



# Finance Act 2006

## 2006 CHAPTER 25

### PART 9

#### MISCELLANEOUS PROVISIONS

##### *Climate change levy*

#### **171 Climate change levy: rates**

- (1) In Schedule 6 to FA 2000 (climate change levy) for the Table in paragraph 42(1) (amount payable by way of levy) substitute—

“TABLE

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<i><b>Taxable commodity supplied</b></i>	<i><b>Rate at which levy payable if supply is neither a half-rate supply nor a reduced-rate supply</b></i>
Electricity	£0.00441 per kilowatt hour
Gas supplied by a gas utility or any gas supplied in a gaseous state that is of a kind supplied by a gas utility	£0.00154 per kilowatt hour
Any petroleum gas, or other gaseous hydrocarbon, supplied in a liquid state	£0.00985 per kilogram
Any other taxable commodity	£0.01201 per kilogram”

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- (2) This section has effect in relation to supplies treated as taking place on or after 1st April 2007.

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*Status: Point in time view as at 19/07/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 2006, Cross Heading: Climate change levy. (See end of Document for details)*

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## 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
  - (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”;

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- (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)—
- (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

**Status:**

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Climate change levy.