
STATUTORY INSTRUMENTS

1996 No. 1527

The Landfill Tax Regulations 1996

PART V

CREDIT: PERMANENT REMOVALS ETC.

Entitlement to credit

- 21.**—(1) An entitlement to credit arises under this Part where—
- (a) a registered person has accounted for an amount of tax and, except where the removal by virtue of which sub-paragraph (b) below is satisfied takes place in the accounting period in which credit arising under this Part is claimed in accordance with Part IV of these Regulations, he has paid that tax; and
 - (b) in relation to the disposal on which that tax was charged, either—
 - (i) the reuse condition has been satisfied; or
 - (ii) the enforced removal condition has been satisfied.
- (2) The reuse condition is satisfied where—
- (a) the disposal has been made with the intention that the material comprised in it—
 - (i) would be recycled or incinerated, or
 - (ii) removed for use (other than by way of a further disposal) at a place other than a relevant site;
 - (b) that material, or some of it, has been recycled, incinerated or permanently removed from the landfill site, as the case may be, in accordance with that intention;
 - (c) that recycling, incineration or removal—
 - (i) has taken place no later than one year after the date of the disposal; or
 - (ii) where water had been added to the material in order to facilitate its disposal, has taken place no later than five years after the date of the disposal; and
 - (d) the registered person has, before the disposal, notified the Commissioners in writing that he intends to make one or more removals of material in relation to which sub-paragraphs (a) to (c) above will be satisfied.
- (3) For the purpose of paragraph (2)(a)(ii) above a relevant site is the landfill site at which the disposal was made or any other landfill site.
- (4) The enforced removal condition is satisfied where—
- (a) the disposal is in breach of the terms of the licence or resolution, as the case may be, by virtue of which the land constitutes a landfill site;
 - (b) the registered person has been directed to remove the material comprised in the disposal, or some of it, by a relevant authority and he has removed it, or some of it; and

- (c) a further taxable disposal of the material has been made and, except where the registered person is the person liable for the tax chargeable on that further disposal, he has paid to the site operator an amount representing that tax.
- (5) For the purpose of paragraph (4)(b) above the following are relevant authorities—
 - (a) the Environment Agency;
 - (b) the Scottish Environment Protection Agency;
 - (c) the Department of the Environment for Northern Ireland;
 - (d) a district council in Northern Ireland.
- (6) The amount of the credit arising under this Part shall be equal to the tax that was charged on the disposal; except that where only some of the material comprised in that disposal is removed, the amount of the credit shall be such proportion of that tax as the material removed forms of the total of the material.