



Finance Act 2008

2008 CHAPTER 9

PART 8

MISCELLANEOUS

Other matters

160 Power to give statutory effect to concessions

- (1) The Treasury may by order make provision for and in connection with giving effect to any existing HMRC concession.
- (2) “Existing HMRC concession” means a statement made by the Commissioners for Her Majesty's Revenue and Customs before the passing of this Act, and having effect at that time, that they will treat persons as if they were entitled to—
 - (a) a reduction in a liability to a tax or duty, or
 - (b) any other concession relating to a tax or duty,to which they are not, or may not be, entitled in accordance with the law.
- (3) For this purpose “statement” means a statement of any sort, whether it was described as an extra-statutory concession, a statement of practice, an interpretation, a decision or a press release or in any other way.
- (4) The reference in subsection (2) to the Commissioners for Her Majesty's Revenue and Customs includes the Commissioners of Inland Revenue and the Commissioners of Customs and Excise.
- (5) An order under this section—
 - (a) may give effect to an existing HMRC concession with or without modification,
 - (b) may include supplementary, incidental, consequential or transitional provision, and
 - (c) may include provisions amending (or repealing or revoking) any enactment or instrument (whenever passed or made).

Changes to legislation: Finance Act 2008, Cross Heading: Other matters is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (6) The power to make an order under this section is exercisable by statutory instrument.
- (7) No order is to be made under this section unless a draft of the order has been laid before, and approved by a resolution of, the House of Commons.

161 Fuel duty: definition of “ultra low sulphur diesel”

- (1) In section 1(6) of HODA 1979 (definition of “ultra low sulphur diesel”), omit paragraphs (b) and (c) (but not the “and” at the end of paragraph (c)).
- (2) The amendment made by subsection (1) is treated as having come into force on 4 September 2007.

162 Duties: abolition of disregard of fractions of penny

In section 137 of CEMA 1979 (calculation of excise duty etc), omit subsection (4) (fractions of penny to be disregarded in calculation of duty).

163 National savings

- (1) Section 10 of the National Debt Act 1972 (c. 65) (national savings stamps and gift tokens) is amended as follows.
- (2) In subsection (2), after “tokens; and” insert “ (subject to regulations under subsection (2A)) ”.
- (3) After that subsection insert—

“(2A) Where the Treasury has issued a sum to the National Debt Commissioners under subsection (2), it may by regulations require them to repay to the National Loans Fund, in the way specified in the regulations, so much of that sum as may be specified in, or determined in accordance with, the regulations.”

164 EU emissions trading: criminal offences

- (1) Section 16 of FA 2007 (EU emissions trading: charges for allocations) is amended as follows.
- (2) In subsection (4)(c), for “imposition and recovery of penalties” substitute “ creation of criminal offences, or for the imposition and recovery of civil penalties, ”.
- (3) After subsection (6) insert—

“(6A) Subsection (4)(c) does not permit the creation of a criminal offence with maximum penalties in excess of the maximum penalties which an instrument under section 2(2) of the European Communities Act 1972 may provide in respect of an offence created by such an instrument.”

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 41 para. 6(1A) inserted by [2015 c. 11 Sch. 20 para. 10\(2\)](#)
- Sch. 41 para. 6A(A1)(1) substituted for Sch. 41 para. 6A(1) by [2015 c. 11 Sch. 20 para. 11\(2\)](#)