0095” (fuel oil) and “£0.0135” (gas oil) there shall be substituted “ £0.0105 ” and “ £0.0149 ” respectively.
- (3) In section 13A(1) of that Act (rebate on unleaded petrol) for “£0.0437” there shall be substituted “ £0.0482 ”.

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- (4) In section 14(1) of that Act (rebate on light oil for use as furnace fuel) for “£0.0095” there shall be substituted “ £0.0105 ”.
- (5) This section shall be deemed to have come into force at 6 o’clock in the evening of 16th March 1993.

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**Commencement Information**

**I4** S. 9 in force at 6 p.m. on 16.3.1993: see s. 9(5)

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**Marginal Citations**

**M8** 1979 c. 5.

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## 10 Mineral oil fuel substitutes.

- (1) The Hydrocarbon Oil Duties Act 1979 (“the 1979 Act”) shall have effect in relation to such cases as may be specified in an order made by the Treasury as if references in that Act to hydrocarbon oil or to road fuel gas included references to any mineral oil which is designated by that order as a substance which is to be treated for the purposes of that Act as the equivalent of hydrocarbon oil or, as the case may be, of road fuel gas.
- (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 the 1979 Act as the equivalent of hydrocarbon oil, for that substance to be treated for the purposes of such of the provisions of that Act as may be specified in the order as if it fell within the description of such one or more of the following as may be so specified, that is to say—
  - (a) heavy oil or light oil, as defined in section 1 of that Act;
  - (b) aviation gasoline, as defined in section 6(4) of that Act;
  - (c) fuel oil or gas oil, as defined in section 11(2) of that Act; and
  - (d) unleaded petrol, as defined in section 13A(2) of that Act.
- (3) In exercising their powers under this section, the Treasury shall so far as practicable secure that a mineral oil which is intended for, or capable of being put to, a particular use is treated for the purposes of the 1979 Act as if it were the substance falling within the descriptions specified in subsection (2) above to which, when put to that use, it is most closely equivalent.
- (4) In this section “mineral oil” means any substance which—
  - (a) falls within the definition of mineral oil in Article 2.1 of the Directive of the Council of the European Communities dated 19th October 1992 No. [92/81/EEC](#) (directive on the harmonisation of the structures of excise duties on mineral oils), as amended by the Directive of the Council dated 14th December 1992 No. [92/108/EEC](#); and
  - (b) is not, apart from this section, hydrocarbon oil or road fuel gas within the meaning of the 1979 Act.
- (5) The power of the Treasury to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the House of Commons; and any such order may make different provision for different cases and different substances.

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- (6) No duty of excise shall be charged by virtue of section 7 of the 1979 Act (duty on petrol substitutes and power methylated spirits) on any substance on which duty is charged under that Act by virtue of an order under this section.

VALID FROM 01/12/1995

## 11 Other fuel substitutes.

- (1) After section 6 of the <sup>M9</sup>Hydrocarbon Oil Duties Act 1979 there shall be inserted the following section—

### “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 hydrocarbon oil.
- (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—
    - (i) any substance on which duty is charged by virtue of paragraph (a) above; or
    - (ii) any hydrocarbon oil which is or is to be used as mentioned in that paragraph.
- (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 the description of such one or more of the following as may be so specified, that is to say—
  - (a) heavy oil or light oil;
  - (b) aviation gasoline;
  - (c) fuel oil or gas oil, as defined in section 11(2) below; and
  - (d) unleaded petrol, as defined in section 13A(2) below.
- (6) In exercising their powers 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) above is—
    - (i) charged with duty at the same rate as, and



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- (ii) otherwise treated for the purposes of the following provisions of this Act as if it were,  
the substance falling within the descriptions specified in subsection (5) above to which, when put to that use, it is most closely equivalent; and
- (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) The power of the Treasury to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the House of Commons.
- (9) 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.”
- (2) Sections 4, 7 and 16 of that Act (petrol substitutes and power methylated spirits) shall cease to have effect.
- (3) In section 22(1) of that Act (offence of using petrol substitutes on which duty has not been paid), for the words from the beginning to the word “shall”, in the first place where it occurs, there shall be substituted—
- “A person who—
- (a) puts to a chargeable use (within the meaning of section 6A above) any liquid which is not hydrocarbon oil; and
- (b) knows or has reasonable cause to believe that there is duty charged under section 6A above on that liquid which has not been paid and is not lawfully deferred,
- shall ”.
- (4) In section 1(1)(b) of the <sup>M10</sup>Excise Duties (Surcharges or Rebates) Act 1979 (surcharges or rebates in respect of excise duties on hydrocarbon oil etc.), for paragraph (b) there shall be substituted the following paragraph—
- “(b) those chargeable by virtue of the Hydrocarbon Oil Duties Act 1979;”.

