



Finance Act 1984

1984 CHAPTER 43

PART I

CUSTOMS AND EXCISE, VALUE ADDED TAX AND CAR TAX

CHAPTER I

CUSTOMS AND EXCISE

1 Duties on spirits, beer, wine, made-wine and cider

- (1) In section 5 of the Alcoholic Liquor Duties Act 1979 (excise duty on spirits) for "£15.19" there shall be substituted " £15.48 ".
- (2) In section 36 of that Act (excise duty on beer) for " £21.60 " and " £0.72 " there shall be substituted " £24.00 " and " £0.80 " respectively.
- (3) For the provisions of Schedule 1 to that Act (rates of excise duty on wine) there shall be substituted the provisions of Schedule 1 to this Act.
- (4) The rates of duty on made-wine shall be the same as those on wine and, accordingly, in section 55(1) of that Act for the words " Schedule 2" there shall be substituted the words " Schedule 1 ".
- (5) In section 62(1) of that Act (excise duty on cider) for " £9.69 " there shall be substituted " £14.28 " and in the definition of " cider " in section 1(6) of that Act for the words " less than 8.7 per cent." there shall be substituted the words " less than 8.5 per cent. ".
- (6) This section, and Schedule 1 to this Act, other than the paragraphs headed " Interpretation " , shall be deemed to have come into force on 14th March 1984.

2 Tobacco products

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

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“TABLE

1. Cigarettes	An amount equal to 21 per cent, of the retail price plus £24.97 per thousand cigarettes.
2. Cigars	£47.05 per kilogram.
3. Hand-rolling tobacco	£40.60 per kilogram.
4. Other smoking tobacco and chewing tobacco	£24.95 per kilogram.”

(2) This section shall be deemed to have come into force on 16th March 1984.

3 Hydrocarbon oil

(1) In section 6(1) of the Hydrocarbon Oil Duties Act 1979 (rates of duty on hydrocarbon oil) for "£0.1630" (light oil) and "£0.1382 " (heavy oil) there shall be substituted " £0.1716 " and " £0.1448 " respectively.

(2) In section 11(1)(a) of that Act (rebate on kerosene, other than aviation turbine fuel) for the words " of £0.0022 a litre less than " there shall be substituted the words " equal to ".

(3) This section shall be deemed to have come into force at 6 o'clock in the evening of 13th March 1984.

4 Vehicles excise duty

(1) The Vehicles (Excise) Act 1971 and the Vehicles (Excise) Act (Northern Ireland) 1972 shall be amended as follows.

(2) For the provisions of Part II of Schedules 1 to 5 to each of those Acts (annual rates of duty) there shall be substituted the provisions set out in Part I of Schedule 2 to this Act.

(3) The provisions of Part I of Schedule 4 to each of those Acts (annual rates of duty on goods vehicles: general provisions) shall have effect subject to the amendments made by Part II of Schedule 2 to this Act.

(4) In section 16 of the Act of 1971 (rates of duty for trade licences)—

(a) in subsection (5), including that subsection as set out in paragraph 12 of Part I of Schedule 7 to that Act, for " £42 " and " £8.50 " there shall be substituted, respectively, " £44 " and " £9 " ; and

(b) in subsection (8) the following definition shall be inserted at the appropriate place—

“ disabled vehicle ' includes a vehicle which has been abandoned or is scrap ;”.

(5) In section 16 of the Act of 1972 (rates of duty for trade licences)—

(a) in subsection (6), including that subsection as set out in paragraph 12 of Part I of Schedule 9 to that Act, for "£42" and "£8.50" there shall be substituted, respectively, " £44 " and " £9 " ; and

(b) in subsection (10) the following definition shall be inserted at the appropriate place—

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“ disabled vehicle ' includes a vehicle which has been abandoned or is scrap ;”.

- (6) The provisions of this section other than subsections (4)(b) and (5)(b) apply in relation to licences taken out after 13th March 1984.

5 Vehicles excise duty: recipients of mobility supplement

- (1) Section 7 of the Vehicles (Excise) Act 1971 and section 7 of the Vehicles (Excise) Act (Northern Ireland) 1972 (exemption from vehicles excise duty) shall have effect with the following amendments.

- (2) In subsection (2) of that section of each Act (by virtue of which vehicles used by or for the purposes of persons in receipt of a mobility allowance are exempt from duty and vehicles are deemed to be registered in the names of such persons in certain circumstances)—

- (a) after the words " mobility allowance ", in both places, there shall be inserted the words " or a mobility supplement "; and
- (b) for the words from " a person appointed " to " powers " and the words " a person so appointed " there shall in each case be substituted the words " an appointee ".

- (3) After subsection (2) of section 7 of the 1971 Act there shall be inserted—

“(2A) In subsection (2) above—

' mobility supplement ' means a mobility supplement under—

- (a) a scheme made under the Personal Injuries (Emergency Provisions) Act 1939, or
- (b) an Order in Council made under section 12 of the Social Security (Miscellaneous Provisions) Act 1977,

or any payment appearing to the Secretary of State to be of a similar kind and specified by him by order made by statutory instrument; and

' appointee ' means—

- (i) a person appointed pursuant to regulations under the Social Security Act 1975 to exercise any of the rights or powers of a person in receipt of a mobility allowance, or
- (ii) a person to whom a mobility supplement is paid for application for the benefit of another person in receipt of the supplement.

