

FINANCE ACT 2012

EXPLANATORY NOTES

INTRODUCTION

Section 191 Schedule 24: Machine Games Duty

Details of the Schedule

Part 2 Removal of Amusement Machine Licence Duty

51. Paragraphs 53 and 54 amend BGDA to omit those provisions that deal specifically with the imposition and administration of AMLD, and remove references to AMLD from those provisions that deal with the general administration of betting and gaming duties.
52. Paragraph 55 omits the reference to an amusement machine licence from the provisions in CEMA about the payment of excise licences by cheque.
53. Paragraph 56 omits the provision in the Finance Act 1997 that provides an exemption from gaming duty by reference to AMLD.
54. Paragraph 57 removes the reference to AMLD from the table of taxes and duties that are subject to penalties for failure to notify etc. in Schedule 41 to the Finance Act 2008.
55. Paragraph 58 removes the reference to AMLD from the list of excise duties for which the Director of Border Revenue has no responsibility to reflect the fact that AMLD is being removed.
56. Paragraph 59 provides a formula which will achieve refunds in respect of the whole months and days which are the subject of the portion of the licence unexpired at the MGD go-live date.
57. Paragraph 59(4) provides that where AMLD is being paid in monthly instalments there may be a liability to pay an amount in respect of any days that form a part-month before the go-live date.
58. Paragraph 59 (5) provides that any person who is entitled to a repayment of more than £10 will be entitled to interest on that amount if they have not been repaid within 90 days of go-live and have notified HMRC of that fact. Interest will be calculated until the day the repayment is made at the rate specified for excise duty payments under s197 of the Finance Act 1996.
59. Paragraph 60 provides that where a licence expires in the final month of AMLD an amount will be payable in respect of the days up to go-live (a “daily rate”). Paragraph 60(6) provides that this rate will be 1/365th of the amount charged for a twelve-month licence. If payment is made before its expiry date, the previous licence will be treated as extended to go-live.
60. Paragraphs 60(7) and (8) provide that the standard requirements for the payment of AMLD and for the enforcement and administration of AMLD shall continue to apply during the 30 day period before go-live. If any machines (for which an AMLD licence is required) are provided for play without a licence in this 30 day period paragraph

*These notes refer to the Finance Act 2012 (c.14)
which received Royal Assent on 17 July 2012*

60(9) provides that the amount of any assessment for that period will be calculated by reference to $1/365^{\text{th}}$ of the amount charged for a twelve-month licence.

61. Paragraph 61 makes provision in respect of licences that will be granted less than one month before MGD go-live. For licences granted in this period this paragraph disapplies those provisions in BGDA that stipulate the minimum and maximum periods for which a licence application may be made, and provides that these licences will expire on the day before go-live. Paragraph 61(5) provides that HMRC may direct that the existing administrative arrangements for AMLD shall apply in relation to any final month licences as they do to other licences.
62. Paragraph 62 provides that any legislation that is repealed by Part 2 of this Schedule will continue to have effect after go-live date in relation to things that happened before go-live date.
63. Paragraph 62(3) provides that for assessments to AMLD as a result of a default in the period prior to go-live the assessment shall be made using the amounts of AMLD that were in force the day before the go-live date.