



# Finance Act 1997

## 1997 CHAPTER 16

### PART I

#### EXCISE DUTIES

##### *Alcoholic liquor duties*

#### **1 Rates of duty on spirits and wines of equivalent strength.**

- (1) In section 5 of the <sup>M1</sup>Alcoholic Liquor Duties Act 1979 (spirits), for “£19.78” there shall be substituted “ £18.99 ”.
- (2) In Part II of the Table of rates of duty in Schedule 1 to that Act (wine or made-wine of a strength exceeding 22 per cent.), for “19.78” there shall be substituted “ 18.99 ”.
- (3) This section shall be deemed to have come into force at 6 o’clock in the evening of 26th November 1996.

#### **Commencement Information**

- II** [S. 1](#) wholly in force at 6 o'clock in the evening of 26.11.1996 see [s. 1\(3\)](#).

#### **Marginal Citations**

- M1** [1979 c. 4](#).

#### **2 Rates of duty on lower strengths of wine and made-wine.**

- (1) For Part I of the Table of rates of duty in Schedule 1 to the Alcoholic Liquor Duties Act 1979 (wine and made-wine of a strength not exceeding 22 per cent.) there shall be substituted—

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## “PART I

### WINE OR MADE-WINE OF A STRENGTH NOT EXCEEDING 22 PER CENT.

<i>Description of wine or made-wine</i>	<i>Rates of duty per hectolitre</i>
	£
Wine or made-wine of a strength not exceeding 4 per cent.	43.28
Wine or made-wine of a strength exceeding 4 per cent. but not exceeding 5.5 per cent.	59.51
Wine or made-wine of a strength exceeding 5.5 per cent. but not exceeding 15 per cent. and not being sparkling	140.44
Sparkling wine or sparkling made-wine of a strength exceeding 5.5 per cent. but less than 5 per cent.	195.63
Sparkling wine or sparkling made-wine of a strength of 8.5 per cent. or of a strength exceeding 8.5 per cent. but not exceeding 15 per cent.	200.64
Wine or made-wine of a strength exceeding 15 per cent. but not exceeding 22 per cent.	187.24”

(2) This section shall be deemed to have come into force on 1st January 1997.

### 3 **Duty on sparkling cider.**

(1) In subsection (1A) of section 62 of the <sup>M2</sup>Alcoholic Liquor Duties Act 1979 (rates of excise duty on cider)—

- (a) in paragraph (a), after “exceeding 7.5 per cent.” there shall be inserted “ which is not sparkling cider ”; and
- (b) immediately before the word “and” at the end of that paragraph there shall be inserted the following paragraph—

“(aa) £36.45 per hectolitre in the case of sparkling cider of a strength exceeding 5.5 per cent.;”.

(2) After subsection (6) of that section there shall be inserted the following subsection—

“(7) References in this section to making cider shall be construed as including references to producing sparkling cider by rendering cider sparkling; and references in this section to cider made in the United Kingdom, to makers of cider and to making cider for sale shall be construed accordingly.”

(3) After that section there shall be inserted the following section—

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### **“62A Meaning of “sparkling” etc. in section 62.**

- (1) This section applies for the purposes of section 62 above.
  - (2) Cider which is for the time being in a closed bottle is sparkling if, due to the presence of carbon dioxide, the pressure in the bottle, measured at a temperature of 20 degrees C, is not less than 3 bars in excess of atmospheric pressure.
  - (3) Cider which is for the time being in a closed bottle is sparkling regardless of the pressure in the bottle if the bottle has a mushroom-shaped stopper (whether solid or hollow) held in place by a tie or fastening.
  - (4) Cider which is not for the time being in a closed container is sparkling if it has characteristics similar to those of cider which has been removed from a closed bottle and which, before removal, fell within subsection (2) above.
  - (5) Cider shall be regarded as having been rendered sparkling if, as a result of aeration, fermentation or any other process, it either—
    - (a) falls within subsection (2) above; or
    - (b) takes on characteristics similar to those of cider which has been removed from a closed bottle and which, before removal, fell within subsection (2) above.
  - (6) Cider which has not previously been rendered sparkling by virtue of subsection (5) above shall be regarded as having been rendered sparkling if it is transferred into a closed bottle which has a mushroom-shaped stopper (whether solid or hollow) held in place by a tie or fastening.
  - (7) Cider which is in a closed bottle and has not previously been rendered sparkling by virtue of subsection (5) or (6) above shall be regarded as having been rendered sparkling if the stopper of its bottle is exchanged for a stopper of a kind mentioned in subsection (6) above.”
- (4) In section 64 of that Act (remission or repayment of duty on spoilt cider), after subsection (1) there shall be inserted the following subsection—
- “(1A) In subsection (1) above the references to a maker of cider include references to any person who is taken for the purposes of section 62 above to be a maker of cider.”
- (5) This section shall be deemed to have come into force on 1st January 1997.
  - (6) Any order or regulations made under section 62 or 64 of the <sup>M3</sup>Alcoholic Liquor Duties Act 1979 before 1st January 1997—
    - (a) shall have effect (but only if and for so long as the order or regulations would be in force apart from this subsection) as if the amendments made to that Act by this section had been made before the making of the order or regulations, and
    - (b) shall be deemed at all times on or after that date so to have had effect.

