
STATUTORY INSTRUMENTS

2022 No. 234

The Hydrocarbon Oil Duties (Consequential Amendments and Transitional Provisions) Regulations 2022

PART 2

Consequential amendments

Amendment of the Hydrocarbon Oil Regulations 1973

2.—(1) The Hydrocarbon Oil Regulations 1973(1) are amended as follows.

(2) In regulation 2 (definitions)—

- (a) omit the definition of “vessel”;
- (b) the remaining text becomes paragraph (1);
- (c) after the text that becomes paragraph (1) insert—

“(2) In this regulation “vessel” includes any tank or container for storing oil and any still or utensil in which oil may be processed.”.

(3) In regulation 47 (authorised person’s rights of access)—

- (a) for “any vehicle”, in each place it occurs, substitute “any relevant machine”;
- (b) for “such vehicle” substitute “such machine”;
- (c) for “a vehicle” substitute “a relevant machine”;
- (d) for “the vehicle”, in each place it occurs, substitute “the machine”;
- (e) after paragraph (5) insert—

“(5A) In this regulation “relevant machine” means a vehicle, vessel, machine or appliance.”.

(4) In regulation 47, as it has effect in relation to private pleasure craft in Northern Ireland(2), omit paragraph (6).

Amendment of the Other Fuel Substitutes (Rates of Excise Duty etc) Order 1995

3.—(1) The Other Fuel Substitutes (Rates of Excise Duty etc) Order 1995(3) is amended as follows.

(2) In article 2(1) (interpretation)—

- (a) after sub-paragraph (f) insert—

(1) [S.I. 1973/1311](#); relevant amending instruments are [S.I. 2008/753](#) and [2021/780](#).

(2) Regulation 1(3) of the Hydrocarbon Oil and Biofuels (Northern Ireland Private Pleasure Craft) Regulations 2021 ([S.I. 2021/780](#)) provides that the amendment of regulation 47 of the Hydrocarbon Oil Regulations 1973 made by regulation 9 only applies in relation to private pleasure craft in Northern Ireland.

(3) [S.I. 1995/2716](#); amended by [S.I. 2002/3042](#), [2004/2062](#), [2008/754](#) and [2014/470](#).

- “(fa) “kerosene heating system” means a heating system which uses a furnace or boiler which is designed or adapted to use kerosene as fuel;”;
- (b) after sub-paragraph (i) insert—
 - “(ia) “non-kerosene heating system” means a heating system which uses a furnace or boiler which is designed or adapted to use heavy oil other than kerosene as fuel;”.
- (3) In article 3(1) (determination of appropriate rate of duty)—
 - (a) at the end of sub-paragraph (a) omit “or”;
 - (b) after sub-paragraph (a) insert—
 - “(aa) for heating; or”;
 - (c) in the words after sub-paragraph (b) after “(a)” insert “or (aa)”.
- (4) In article 4 (rates of duty for fuel substitutes)—
 - (a) in paragraph (2)—
 - (i) after “heavy oil” insert “minus the applicable rate of rebate allowable under section 11 of the Act(4)”;
 - (ii) after sub-paragraph (a) insert—
 - “(aa) a non-kerosene heating system, the rate of duty shall be that specified by section 6 of the Act(5) for heavy oil minus the applicable rate of rebate allowable under section 11 of the Act;
 - (ab) a kerosene heating system, the rate of duty shall be that specified by section 6 of the Act for heavy oil minus the applicable rate of rebate allowable under section 11 of the Act;”;
 - (b) in paragraph (3) after “engine” insert “or heating system”;
 - (c) in paragraph (5)—
 - (i) after “engine”, in the first place it occurs, insert “or heating system”;
 - (ii) after “(a)” insert “, (aa), (ab)”.
- (5) In article 5 (rates of duty for additives or extenders)—
 - (a) in paragraph (2) after “engine” insert “or heating system”;
 - (b) in paragraph (5)(a) after “engine”, in both places it occurs, insert “or heating system”.

Amendment of the Hydrocarbon Oil (Designated Markers) Regulations 1996

- 4.—(1) The Hydrocarbon Oil (Designated Markers) Regulations 1996(6) are amended as follows.
- (2) In regulation 2(1) (designation of markers) for “for road vehicles” substitute “other than for an excepted machine(7)”.

(4) “The Act” is defined in article 2(1)(a) of the Order as “the Hydrocarbon Oil Duties Act 1979”. Section 11 (rebate on heavy oil) was amended by section 2 of FA 1986 (c. 41), section 7 of FA 1997 (c. 16), section 10 of FA 2000, paragraph 3 of Schedule 2 to FA 2002, section 10 of FA 2004, section 13 of, and paragraph 25 of Schedule 6 to, FA 2008 (c. 9), section 121 of FA 2009 (c. 10) and section 179 of FA 2013 (c. 29).