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- (5) This section shall come into force on such day as the Treasury may by order made by statutory instrument appoint, and different days may be appointed under this subsection for different provisions and for different purposes.

#### Marginal Citations

- M9** 1979 c. 5.  
**M10** 1979 c. 8.

## 12 Measurement of volume.

- (1) In ascertaining for the purposes of the <sup>M11</sup>Hydrocarbon Oil Duties Act 1979—
- (a) the amount of any duty of excise chargeable on any liquid by virtue of that Act; or
  - (b) the amount of any rebate allowable on any such liquid by virtue of that 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) below, at a temperature of 15°C.
- (2) The Commissioners of Customs and Excise may by regulations make such provision as they think fit as to the method by which, in ascertaining any amount mentioned in subsection (1) above—
- (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 15 and 17 to 19A of that Act (drawback and relief) 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 Commissioners of Customs and Excise to have been paid or, as the case may be, allowed in respect of that substance; or
  - (b) where regulations made by those Commissioners 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) The power of the Commissioners of Customs and Excise to make regulations under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and any such regulations—
- (a) may make different provision for different cases and for different substances; and
  - (b) may contain such transitional, supplemental and incidental provision as those Commissioners think 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

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a case or substance to be framed, by reference to such circumstances or other factors, or to the opinion of such persons, as the Commissioners think 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.
- (7) In consequence of this section—
- (a) section 2(5) of that Act (measurement of heavy oil having a temperature exceeding 15°C) shall cease to have effect; and
  - (b) the words “shown to the satisfaction of the Commissioners to have been” in section 15(1) of that Act (drawback) shall be omitted.
- (8) This section shall come into force on such day as the Commissioners of Customs and Excise may by order made by statutory instrument appoint, and different days may be appointed under this subsection for different provisions and for different purposes.

#### Subordinate Legislation Made

**P1** [S. 12\(8\)](#) power partly exercised (9.9.1993): different dates appointed for specific provisions by [S.I. 1993/2215](#).

#### Commencement Information

**I5** [S. 12](#) wholly in force; [s. 12](#) not in force at Royal Assent, [s. 12\(2\)\(4\)\(5\)\(6\)\(8\)](#) in force at 13.9.1993, [s. 12](#) in force at 15.10.1993 insofar as not already in force see [s. 12\(8\)](#) and [S.I. 1993/2215](#), [arts. 2,3](#)

#### Marginal Citations

**M11** [1979 c. 5](#).

### *Tobacco products duty*

#### **13 Rates of duty.**

- (1) For the Table in Schedule 1 to the <sup>M12</sup>Tobacco Products Duty Act 1979 there shall be substituted—

#### “ TABLE

1. Cigarettes	An amount equal to 20 per cent. of the retail price plus £48.75 per thousand cigarettes.
2. Cigars	£72.30 per kilogram.
3. Hand-rolling tobacco	£76.29 per kilogram.
4. Other smoking tobacco and chewing tobacco	£31.93 per kilogram.”

- (2) This section shall be deemed to have come into force at 6 o’clock in the evening of 16th March 1993.

#### Commencement Information

**I6** [S. 13](#) in force at 6 p.m. on 16.3.1993: see [s. 13\(2\)](#)

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**Marginal Citations**

**M12** 1979 c. 7.

**14 Hand-rolling tobacco.**

- (1) In the Tobacco Products Duty Act 1979, section 1 (definition of tobacco products) shall be amended as follows.
- (2) In subsection (2) (definition of hand-rolling tobacco) after paragraph (a) there shall be inserted—
  - “(aa) which is of a kind used for making into cigarettes; or”.
- (3) In paragraph (b) of subsection (2) (more than 25 per cent. by weight of the tobacco particles have a width of less than 0.6 mm) for “0.6” there shall be substituted “ 1 ”.
- (4) The following subsection shall be inserted after subsection (2)—
  - “(2A) For the purposes of subsection (2)(aa) above the use for making into cigarettes must amount to more than occasional use but need not amount to common use.”
- (5) In subsection (3) (power to amend definitions) after “(2)” there shall be inserted “ or (2A) ”.