#### **Marginal Citations**

M2 1979 c. 4.

*Status: Point in time view as at 27/04/2009.*

*Changes to legislation: There are currently no known outstanding effects  
 for the Finance Act 1997, Part I. (See end of Document for details)*

M3 1979 c. 4.

#### 4 Cider labelled as strong cider.

- (1) After the section 62A inserted into the Alcoholic Liquor Duties Act 1979 by section 3 above there shall be inserted the following section—

**“62B Cider labelled as strong cider.**

- (1) For the purposes of this Act, any liquor which would apart from this section be standard cider and which—
- (a) is in an up-labelled container, or
  - (b) has, at any time after 31st December 1996 when it was in the United Kingdom, been in an up-labelled container,
- shall be deemed to be strong cider, and not standard cider.
- (2) Accordingly, references in this Act to making cider include references to—
- (a) putting standard cider in an up-labelled container; or
  - (b) causing a container in which there is standard cider to be up-labelled.
- (3) Where, by virtue of this section, any duty is charged under section 62 above on any cider, a rebate shall be allowed in respect of the amount of any duty charged on that cider under that section otherwise than by virtue of this section.
- (4) For the purposes of this section—
- (a) “standard cider” means cider which is not sparkling and is of a strength not exceeding 7.5 per cent.; and
  - (b) “strong cider” means cider which is not sparkling and is of a strength exceeding 7.5 per cent.
- (5) For the purposes of this section a container is up-labelled if there is anything on—
- (a) the container itself,
  - (b) a label or leaflet attached to or used with the container, or
  - (c) any packaging used for or in association with the container,
- which states or tends to suggest that the strength of any liquor in that container falls within the strong cider strength range.
- (6) For the purposes of subsection (5) above, a strength falls within the strong cider strength range if it exceeds 7.5 per cent. but is less than 8.5 per cent.”
- (2) This section shall be deemed to have come into force on 1st January 1997.

#### 5 Cider labelled as made-wine.

- (1) After section 55A of the <sup>M4</sup>Alcoholic Liquor Duties Act 1979 there shall be inserted the following section—

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*Status: Point in time view as at 27/04/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1997, Part 1. (See end of Document for details)*

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**“55B Cider labelled as made-wine.**

- (1) For the purposes of this Act, any liquor which would apart from this section be cider and which—
  - (a) is in an up-labelled container, or
  - (b) has, at any time after 31st December 1996 when it was in the United Kingdom, been in an up-labelled container,shall be deemed to be made-wine, and not cider.
- (2) Accordingly, references in this Act to producing made-wine include references to—
  - (a) putting cider in an up-labelled container; or
  - (b) causing a container in which there is cider to be up-labelled.
- (3) For the purposes of this Act, where any liquor is deemed by this section to be made-wine, it shall be deemed—
  - (a) if it is in an up-labelled container, to be made-wine of the strength that the labelling for the container states or tends to suggest; and
  - (b) if it is no longer in an up-labelled container, to be made-wine of the strength stated or suggested by the labelling for the up-labelled container in which it was contained when it was first deemed by this section to be made-wine.
- (4) Subsection (3)(a) above has effect subject to any provision that may be made by regulations under section 2(3) above.
- (5) Where, by virtue of this section, any duty is charged under section 55 above on any liquor, a rebate shall be allowed in respect of the amount of any duty charged on that liquor under section 62 below.
- (6) For the purposes of this section a container is up-labelled if the labelling for the container states or tends to suggest that the strength of any liquor in that container is or exceeds 8.5 per cent.
- (7) In this section references to the labelling for any container are references to anything on—
  - (a) the container itself,
  - (b) a label or leaflet attached to or used with the container, or
  - (c) any packaging used for or in association with the container.”
- (2) In section 1 of that Act (interpretation)—
  - (a) in subsection (5) (meaning of “made-wine”), after “subsection (10)” there shall be inserted “ and section 55B(1) ”; and
  - (b) in subsection (6) (meaning of “cider”), after “means” there shall be inserted “ , subject to section 55B(1) below, ”.
- (3) In section 2(3A) of that Act (regulations may provide for duty to be charged by reference to strengths shown on bottle labels)—
  - (a) after the word “beer,”, in the first place where it occurs, there shall be inserted “ cider, ”; and
  - (b) for the words “spirits, beer, wine or made-wine”, in the second place where they occur, there shall be substituted “ liquor in that bottle or other container ”.