(5) Section 6 (excise duty on hydrocarbon oil) was amended by section 4 of FA 1981 (c. 35), section 4 of FA 1982 (c. 39), section 3 of FA 1990 (c. 29), section 7 of FA 1997 (c. 16), section 7 of FA 1998 (c. 36), sections 13 and 16 of, and paragraph 4 of Schedule 6 to, FA 2008, section 179 of FA 2013, and section 6 of the Taxation (Post-transition Period) Act 2020 (c. 26).

(6) S.I. 1996/1251, amended by S.I. 2002/1773 and 2015/36.

(7) “Excepted machine” is defined in section 27(1) of HODA. The definition of “excepted machine” was inserted by paragraph 20 of Schedule 21 to FA 2021 (c. 26).

Amendment of the Hydrocarbon Oil (Payment of Rebates) Regulations 1996

- 5.—(1) The Hydrocarbon Oil (Payment of Rebates) Regulations 1996⁽⁸⁾ are amended as follows.
- (2) In regulation 3(1) (interpretation), in the definition of “rebated heavy oil activity”—
- (a) for “road vehicle (falling within that section)” substitute “vehicle, vessel, machine or appliance that is not an excepted machine”;
 - (b) after “vehicle”, in the second place it occurs, insert “, vessel, machine or appliance”.
- (3) In regulation 5 (estimates and payments)—
- (a) in paragraph (2) for “numbered 1 in Schedule 1 to these Regulations” substitute “specified in a notice published by HMRC Commissioners”;
 - (b) in paragraph (3)—
 - (i) in sub-paragraph (a)—
 - (aa) for “the estimate at Part 2” substitute “the relevant part of the estimate”;
 - (bb) for “at Part 2(a) in” substitute “in the relevant part of”;
 - (ii) in sub-paragraph (b)—
 - (aa) for “the estimate at Part 3” substitute “the relevant part of the estimate”;
 - (bb) for “at Part 3(a) in” substitute “in the relevant part of”;
 - (iii) in sub-paragraph (c)—
 - (aa) in the words before paragraph (i), for “the estimate at Part 4” substitute “the relevant part of the estimate”;
 - (bb) in paragraph (i), for “at Part 4(c) in” substitute “in the relevant part of”;
 - (c) after paragraph (3) insert—

“(4) HMRC Commissioners must publish a notice specifying the form for the purposes of paragraph (2).”.
- (4) In regulation 6 (supplementary estimates, events and additional rebate payments and forms)—
- (a) in paragraph (2)—
 - (i) omit “(which activity, respectively, is the subject of an entry in Part 2 or Part 3, or Part 4 of the estimate)”;
 - (ii) for “in that Part” substitute “in the relevant part”;
 - (b) in paragraph (3)—
 - (i) in sub-paragraph (a) for “Part 2 (for estimated gas oil consumption)” substitute “the part of the form for estimated gas oil consumption”;
 - (ii) in sub-paragraph (b) for “Part 3 (for estimated section 12 kerosene consumption)” substitute “the part of the form for estimated section 12 kerosene⁽⁹⁾ consumption”;
 - (iii) in sub-paragraph (c), in the words before paragraph (i)—
 - (aa) for “Part 4 (for estimated section 13AA kerosene consumption)” substitute “the part of the form for estimated section 13AA kerosene consumption”;
 - (bb) omit “to those Regulations”;
 - (c) in paragraph (4)—

⁽⁸⁾ S.I. 1996/2313.

⁽⁹⁾ “Section 12 kerosene” is defined in regulation 3(1) of S.I. 1996/2313 as “heavy oil of the description given by paragraph (c) of section 11(1) of the Act” and “the Act” is defined as “the Hydrocarbon Oil Duties Act 1979”.

- (i) in sub-paragraph (a) for “numbered 2 in Schedule 1 to those Regulations” substitute “specified in a notice published by HMRC Commissioners”;
- (ii) in sub-paragraph (b)—
 - (aa) for “numbered 3 in Schedule 1 to these Regulations” substitute “specified in a notice published by HMRC Commissioners”;
 - (bb) for “following” substitute “relevant”;
 - (cc) omit the words in brackets after “the occurring event”;
- (d) after paragraph (5) insert—