*Gaming machine licence duty*

**15 Rates of duty.**

- (1) The Tables set out in section 23(1) of the <sup>M13</sup>Betting and Gaming Duties Act 1981 shall be amended as follows—
  - (a) in Table A for “£375” there shall be substituted “ £450 ”;
  - (b) in Table B for “£375” there shall be substituted “ £450 ” and for “£960” there shall be substituted “ £1,150 ”.
- (2) This section shall apply in relation to licences for any period beginning on or after 1st May 1993.

**Marginal Citations**

**M13** 1981 c. 63.

**16 Small-prize machines.**

- (1) The Betting and Gaming Duties Act 1981 shall be amended as follows.
- (2) In section 21 (gaming machine licences) in subsection (1) (licence required for machine other than a two-penny machine) for “a two-penny machine” there shall be substituted “ an excepted machine ”.
- (3) In that section the following subsection shall be inserted after subsection (3)—
  - “(3A) For the purposes of this section an excepted machine is—

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- (a) a two-penny machine, or
  - (b) a five-penny machine which is a small-prize machine.”
- (4) In section 22 (charge to duty)—
- (a) in subsection (1) for the words from “by reference” to the end of the subsection there shall be substituted “ in accordance with section 23 below ”;
  - (b) in subsection (5) after “gaming machine licence” there shall be inserted “ falling within section 23(1B) below ”.
- (5) In section 23 (amount of duty) the following subsections shall be substituted for subsection (1) (as amended by section 15 above)—
- “(1) The duty on a whole-year gaming machine licence shall be determined as mentioned in subsection (1A) or (1B) below (as the case may be).
  - (1A) In the case of a special licence, or an ordinary licence which authorises the provision only of small-prize machines, the duty shall be £450 per machine authorised by the licence.
  - (1B) In any other case the duty shall be determined in accordance with the following Table, by reference to the number of machines which the licence authorises and to whether the licence authorises the provision of machines chargeable at the lower or higher rate—

TABLE

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<i>Description of machines authorised by the licence</i>	<i>Duty on whole-year licence</i>
Chargeable at the lower rate	£450 per machine
Chargeable at the higher rate	£1,150 per machine.”

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- (6) For subsection (4) of section 25 (meaning of “gaming machine”) there shall be substituted the following subsections—
- “(4) Subject to subsection (5) below, for the purposes of determining whether a machine is a gaming machine it is immaterial whether it is capable of being played by only one person at a time, or is capable of being played by more than one person.
  - (5) For the purposes of sections 21 to 24 above a machine (the actual machine) which two or more persons can play simultaneously (whether or not participating with one another in the same game) shall, instead of being treated as one machine, be treated as if it were a number of machines (accountable machines) equal to the number of persons who can play the actual machine simultaneously.
  - (6) Subsection (5) above does not apply to a machine which is a two-penny machine, or is both a small-prize machine and a five-penny machine.
  - (7) If the actual machine is a small-prize machine but not a five-penny machine, the accountable machines shall be taken to be small-prize machines which are not five-penny machines.

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- (8) If the actual machine is not a small-prize machine, the accountable machines shall be taken not to be small-prize machines, and in such a case—
- (a) if the actual machine is a five-penny machine, the accountable machines shall be taken to be five-penny machines;
  - (b) if the actual machine is not a five-penny machine, the accountable machines shall be taken not to be five-penny machines.
- (9) For the purposes of subsection (5) above the number of persons who can play a particular machine simultaneously shall be determined by reference to the number of individual playing positions provided on the machine.”
- (7) In section 26(2) (interpretation) the following definition shall be inserted after the definition of “two-penny machine”—
- ““five-penny machine” means a gaming machine which can only be played by the insertion into the machine of a coin or coins of a denomination, or aggregate denomination, not exceeding 5p;”.
- (8) In Schedule 4 (gaming machine licence duty: supplementary provisions) for paragraph 13 there shall be substituted the following paragraph—
- “13 (1) Regulations may make provision with respect to the labelling or marking of—
- (a) gaming machines provided on any premises in respect of which an ordinary licence is in force, and
  - (b) gaming machines in respect of which special licences are in force, with a view to enabling any such machine to be identified as falling within one of the categories mentioned in sub-paragraph (2) below.
- (2) The categories referred to in sub-paragraph (1) above are—
- (a) two-penny machines;
  - (b) machines which are both small-prize machines and five-penny machines;
  - (c) machines which are small-prize machines but not five-penny machines;
  - (d) machines which are not small-prize machines but are five-penny machines;
  - (e) machines which are not small-prize machines and are not five-penny machines.
- (3) The regulations may include provision as to the size and description of labels or marks to be applied to machines, as to the cases in which they are required to be, or are prohibited from being, applied and as to the manner of the application.”
- (9) This section shall apply in relation to licences for any period beginning on or after 1st November 1993.