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- (4) In section 56(1)(c) of that Act (restriction on use of wine in production of made-wine), after “of wine” there shall be inserted “ or cider ”.
- (5) Subsections (1) and (2) above shall be deemed to have come into force on 1st January 1997.

#### Marginal Citations

**M4** 1979 c. 4.

### *Hydrocarbon oil duties*

#### 6 Rates of hydrocarbon oil duties and of rebates.

- (1) In section 6(1) of the <sup>M5</sup>Hydrocarbon Oil Duties Act 1979, for “£0.3912” (duty on light oil) and “£0.3430” (duty on heavy oil) there shall be substituted “ £0.4168 ” and “ £0.3686 ”, respectively.
- (2) In section 8(3) of that Act (duty on road fuel gas), for “£0.2817” there shall be substituted “ £0.2113 ”.
- (3) In section 11(1) of that Act (rebate on heavy oil), for “£0.0181” (fuel oil) and “£0.0233” (gas oil) there shall be substituted “ £0.0194 ” and “ £0.0250 ”, respectively.
- (4) In section 14(1) of that Act (rebate on light oil for use as furnace fuel), for “£0.0181” there shall be substituted “ £0.0194 ”.
- (5) This section shall be deemed to have come into force at 6 o’clock in the evening of 26th November 1996.

#### Commencement Information

**I2** S. 6 wholly in force at 6 o'clock in the evening of 26.11.1996 see s. 6(5).

#### Marginal Citations

**M5** 1979 c. 5.

#### 7 Ultra low sulphur diesel.

- (1) In section 1 of the Hydrocarbon Oil Duties Act 1979 (definitions of oil)—
- (a) in subsection (1), for “(2) to (4)” there shall be substituted “ (2) to (6) ”; and
  - (b) after subsection (4) there shall be inserted the following subsections—
    - “(5) “Gas oil” means heavy oil of which not more than 50 per cent. by volume distils at a temperature not exceeding 240° C and of which more than 50 per cent. by volume distils at a temperature not exceeding 340° C.
    - “(6) “Ultra low sulphur diesel” means gas oil the sulphur content of which does not exceed 0.005 per cent. by weight or is nil.”

*Status: Point in time view as at 27/04/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1997, Part I. (See end of Document for details)*

- (2) In section 6 of that Act (excise duty on hydrocarbon oil), in subsection (1) (as amended by section 6 above), for the words from “the rate of £0.4168” to the end of the subsection there shall be substituted “ the rates specified in subsection (1A) below. ”
- <sup>F1</sup>(3) .....
- (4) In subsection (3) of that section, for “that subsection” there shall be substituted “ subsection (1A) above ”.
- (5) In section 11(1) of that Act (rebate on heavy oil)—
- <sup>F2</sup>(a) .....
- <sup>F3</sup>(b) .....
- (c) in paragraph (c), for “other than fuel oil and” there shall be substituted “ which is neither fuel oil nor ”.
- (6) In section 13AA(6) of that Act (rate for rebated gas oil), for “section 6(1) above in the case of heavy oil” there shall be substituted “ section 6(1A) above in the case of heavy oil which is not ultra low sulphur diesel, ”.
- <sup>F4</sup>(7) .....
- (8) In section 27(1) of that Act (interpretation)—
- (a) after the definition of “aviation gasoline” there shall be inserted the following definition—
- ““gas oil” has the meaning given by section 1(5) above;” and
- <sup>F5</sup>(b) .....
- (9) In Schedule 2A to that Act (mixing of heavy oil)—
- (a) in paragraph 4(a), after “section 11(1)(b)” there shall be inserted “ or (ba) ”;
- (b) in paragraph 6(b), after “section 11(1)(b)” there shall be inserted “ or (ba) ”;
- (c) after paragraph 6 there shall be inserted—