“(6) HMRC Commissioners must publish a notice specifying the forms for the purposes of paragraph (4)(a) and (b).”.
- (5) In regulation 8 (returns)—
 - (a) in paragraph (1)—
 - (i) omit “Part 1 of”;
 - (ii) for “numbered 4 in Schedule 1 to these Regulations” substitute “specified in a notice published by HMRC Commissioners”;
 - (b) in paragraph (2)(a)—
 - (i) omit “Part 1 of”;
 - (ii) for “Part 1”, in the second place it occurs, substitute “the estimate”;
 - (c) after paragraph (3) insert—

“(4) HMRC Commissioners must publish a notice specifying the form for the purposes of paragraph (1).”.
- (6) In regulation 9 (records to be kept by a licensed user)—
 - (a) in paragraph (1) for “road vehicle falling within section 12 of the Act” substitute “non-excepted machine”;
 - (b) in paragraph (2)—
 - (i) in sub-paragraph (a) for “road vehicle falling within section 12 of the Act” substitute “non-excepted machine”;
 - (ii) in sub-paragraph (b)(i) for “road vehicle” substitute “non-excepted machine”;
 - (c) in paragraph (3)—
 - (i) for “road vehicle”, in each place it occurs, substitute “non-excepted machine”;
 - (ii) in sub-paragraph (a) after “unregistered vehicle” insert “or a non-excepted machine that is not a road vehicle⁽¹⁰⁾”;
 - (iii) in sub-paragraph (d) for “vehicle”, in the second place it occurs, substitute “machine”;
 - (d) after paragraph (4) insert—

“(5) In this regulation “non-excepted machine” means any vehicle, vessel, machine or appliance that is not an excepted machine.”.
- (7) Omit Schedule 1 (forms).

⁽¹⁰⁾ “Road vehicle” is defined in section 27(1) of HODA.

Amendment of the Hydrocarbon Oil (Marking) Regulations 2002

- 6.—(1) The Hydrocarbon Oil (Marking) Regulations 2002⁽¹¹⁾ are amended as follows.
- (2) In regulation 2(2) (interpretation) omit the definition of “heavy oil vehicle”.
- (3) In regulation 12 (labelling of delivery points for marked oil), in paragraphs (a) and (aa), for “road fuel”, in each place it occurs, substitute “fuel other than for an excepted machine”.
- (4) In regulation 13 (particulars to be recorded on delivery notes), in paragraph (1), in the words after sub-paragraph (c), for “road fuel” substitute “fuel other than for an excepted machine”.
- (5) In regulation 15 (prohibition relating to other markers)—
- (a) in paragraph (1) after “kerosene”, in both places it occurs, insert “, biodiesel”;
- (b) in paragraph (2) after “may be,” insert “biodiesel or”.
- (6) In regulation 17 (prohibition on the sale of dark oil), for “for a heavy oil vehicle” substitute “other than for an excepted machine”.

Amendment of the Biofuels and Other Fuel Substitutes (Payment of Excise Duties etc) Regulations 2004

- 7.—(1) The Biofuels and Other Fuel Substitutes (Payment of Excise Duties etc) Regulations 2004⁽¹²⁾ are amended as follows.
- (2) In regulation 2(1) (interpretation)—
- (a) at the appropriate places insert—
- ““kerosene heating system” means a heating system which uses a furnace or boiler which is designed or adapted to use kerosene as fuel;”;
- ““light oil heating system” means a heating system which uses a furnace or boiler which is designed or adapted to use light oil as fuel;”;
- ““non-kerosene heating system” means a heating system which uses a furnace or boiler which is designed or adapted to use heavy oil other than kerosene as fuel;”;
- (b) for the definition of “motor fuels record” substitute—
- ““motor and heating fuels record” has the meaning given in regulation 13;”.
- (3) In regulation 13 (motor fuels record), in the heading and paragraphs (1) and (3), after “motor”, in each place it occurs, insert “and heating”.
- (4) In the Schedule (particulars to be entered in the motor fuels record)—
- (a) in the heading after “Motor” insert “and Heating”;
- (b) in paragraph 1 (charge arising on setting aside)—
- (i) in the words before sub-paragraph (a), after “motor” insert “and heating”;
- (ii) in sub-paragraph (bb), for “other than as fuel for a road vehicle” substitute “as fuel for an excepted machine”;
- (iii) after sub-paragraph (c)(vi) insert—
- “(via) suitable only for use in a light oil heating system;
- (vib) suitable only for use in a kerosene heating system;
- (vic) suitable only for use in a non-kerosene heating system;”;
- (iv) after sub-paragraph (c)(xa) insert—

⁽¹¹⁾ S.I. 2002/1773. Relevantly amended by S.I. 2008/753.

⁽¹²⁾ S.I. 2004/2065. Relevant amending instruments are S.I. 2007/1640, 2008/753, 2014/471 and 2016/976.