(2B) An order under subsection (2A) above may provide that it shall be deemed to have come into force on any date after 20th November 1983.”.

- (4) After subsection (2A) of section 7 of the 1972 Act there shall be inserted—

“(2AA) In subsection (2)—

' mobility supplement ' means a mobility supplement under—

- (a) a scheme made under the Personal Injuries (Emergency Provisions) Act 1939, or
- (b) an Order in Council made under section 12 of the Social Security (Miscellaneous Provisions) Act 1977,

or any payment appearing to the Secretary of State to be of a similar kind and specified by him by order made by statutory instrument; and

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'appointee' means—

- (i) a person appointed pursuant to regulations under the Social Security (Northern Ireland) Act 1975 to exercise any of the rights or powers of a person in receipt of a mobility allowance, or
- (ii) a person to whom a mobility supplement is paid for application for the benefit of another person in receipt of the supplement.

(2AB) An order under subsection (2AA) above may provide that it shall be deemed to have come into force on any date after 20th November 1983.”

(5) This section shall be deemed to have come into force on 21st November 1983.

6 Gaming licence duty

(1) In section 14 of the Betting and Gaming Duties Act 1981 (rate of gaming licence duty), for the Table set out in subsection (1) there shall be substituted the following Table—

“TABLE

<i>Part of gross gaming yield</i>	<i>Rate</i>
The first £375,000	2 1/2 per cent.
The next £1,875,000	12 1/2 per cent.
The next £2,250,000	25 per cent.
The remainder	33 1/3 per cent.”

(2) This section shall have effect in relation to gaming licences for any period beginning after 31st March 1984.

7 Gaming machine licence duty

(1) For the purpose of providing for gaming machine licences to be granted, in certain circumstances, in respect of gaming machines instead of in respect of premises and of providing for whole-year gaming machine licences granted in respect of premises to run from different dates in different parts of Great Britain, the Betting and Gaming Duties Act 1981 shall have effect subject to the amendments set out in Schedule 3 to this Act.

(2) The amendments made by Part I of Schedule 3 shall not have effect in relation to any licence granted for a period beginning before 1st October 1984; and the Act of 1981 shall have effect subject to Part II of Schedule 3 (which makes transitional provision in relation to certain licences first having effect after 30th September 1984 but before 1st February 1986).

8 Free zones

The provisions set out in Part I of Schedule 4 to this Act (which provide for special areas, to be known as free zones, to be designated for customs and excise purposes) shall be inserted in the Customs and Excise Management Act 1979 after Part VIII as a new Part VIIIA, and that Act shall have effect with the amendments specified in Part II of that Schedule (which also relate to free zones).

9 Entry of goods on importation

- (1) The Customs and Excise Management Act 1979 shall have effect with the amendments specified in Schedule 5 to this Act, being amendments relating to the entry of goods on importation.
- (2) Paragraph 1 of that Schedule shall come into force on 1st January 1985.

CHAPTER II

VALUE ADDED TAX

10 Zero-rating

- (1) Schedule 5 to the Value Added Tax Act 1983 (zero-rating) shall have effect subject to the modifications in Schedule 6 to this Act.
- (2) In Schedule 6 to this Act—
 - (a) Part I has effect with respect to supplies made on or after 1st May 1984 ; and
 - (b) Parts II and III have effect with respect to supplies made on or after 1st June 1984.

11 Refund of tax to Government departments etc. in certain cases

After subsection (2) of section 27 of the Value Added Tax Act 1983 (application of value added tax legislation to the Crown) there shall be inserted the following subsections—

- “(2A) Where tax is chargeable on the supply of goods or services to, or on the importation of goods by, a Government department and the supply or importation is not for the purpose—
- (a) of any business carried on by the department, or
 - (b) of a supply by the department which, by virtue of a direction under subsection (2) above, is treated as a supply in the course or furtherance of a business,

then, if and to the extent that the Treasury so direct and subject to subsection (2B) below, the Commissioners shall, on a claim made by the department at such time and in such form and manner as the Commissioners may determine, refund to it the amount of the tax so chargeable.

- (2B) The Commissioners may make the refunding of any amount due under subsection (2A) above conditional upon compliance by the claimant with requirements with respect to the keeping, preservation and production of records relating to the supply or importation in question.”

12 Conditions imposed on discretionary registration

- (1) In paragraph 5 of Schedule 1 to the Value Added Tax Act 1983 (discretionary registration subject to conditions imposed by the Commissioners) after sub-paragraph (1) there shall be inserted the following sub-paragraph—

“(1A) Conditions under sub-paragraph (1) above—

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- (a) may be imposed wholly or partly by reference to, or without reference to, any conditions prescribed for the purposes of this paragraph; and
 - (b) may (whenever imposed) be subsequently varied by the Commissioners.”
- (2) In paragraph 11 of Schedule 1 (discretionary registration subject to conditions imposed by the Commissioners) after sub-paragraph (2) there shall be inserted the following sub-paragraph—

“(2A) Conditions under sub-paragraph (1)(b) above—

- (a) may be imposed wholly or partly by reference to, or without reference to, any conditions prescribed for the purposes of this paragraph ; and
- (b) may (whenever imposed) be subsequently varied by the Commissioners.”