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*Vehicles excise duty*

**17 Rates of duty: general.**

- (1) The <sup>M14</sup>Vehicles (Excise) Act 1971 shall be amended as follows.
- (2) In Schedule 1 (annual rate of duty on certain vehicles not exceeding 450 kilograms in weight unladen) in the Table set out in Part II—
  - (a) in the second column of paragraph 2 (bicycles exceeding 150 cc but not exceeding 250 cc) for “30.00” there shall be substituted “ 35.00 ”;
  - (b) in the second column of paragraph 3 (bicycles exceeding 250 cc) for “50.00” there shall be substituted “ 55.00 ”;
  - (c) in the second column of paragraph 5 (tricycles exceeding 150 cc) for “50.00” there shall be substituted “ 55.00 ”.
- (3) In Schedule 2 (annual rate of duty on hackney carriages) in the Table set out in Part II—
  - (a) in the second column of the first entry (hackney carriages with seating capacity under nine) for “110” there shall be substituted “ 125 ”;
  - (b) in the second column of the second entry (hackney carriages with seating capacity of nine to sixteen) for “130” there shall be substituted “ 150 ”.
- (4) In Schedule 3 (annual rate of duty on tractors etc.) in the Table set out in Part II—
  - (a) in the second column of paragraph 1 (special machines) for “30.00” there shall be substituted “ 35.00 ”;
  - (b) in the second column of paragraph 2 (showmen’s haulage vehicles) for “90.00” there shall be substituted “ 100.00 ”;
  - (c) in the second column of paragraph 4 (recovery vehicles) for “75.00” there shall be substituted “ 85.00 ”.
- (5) In Schedule 4 (annual rate of duty on goods vehicles) in paragraph 1(1) of Part I (vehicles chargeable at the basic rate of duty) for “£130” there shall be substituted “ £150 ”.
- <sup>F1</sup>(6) .....
- (7) In Schedule 5 (annual rate of duty on vehicles not falling within Schedules 1 to 4) in the Table set out in Part II—
  - (a) in the second column of paragraph 1 (vehicles constructed before 1947) for “60.00” there shall be substituted “ 70.00 ”;
  - (b) in the second column of paragraph 2 (other vehicles) for “110.00” there shall be substituted “ 125.00 ”.
- (8) This section shall apply in relation to licences taken out after 16th March 1993.

**Textual Amendments**

**F1** S. 17(6) repealed (8.11.1993) by S.I. 1993/2452, art. 3, Sch.2.

**Marginal Citations**

**M14** 1971 c. 10.

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## 18 Exceptional loads.

- (1) The <sup>M15</sup>Vehicles (Excise) Act 1971 shall be amended as follows.
- (2) In paragraph 2 of Schedule 4A (annual rates of duty on vehicles used for carrying or drawing exceptional loads) for “£3,250” there shall be substituted—
  - (a) “£4,250” in relation to licences taken out after 16th March 1993 and before the appointed day;
  - (b) “£5,000” in relation to licences taken out on or after the appointed day.
- (3) In this section “the appointed day” means such day as the Secretary of State may appoint by order made by statutory instrument.

### Subordinate Legislation Made

**P2** [S. 18\(3\)](#) power fully exercised (7.10.1993): 30.11.1993 appointed day by [S.I. 1993/2446, art. 2.](#)

### Marginal Citations

**M15** [1971 c. 10.](#)

## 19 Trade licences.

- (1) The Vehicles (Excise) Act 1971 shall be amended as follows.
- (2) In subsection (5) of section 16 (rates of duty for trade licences) including that subsection as set out in paragraph 12 of Part I of Schedule 7—
  - (a) for “£100” there shall be substituted “ the rate mentioned in subsection (5A) (a) below ”, and
  - (b) for “£20” there shall be substituted “ the rate mentioned in subsection (5A) (b) below ”.
- (3) In that section the following subsection shall be inserted after subsection (5)—
 

“(5A) The rates referred to in subsection (5) above are—

  - (a) the annual rate applicable to a vehicle falling within paragraph 2 of Part II of Schedule 5 to this Act in relation to a licence taken out when the trade licence is taken out;
  - (b) the annual rate applicable to a vehicle falling within paragraph 3 of Part II of Schedule 1 to this Act in relation to a licence taken out when the trade licence is taken out.”
- (4) This section shall apply in relation to licences taken out after 16th March 1993.