- “(xb) suitable only as an additive or extender in fuel for use in a light oil heating system;
- (xc) suitable only as an additive or extender in fuel for use in a kerosene heating system;
- (xd) suitable only as an additive or extender in fuel for use in a non-kerosene heating system;”;
- (v) in sub-paragraph (h) after “motor” insert “and heating”;
- (c) in paragraph 2 (charge arising on chargeable use)—
 - (i) in the words before sub-paragraph (a), after “motor” insert “and heating”;
 - (ii) in sub-paragraph (c)(vi) for “(iv)” substitute “(v)”;
 - (iii) after sub-paragraph (c)(vi) insert—
 - “(via) fuel for use in a light oil heating system;
 - (vib) fuel for use in a kerosene heating system;
 - (vic) fuel for use in a non-kerosene heating system;”;
 - (iv) after sub-paragraph (c)(xa) insert—
 - “(xb) an additive or extender in fuel for use in a light oil heating system;
 - (xc) an additive or extender in fuel for use in a kerosene heating system;
 - (xd) an additive or extender in fuel for use in a non-kerosene heating system;”;
 - (v) in sub-paragraph (e) after “motor” insert “and heating”.

Amendment of the Hydrocarbon Oil Duties (Reliefs for Electricity Generation) Regulations 2005

8.—(1) The Hydrocarbon Oil Duties (Reliefs for Electricity Generation) Regulations 2005**(13)** are amended as follows.

(2) In regulation 2 (interpretation)—

(a) for the definition of “qualifying bioblend” substitute—

““qualifying bioblend” means bioblend charged with a duty of excise under section 6AB**(14)** of the Hydrocarbon Oil Duties Act 1979 on whose delivery for home use no rebate has been allowed under section 14B**(15)** of that Act;”;

(b) for the definition of “qualifying oil” substitute—

““qualifying oil” means—

(a) heavy oil charged with a duty of excise under section 6(1) of the Hydrocarbon Oil Duties Act 1979 on whose delivery for home use no rebate has been allowed under section 11(1), 13ZA**(16)** or 13AA**(17)** of that Act or in respect of which a payment under section 12(2)**(18)** of that Act has been made; and

(13) S.I. 2005/3320. Relevant amending instruments are S.I. 2007/2191, 2008/753, 2013/657, 2014/713.

(14) Section 6AB was inserted by section 5 of FA 2002 and amended by paragraph 7 of Schedule 2 to FA 2002, paragraph 5 of Schedule 5 to FA 2008, section 12 of FA 2010 (c. 13), paragraph 2 of Schedule 11 to FA 2020 (c. 14) and paragraph 3 of Schedule 21 to FA 2021.

(15) Section 14B was inserted by paragraph 13 of Schedule 5 to FA 2008 and amended by paragraph 6 of Schedule 11 to FA 2020 and paragraph 11 of Schedule 21 to FA 2021.

(16) Section 13ZA was inserted by paragraph 28 of Schedule 6 to FA 2008.

(17) Section 13AA was inserted by section 5 of FA 1996 (c. 8) and amended by section 7 of FA 1997, section 10 of FA 2004, section 4 of FA 2005 (c. 7), section 13 of, and paragraph 10 of Schedule 5 to, FA 2008 and paragraph 8 of Schedule 21 to FA 2021.

- (b) light oil on whose delivery for home use rebate has been allowed under section 14(1)(19) of that Act;”;
- (c) in the definition of “relevant duty”—
 - (i) in paragraph (a) omit “11(1), 13ZA, 13AA or”;
 - (ii) in paragraph (b) omit from “less” to the end.
- (3) For Schedule 2 (carbon price support rates)(20) substitute—

“SCHEDULE 2

Regulations 6 and 10(4)

Carbon Price Support Rates

<i>Fuel</i>	<i>Rate</i>
Qualifying oil which is light oil (light oil for use as furnace fuel)	£0.05711 per litre
Qualifying oil which is heavy oil other than gas oil or kerosene (on which no rebate has been allowed under section 11(1) or 13ZA of HODA or in respect of which a payment under section 12(2) of HODA has been made)	£0.05711 per litre
Qualifying oil which is gas oil or kerosene (on which no rebate has been allowed under section 11(1)(b) or 13AA of HODA)	£0.04916 per litre
Qualifying bioblend	£0.04916 per litre”

(18) Section 12(2) was amended by section 5 of FA 1996, paragraph 7 of Schedule 3 to FA 2002, paragraph 26 of Schedule 6 to FA 2008 and paragraph 2 of Schedule 11 to FA 2022.

(19) Section 14(1) was amended by section 179 of FA 2013.

(20) Schedule 2 was substituted by [S.I. 2014/713](#).