

2018 No. 395

AGGREGATES LEVY

The Aggregates Levy (General) (Amendment) Regulations 2018

Made - - - - *21st March 2018*

Laid before the House of Commons *23rd March 2018*

Coming into force - - *1st April 2018*

The Commissioners for Her Majesty's Revenue and Customs, make the following Regulations in exercise of the powers conferred by section 30(1)(d) of the Finance Act 2001(a), and now exercisable by them(b).

Citation and commencement

1. These Regulations may be cited as the Aggregates Levy (General) (Amendment) Regulations 2018 and come into force on 1st April 2018.

Amendment to the Aggregates Levy (General) Regulations

2.—(1) The Aggregates Levy (General) Regulations 2002(c) are amended as follows.

(2) In regulation 2 (general interpretation), for the definition of “disposed of to landfill” substitute—

““disposed of to landfill” is to be construed in accordance with—

- (a) in relation to a disposal in England or Northern Ireland, section 40(4) (charge to tax: meaning of landfill site) and section 40A (disposals of material) of the Finance Act 1996(d);
- (b) in relation to a disposal in Scotland, section 5 (disposal by way of landfill) and section 12(1) (landfill sites) of the Landfill Tax (Scotland) Act 2014(e); or

(a) 2001 c. 9.

(b) Section 48(1) of the Finance Act 2001 defines “the Commissioners” as those of Customs and Excise for the purposes of Part 2 of that Act. The functions of the Commissioners of Customs and Excise were transferred to the Commissioners for Her Majesty's Revenue and Customs by section 5(2) of the Commissioners for Revenue and Customs Act 2005 (c. 11). Section 50(1) of the latter Act provides that a reference to the Commissioners of Customs and Excise shall be taken as a reference in any enactment to the Commissioners for Her Majesty's Revenue and Customs

(c) S.I. 2002/761. There are amending instruments, but none is relevant.

(d) c. 8. Sections 40(4) and 40A were inserted by section 42 of, and Schedule 12 to, the Finance Act 2018 (c. 3). From 1st April 2018, landfill tax under Part 3 of the Finance Act 1996 is charged only on disposals in England and Northern Ireland.

(e) 2014 asp 2.

- (c) in relation to a disposal in Wales, section 4 (disposal of material by way of landfill) and section 5(1) (authorised landfill sites) of the Landfill Disposals Tax (Wales) Act 2017(a).”.

Jim Harra
Nick Lodge

21st March 2018

Two of the Commissioners for Her Majesty’s Revenue and Customs

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations amend the Aggregates Levy (General) Regulations 2002 (S.I. 2002/761). The amendment to the definition of “disposed of to landfill” ensures that a credit remains available for the purposes of Aggregates Levy in respect of landfill disposals in any part of the United Kingdom, but that such disposal must be made at a landfill site that is authorised, licensed or permitted in accordance with environmental legislation.

A Tax Impact and Information Note for this instrument has not been prepared as it contains no substantive changes to tax policy.

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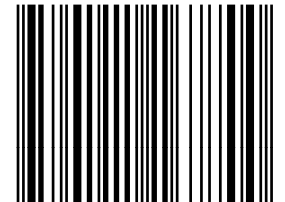
(a) 2017 anaw 3. These provisions will come into force on 1st April 2018 by virtue of S.I. 2018/35 (W. 11) (C. 6).

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