#### “6A Mixing different types of partially rebated gas oil

A mixture of heavy oils is produced in contravention of this paragraph if such a mixture is produced by mixing—

- (a) ultra low sulphur diesel in respect of which a rebate has been allowed under section 11(1)(ba) of this Act; and
- (b) gas oil in respect of which a rebate has been allowed under section 11(1)(b) of this Act.”;
- (d) in paragraph 7 (complex mixtures of heavy oils), for the words from “if such a mixture” to the end of the paragraph there shall be substituted “ if the production of a mixture of two of the components of that mixture is a contravention of any of paragraphs 4 to 6A above. ”;
- <sup>F1</sup>(e) .....
- (f) in paragraph 9(2) (rate for heavy oil), for “in the case of heavy oil by section 6(1) of this Act” there shall be substituted “ by section 6(1A) of this Act in the case of heavy oil which is not ultra low sulphur diesel ”; and
- (g) in paragraph 11 (interpretation), for “ “fuel oil” and “gas oil” have the same meanings ” there shall be substituted “ “fuel oil” has the same meaning ”.

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- (10) This section shall come into force on such day as the Commissioners of Customs and Excise may by order made by statutory instrument appoint.

**Subordinate Legislation Made**

**P1** S. 7(10) power fully exercised (6.8.1997): 15.8.1997 appointed by [S.I. 1997/1960](#), [art. 2](#)

**Textual Amendments**

**F1** S. 7(3)(9)(e) repealed (1.10.2000) by [2000 c. 17, s. 156, Sch. 40 Pt. I\(1\)](#) Note 1; [S.I. 2000/2674](#), [art. 2](#)

**F2** S. 7(5)(a) omitted (retrospective to 1.4.2008) by virtue of [Finance Act 2008 \(c. 9\)](#), [s. 13\(11\)\(b\)\(12\)](#)

**F3** S. 7(5)(b) omitted (retrospective to 1.4.2008) by virtue of [Finance Act 2008 \(c. 9\)](#), [s. 13\(11\)\(b\)\(12\)](#)

**F4** S. 7(7) omitted (retrospective to 1.4.2008) by virtue of [Finance Act 2008 \(c. 9\)](#), [Sch. 5 paras. 25\(c\)\(i\), 26\(b\)](#)

**F5** S. 7(8)(b) omitted (retrospective to 1.4.2008) by virtue of [Finance Act 2008 \(c. 9\)](#), [s. 13\(11\)\(b\)\(12\)](#)

*Tobacco products duty*

**8 Rates of tobacco products duty.**

- (1) For the Table of rates of duty in Schedule 1 to the <sup>M6</sup>Tobacco Products Duty Act 1979 there shall be substituted—

TABLE

1. Cigarettes	An amount equal to 21 per cent. of the retail price plus £65.97 per thousand cigarettes.
2. Cigars	£98.02 per kilogram.
3. Hand-rolling tobacco	£87.74 per kilogram.
4. Other smoking tobacco and chewing tobacco	£43.10 per kilogram.

- (2) This section shall be deemed to have come into force at 6 o'clock in the evening of 26th November 1996.

**Commencement Information**

**I3** [S. 8](#) wholly in force at 6 o'clock in the evening of 26.11.1996 see [s. 8\(2\)](#).

**Marginal Citations**

**M6** [1979 c. 7](#).

*Air passenger duty*

**[<sup>F69</sup> Rates of air passenger duty.**

- (1) In subsection (2) of section 30 of the <sup>M7</sup>Finance Act 1994 (rate of duty for journeys ending in the UK, another EEA State or certain territories for whose external relations



*Status: Point in time view as at 27/04/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1997, Part I. (See end of Document for details)*

either the UK or another member State is responsible), for “£5” there shall be substituted “ £10 ”.

- (2) In subsection (4) of that section (rate of duty in other cases), for “£10” there shall be substituted “ £20 ”.
- (3) This section applies in cases where, in accordance with section 28(2)(a) of that Act (duty becomes due when aircraft first takes off on passenger’s flight), duty becomes due on or after 1st November 1997.]