## 20 Old bicycles.

- (1) The <sup>M16</sup>Vehicles (Excise) Act 1971 shall be amended as follows.
- (2) In Schedule 1 (annual rate of duty on motor bicycles etc.) for paragraph 2 (concession for certain old bicycles) there shall be substituted—

“2           Where a bicycle the cylinder capacity of whose engine exceeds 150 cubic centimetres is one constructed before 1933 it shall be treated for the



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purposes of this Schedule as having an engine of cylinder capacity not exceeding 150 cubic centimetres.”

- (3) In paragraph 4(a) of that Schedule (substitution of 1935 for 1933 in Northern Ireland) for “2(a)” there shall be substituted “ 2 ”.
- (4) This section shall apply in relation to licences taken out after 16th March 1993.

**Marginal Citations**

M16 1971 c. 10.

**21 Simplification of duty on goods vehicles.**

- (1) The Secretary of State may by order make such modifications of Schedule 4 to the Vehicles (Excise) Act 1971 (annual rates of duty on goods vehicles) as he thinks fit for the purpose of securing—
  - (a) that the annual rates of duty applicable in accordance with that Schedule are expressed by reference to fewer tables; and
  - (b) that the tables which in pursuance of any order under this section are set out in that Schedule have effect in different cases subject to the operation of such multipliers as may be appropriate.
- (2) An order under this section—
  - (a) shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and
  - (b) may contain such incidental and consequential provision (including provision modifying any enactment) as the Secretary of State thinks fit.
- (3) Nothing in this section shall authorise any increase by order of the annual rate of duty chargeable in respect of any vehicle.

*Miscellaneous*

**22 Mutual recovery and disclosure of information.**

- (1) In subsection (1) of section 17 of the <sup>M17</sup>Finance Act 1980 (extension of mutual recovery provisions to VAT), at the end there shall be inserted “ and to excise duties by the Directive of the Council of the European Communities dated 14th December 1992 No. [92/108/EEC](#). ”
- (2) In subsection (2)(a) of that section (extension of mutual disclosure provisions to VAT), after “No. 79/1070/EEC” there shall be inserted “ and to excise duties by the Directive of the Council of the European Communities dated 25th February 1992 No. [92/12/EEC](#). ”
- (3) After subsection (2) of that section there shall be inserted the following subsection—

“(2A) The references in subsections (1) and (2) above to excise duties are references to any duty on mineral oils, on alcohol and alcoholic beverages or on manufactured tobacco.”

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- (4) Subsection (1) above shall have effect as respects a request for the recovery of a sum only if it is a sum becoming due on or after the day on which this Act is passed.

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**Marginal Citations**

**M17** 1980 c. 48.

**23 VAT and customs duty on vehicles subject to VED.**

- (1) Where an application is made for a licence under the <sup>M18</sup>Vehicles (Excise) Act 1971 for a vehicle which—
- (a) appears to the Secretary of State to have been removed into the United Kingdom from a place outside the United Kingdom; and
  - (b) is not already registered under that Act,
- he may refuse to issue the licence unless subsection (2) below applies to the vehicle.
- (2) This subsection applies to a vehicle if the Secretary of State is satisfied in relation to the removal of that vehicle into the United Kingdom—
- (a) that any value added tax charged on the acquisition of that vehicle from another member State, or on any supply involving its removal into the United Kingdom, has been or will be paid or remitted;
  - (b) that any value added tax or customs duty charged on the importation of the vehicle from a place outside the member States has been or will be paid or remitted; or
  - (c) that no such tax or duty has been charged on the acquisition or importation of the vehicle or on any supply involving its removal into the United Kingdom.
- (3) This section shall have effect in relation to any application made on or after the day on which this Act is passed.

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**Marginal Citations**

**M18** 1971 c.10.

**Status:**

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**Changes to legislation:**

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