13 Certain zero-rated supplies and transactions

In section 16 of the Value Added Tax Act 1983 (zero-rating) in subsection (5) (certain supplies outside the United Kingdom and other transactions to be treated as supplies of goods or services in the United Kingdom) the words " of a supply of goods or services outside the United Kingdom or " and " supply or " shall be omitted.

CHAPTER III

MISCELLANEOUS

14 Reliefs from duty and value added tax in respect of imported legacies

- (1) For section 7 of the Customs and Excise Duties (General Reliefs) Act 1979 (relief from customs or excise duty on imported legacies) there shall be substituted—

“7 Power to provide for reliefs from duty and value added tax in respect of imported legacies.

- (1) The Commissioners may by order make provision for conferring reliefs from duty and value added tax in respect of goods imported into the United Kingdom by or for any person who has become entitled to them as legatee.
- (2) Any such relief may take the form either of an exemption from payment of duty and tax or of a provision whereby the sum payable by way of duty or tax is less than it would otherwise be.
- (3) The Commissioners may by order make provision supplementing any Community relief, in such manner as they think necessary or expedient.
- (4) An order under this section—
 - (a) may make any relief for which it provides or any Community relief subject to conditions, including conditions which are to be complied with after the importation of the goods to which the relief applies ;

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- (b) may, in relation to any relief conferred by order made under this section, contain such incidental and supplementary provisions as the Commissioners think necessary or expedient; and
- (c) may make different provision for different cases.

(5) In this section—

" Community relief " means any relief which is conferred by a Community instrument and is of a kind, or of a kind similar to that, which could otherwise be conferred by order made under this section;

" duty " means customs or excise duty chargeable on goods imported into the United Kingdom and, in the case of excise duty, includes any addition to the duty by virtue of section 1 of the Excise Duties (Surcharges or Rebates) Act 1979 ;

" legatee " means any person taking under a testamentary disposition or donatio mortis causa or on an intestacy ; and

" value added tax " means value added tax chargeable on the importation of goods.”.

(2) In section 17 of the Customs and Excise Duties (General Reliefs) Act 1979 (parliamentary control of orders and regulations), in subsection (3), after the figure " 4 " there shall be inserted " 7 " .

(3) This section shall be deemed to have come into force on 1st July 1984.

15 Extension to certain Community reliefs of power to make supplementary provision

(1) Section 13 of the Customs and Excise Duties (General Reliefs) Act 1979 (orders providing for personal reliefs from duties etc.) shall be amended as provided by subsections (2) to (5) below.

(2) After subsection (1) there shall be inserted the following subsection—

“(1A) The Commissioners may by order make provision supplementing any Community relief, in such manner as they think necessary or expedient.”.

(3) In subsection (3)(a), after the word " provides " there shall be inserted the words " , or any Community relief, " .

(4) In subsection (3)(b), after the word " may " there shall be inserted the words " , in relation to any relief conferred by order made under this section, " .

(5) In subsection (4) there shall be inserted at the appropriate place—

““ Community relief " means any relief which is conferred by a Community instrument and is of a kind, or of a kind similar to that, which could otherwise be conferred by order made under this section ;”.

(6) In section 17 of the Customs and Excise Duties (General Reliefs) Act 1979 (parliamentary control of orders and regulations), in subsection (4), after the figure " 13 " there shall be inserted " (1) " .

(7) In the Isle of Man Act 1979—

- (a) in section 8 (removal of goods from Isle of Man to United Kingdom), in subsection (3), the words " or under any Community instrument " shall be

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inserted after the words " imported goods) " and the words " or under the Community instrument in question " shall be added at the end ; and

- (b) in section 9 (removal of goods from United Kingdom to Isle of Man), in subsection (5), the words " or under any Community instrument " shall be added at the end.

(8) This section shall be deemed to have come into force on 31st March 1984.

16 Unpaid car tax and value added tax: distress and poinding

- (1) In paragraph 3(2)(a) and (b) of Schedule 1 to the Car Tax Act 1983 and in paragraph 6(4)(a) and (b) of Schedule 7 to the Value Added Tax Act 1983 (power by regulation to make provision for distress and poinding in connection with unpaid tax) there shall be inserted, after the word " regulations " the words " and for the imposition and recovery of costs, charges, expenses and fees in connection with anything done under the regulations ".
- (2) Regulations 58 and 59 of the Value Added Tax (General) Regulations 1980 shall, so far as they relate to costs, charges, expenses and fees in connection with any distraining or poinding occurring after the commencement of this section, have effect as if paragraph 6(4) of Schedule 7 to the Act of 1983 and this section had been in force when those regulations were made.