Finance Act 2015

2015 CHAPTER 11

PART 2

EXCISE DUTIES AND OTHER TAXES

Aggregates levy

61 Tax credit in Northern Ireland

(1) Part 2 of FA 2001 (aggregates levy) is amended in accordance with subsections (2) to (6).

(2) After section 30A insert—

"**30B Special tax credit in Northern Ireland**

(1) The Commissioners may by regulations make provision of the kind described in section 30(2) (entitlement to tax credit) in relation to cases within subsection (3) below.

(2) Tax credit to which a person is entitled under the regulations is referred to in this section as "special tax credit".

(3) The cases are where—

(a) a person has been charged with, and has fully accounted for, aggregates levy in respect of the commercial exploitation of a quantity of aggregate, and

(b) the exploitation was of imported aggregate and occurred in Northern Ireland in the period defined in subsection (5).

(4) For this purpose aggregate is "imported" if it was won from a site in a member State other than the United Kingdom.

(5) The period mentioned in subsection (3)(b)—

(a) begins with 1 April 2004, and

(b) ends with 30 November 2010.

(6) Regulations may in particular—

(a) provide that a person is not entitled to special tax credit unless the Department of the Environment in Northern Ireland ("the Department") has certified under section 30D(4) that it is satisfied that specified requirements were met in relation to the site from which the aggregate originates during a period which includes the time when the aggregate was won from the site (and the certification has not been revoked);

(b) specify further conditions for entitlement to special tax credit;

(c) make provision about the rate at which special tax credit is to be given (including provision restricting the amount of special tax credit in cases where entitlement to a tax credit has already arisen);

(d) provide for compound interest at the applicable rate (see section 30C) to be treated as added, for such period and for such purposes as may be prescribed, to the amount of any special tax credit;

(e) authorise the Commissioners to adjust a person's claim for special tax credit in specified circumstances.

(7) Regulations under subsection (6)(a) may specify the requirements in question by reference to any provisions of a notice published by the Department in pursuance of the regulations and not withdrawn by a further notice.

(8) Subsection (3) of section 30 (except paragraph (f) of that subsection) applies to regulations under this section as it applies to regulations under that section.

(9) Section 32(1) (time limit for claims) does not apply to a claim for repayment of aggregates levy made under regulations under this section.

30C Special tax credit: applicable rate of interest

(1) The reference in section 30B(6)(d) to the applicable rate is to a rate provided for in regulations made by the Treasury.

(2) Regulations under this section may—

(a) provide for the rate to be determined, and to change from time to time, by reference to a rate referred to in the regulations;

(b) include provision for different rates to apply at different times in a period for which interest is due to a person.

(3) Regulations under this section are to be made by statutory instrument.

(4) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of the House of Commons.

30D Special tax credit: certification by Department

(1) A person may, for the purpose of making a claim for special tax credit, apply to the Department for a certification under subsection (4)(a).

(2) The application must specify—

(a) a site, and

(b) a time ("the relevant time").

(3) Where a certification relating to a site has been wholly or partly revoked by virtue of subsection (7)(b), an application specifying that site may not specify a time falling within the period with respect to which the revocation has effect.

(4) Where an application is made and the Department has not previously made a certification under paragraph (a) relating to both the specified site and a period that includes the relevant time, the Department must either—

(a) certify that it is satisfied that any requirements specified by virtue of section 30B(6)(a) were met in relation to the site during a period (specified in the certification) that includes the relevant time, or

(b) refuse the application.

(5) If the Department makes a certification under subsection (4)(a) (a "special tax credit certification") it must give a written notice of the certification to—

(a) the applicant, and

(b) HMRC.

(6) Where an application is made and the Department has previously made a special tax credit certification relating to both the specified site and a period that includes the relevant time, the Department must give the applicant a written notice of that certification.

(7) The Commissioners may by regulations—

(a) make provision about the time within which an application under subsection (1) must be made and the form and content of such an application;

(b) authorise the Department to revoke a special tax credit certification with respect to the whole or part of the period to which the certification relates if the Department is satisfied that its decision as regards the meeting of the relevant requirements (or that decision, so far as relating to the relevant part of that period) was not correct;

(c) make any other provision that is necessary in connection with paragraph (b) and subsection (8);

(d) provide that a revocation by virtue of paragraph (b) may not be made after a specified date.

(8) A special tax credit certification is to be treated as never having had effect in relation to any period with respect to which it is revoked by virtue of subsection (7)(b).

(9) Regulations under this section which make provision such as is mentioned in subsection (7)(b) must require the Department to inform the Commissioners, and any other person to whom the Department has given a written notice of the certification, if the Department revokes a special tax credit certification.

(10) Any expenses of the Department under or by virtue of this section or section 30B are to be appropriated from the Consolidated Fund of Northern Ireland by Act of the Northern Ireland Assembly.

(11) In this section "the Department" and "special tax credit" have the same meaning as in section 30B."

(3) In section 17 (meaning of "aggregate" and "taxable aggregate"), in subsection (6)(a), for "or 30A" substitute ", 30A or 30B".

(4) In section 48(1) (interpretation of Part), in the definition of "tax credit regulations", for "or 30A" substitute ", 30A or 30B".

(5) In paragraph 9A of Schedule 6 (incorrect records etc evidencing claim for tax credit), in sub-paragraph (1)(a)—

(a) omit the "or" at the end of sub-paragraph (i), and

(b) after sub-paragraph (ii) insert ", or

(iii) section 30B(3) of this Act (special tax credit in Northern Ireland);".

(6) In paragraph 2 of Schedule 8 (interest payable by the Commissioners), in sub-paragraph (3)—

(a) in paragraph (b), for "of this Act; but" substitute "or 30B(6)(d);", and

(b) after paragraph (b) insert—

"(ba) do not include the amount of any tax credit to which a person is entitled by virtue of section 30B(1); but".