**Textual Amendments**

**F6** S. 9 repealed (28.7.2000 with effect as mentioned in Sch. 40 Pt. I(4) Note 2 of the amending Act) by 2000 c. 17, s. 156, **Sch. 40 Pt. I(4)**

**Marginal Citations**

**M7** 1994 c. 9.

*Gaming duty*

**10 Gaming duty to replace gaming licence duty.**

(1) A gaming licence shall not be required under section 13 of the <sup>M8</sup>Betting and Gaming Duties Act 1981 (gaming licence duty) for any gaming on or after 1st October 1997; but a duty of excise (to be known as “gaming duty”) shall be charged in accordance with section 11 below on any premises in the United Kingdom where gaming to which this section applies (“dutiable gaming”) takes place on or after that date.

[<sup>F7</sup>(2) Subject as follows, this section applies to—

- (a) casino games, and
- (b) equal chance gaming.]

(3) This section does not apply to any lawful gaming which is gaming to which any of the following provisions applies and takes place in accordance with the requirements of that provision, that is to say—

- (a) [<sup>F8</sup>Part 1 of Schedule 15 to the Gambling Act 2005] or Article 55(2) of the <sup>M9</sup>Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (private parties);
- (b) [<sup>F9</sup>section 279 of that Act] (premises licensed for the sale of liquor);
- <sup>F10</sup>(c) .....
- (d) <sup>F11</sup>... Article 126 of that Order (gaming at entertainments not held for private gain);
- (e) [<sup>F12</sup>Part 13 of that Act] or Article [<sup>F13</sup>77,] 153 or 154 of that Order (amusements with prizes).

[<sup>F14</sup>(3A) This section does not apply to any gaming taking place by means of a machine that is an amusement machine for the purposes of the Betting and Gaming Duties Act 1981.

[ This section does not apply to the playing of a game in respect of which bingo duty <sup>F15</sup>(3AA) or lottery duty is chargeable or would be chargeable but for an express exception.]

*Status: Point in time view as at 27/04/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1997, Part I. (See end of Document for details)*

- (3B) This section does not apply to any lawful gaming which consists of games played in Great Britain at an entertainment in respect of which all the payments made by the players (whether by way of entrance fee or stake or otherwise) are, after making permissible deductions from those payments, applied for a purpose other than that of private gain (within the meaning of the Gambling Act 2005).
- (3C) For the purposes of subsection (3B), only the following deductions are permissible deductions—
- (a) deductions on account of reasonable expenses incurred in [<sup>F16</sup>organising or] providing the facilities for the purposes of the games, and
  - (b) deductions for the provision of prizes or awards in respect of the games.]
- [<sup>F17</sup>(4) This section does not apply—
- (a) in Great Britain, to the playing of a game where the provision of facilities for its playing falls within section 269 of the Gambling Act 2005 (equal chance gaming at members' or commercial clubs and miners' welfare institutes), or
  - (b) in Northern Ireland, to the playing of a game to which Article 128 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 (certain clubs) applies.]
- (5) The Treasury may by order made by statutory instrument [<sup>F18</sup>provide that any specified game is or is not to be a casino game or equal chance gaming for the purposes of this section] if it appears to them, having regard to the character of the game and the circumstances in which it is played, that it is appropriate to do so.
- (6) Any reference in [<sup>F19</sup>an order under subsection (5) above] to a particular game shall be taken to include a reference to any game (by whatever name called) which is essentially similar to that game.

