



Finance Act 2006

2006 CHAPTER 25

PART 9

MISCELLANEOUS PROVISIONS

Climate change levy

172 Abolition of half-rate supplies etc

- (1) For the purposes of climate change levy, no supply made on or after 1st April 2006 is a half-rate supply.
- (2) Subsections (3) to (6) have effect for determining when a supply is to be regarded as made for the purposes of subsection (1).
- (3) A supply—
 - (a) of electricity, or
 - (b) of gas that is in a gaseous state and is of a kind supplied by a gas utility,is to be regarded as made at the time when the electricity or gas is actually supplied.
- (4) In the case of a supply of a taxable commodity not falling within subsection (3) by a person who is resident in the United Kingdom—
 - (a) if the commodity is to be removed, the supply is to be regarded as made at the time of the removal,
 - (b) if the commodity is not to be removed, the supply is to be regarded as made when the commodity is made available to the person to whom it is supplied.This subsection does not apply if subsection (6) (deemed self-supply) applies in the case of the supply.
- (5) In the case of a supply of a taxable commodity not falling within subsection (3) by a person who is not resident in the United Kingdom, the supply is to be regarded as made—
 - (a) when the commodity is delivered to the person to whom it is supplied, or

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(b) if earlier, when it is made available in the United Kingdom to that person.

This subsection does not apply if subsection (6) (deemed self-supply) applies in the case of the supply.

- (6) In any case where, by virtue of paragraph 23(3) of Schedule 6 to FA 2000, a person is, for the purposes of that Schedule, deemed to make a supply to himself of a quantity of a taxable commodity—
- (a) which he has produced, and
 - (b) which does not fall within subsection (3),
- the supply is to be regarded as made at the time when he produced that particular quantity of the taxable commodity.
- (7) In paragraph 34 of Schedule 6 to FA 2000 (deemed supplies of commodities other than electricity and certain gas), in sub-paragraph (2) omit the words “(or, in the case of electricity, consumed)” (which are unnecessary, because the paragraph does not apply in the case of electricity).
- (8) In consequence of subsection (1), Schedule 6 to FA 2000 (climate change levy) is amended as follows.
- (9) In paragraph 37 (supplies of electricity or gas spanning change of rate etc) in sub-paragraph (1)(c) omit “half-rate supplies or”.
- (10) In paragraph 38 (other supplies spanning change of rate etc) in sub-paragraph (1)(c) omit “half-rate supplies or”.
- (11) In paragraph 42(1) (amount payable by way of levy)—
- (a) in paragraph (a), for “neither a half-rate supply nor” substitute “ not ”;
 - (b) omit paragraph (b);
 - (c) in paragraph (c), for “neither a half-rate supply nor” substitute “ not ”;
 - (d) in the Table (and in the Table substituted for it by section 171 of this Act), in the heading to column (2), for “neither a half-rate supply nor” substitute “ not ”.
- (12) Paragraph 43 (half-rate for supplies to horticultural producers) shall cease to have effect.
- (13) In paragraph 62 (tax credits) in subsection (1)—
- (a) in paragraph (c)—
 - (i) for “neither a half-rate supply nor” substitute “ not ”;
 - (ii) omit “half-rate or”;
 - (b) omit paragraph (d).
- (14) In paragraph 101 (civil penalties: incorrect notifications) in sub-paragraph (2)(a)—
- (a) at the end of sub-paragraph (ii) insert “ or ”;
 - (b) omit sub-paragraph (iii).
- (15) In paragraph 147 (interpretation: general) omit the definition of “half-rate supply”.
- (16) Subsections (8) to (15) come into force on such day as the Treasury may by order made by statutory instrument appoint.
- (17) The power to make an order under subsection (16)—

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- (a) may be exercised so as to bring a provision into force only in such cases as may be described in the order,
- (b) may be exercised so as to make different provision for different cases or descriptions of case,
- (c) includes power to make incidental, consequential, supplemental or transitional provision or savings.

Subordinate Legislation Made

P1 S. 172(8)-(15) power fully exercised: 1.11.2007 appointed by {S.I. 2007/2901}, art. 2

Commencement Information

II S. 172 wholly in force; s. 172(1)-(7)(16)(17) in force at Royal Assent see s. 172(16); s. 172(8)-(15) in force at 1.11.2007 by S.I. 2007/2901, **art. 2**

Changes to legislation:

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