#### Textual Amendments

- F7** S. 10(2) substituted (retrospective to 27.4.2009) by [Finance Act 2009 \(c. 10\), s. 114\(3\)\(17\)](#) (with s. 114(18))
- F8** Words in s. 10(3)(a) substituted (1.9.2007) by [Finance Act 2007 \(c. 11\), Sch. 25 paras. 17\(2\)\(a\), 23\(2\)](#); [S.I. 2007/2532, art. 2](#)
- F9** Words in s. 10(3)(b) substituted (1.9.2007) by [Finance Act 2007 \(c. 11\), Sch. 25 paras. 17\(2\)\(b\), 23\(2\)](#); [S.I. 2007/2532, art. 2](#)
- F10** S. 10(3)(c) repealed (1.9.2007) by [Finance Act 2007 \(c. 11\), Sch. 25 paras. 17\(2\)\(c\), 23\(2\), Sch. 27 Pt. 6\(3\)](#); [S.I. 2007/2532, art. 2](#)
- F11** Words in s. 10(3)(d) repealed (1.9.2007) by [Finance Act 2007 \(c. 11\), Sch. 25 paras. 17\(2\)\(d\), 23\(2\), Sch. 27 Pt. 6\(3\)](#); [S.I. 2007/2532, art. 2](#)
- F12** Words in s. 10(3)(e) substituted (1.9.2007) by [Finance Act 2007 \(c. 11\), Sch. 25 paras. 17\(2\)\(e\), 23\(2\)](#); [S.I. 2007/2532, art. 2](#)
- F13** Word in s. 10(3)(e) inserted (retrospective to 27.4.2009) by [Finance Act 2009 \(c. 10\), s. 114\(4\)\(17\)](#) (with s. 114(18))
- F14** S. 10(3A)-(3C) inserted (1.9.2007) by [Finance Act 2007 \(c. 11\), Sch. 25 paras. 17\(3\), 23\(2\)](#); [S.I. 2007/2532, art. 2](#)
- F15** S. 10(3AA) inserted (retrospective to 27.4.2009) by [Finance Act 2009 \(c. 10\), s. 114\(5\)\(17\)](#) (with s. 114(18))
- F16** Words in s. 10(3C)(a) inserted (retrospective to 27.4.2009) by [Finance Act 2009 \(c. 10\), s. 114\(6\)\(17\)](#) (with s. 114(18))
- F17** S. 10(4) substituted (retrospective to 27.4.2009) by [Finance Act 2009 \(c. 10\), s. 114\(7\)\(17\)](#) (with s. 114(18))

*Status: Point in time view as at 27/04/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1997, Part I. (See end of Document for details)*

**F18** Words in s. 10(5) substituted (retrospective to 27.4.2009) by [Finance Act 2009 \(c. 10\), s. 114\(8\)\(17\)](#) (with s. 114(18))

**F19** Words in s. 10(6) substituted (retrospective to 27.4.2009) by [Finance Act 2009 \(c. 10\), s. 114\(9\)\(17\)](#) (with s. 114(18))

#### Marginal Citations

**M8** 1981 c. 63.

**M9** S.I. 1985/1204 (N.I. 11).

## 11 Rate of gaming duty.

- (1) Gaming duty shall be charged on premises for every accounting period which contains a time when dutiable gaming takes place on those premises.
- (2) Subject to subsection (3) below, the amount of gaming duty which is charged on any premises for any accounting period shall be calculated, in accordance with the following Table, by—
  - (a) applying the rates specified in that Table to the parts so specified of the gross gaming yield in that period from the premises; and
  - (b) aggregating the results.

[<sup>F20</sup>TABLE

<i>Part of gross gaming yield</i>	<i>Rate</i>
The first £1,911,000	15 per cent
The next £1,317,000	20 per cent
The next £2,307,000	30 per cent
The next £4,869,500	40 per cent
The remainder	50 per cent]

- (3) Where, in an accounting period, unregistered gaming takes place on any premises, the amount of gaming duty which is charged on those premises for that period shall be equal to [<sup>F21</sup>50 per cent] of the gross gaming yield in that period from the premises.
- (4) For the purposes of subsection (3) above, unregistered gaming takes place on premises in an accounting period if—
  - (a) dutiable gaming takes place on those premises at any time in that period, and
  - (b) at that time those premises are not specified in the entry on the gaming duty register for a person by whom at that time they are notifiable for the purposes of paragraph 6 of Schedule 1 to this Act.
- (5) The Commissioners may by regulations—
  - (a) provide for the cases in which dutiable gaming is to be treated as taking place on any premises for part only of an accounting period; and
  - (b) in relation to such cases, provide for the parts of the gross gaming yield specified in the first column of the Table in subsection (2) above to be reduced in relation to those premises for that accounting period in such manner as may be determined in accordance with the regulations.
- (6) Where the Commissioners are satisfied—

*Status: Point in time view as at 27/04/2009.*

*Changes to legislation: There are currently no known outstanding effects  
 for the Finance Act 1997, Part I. (See end of Document for details)*

- (a) that dutiable gaming is, has been or may be taking place in the course of any accounting period at different premises situated at the same location or in very close proximity to each other, and
- (b) that the activities carried on at those premises are connected or form part of the same business or are, or are comprised in, connected businesses,
- the Commissioners may direct that for the purposes of gaming duty the different premises are to be treated as different parts of the same premises.
- (7) Sections [F22 13A to 16] of the M10 Finance Act 1994 (review and appeals) shall have effect in relation to any decision of the Commissioners to make or vary a direction under subsection (6) above as if that decision were a decision of a description [F23 falling within section 13(A)(2)(j) of that Act].
- (8) For the purposes of this section the gross gaming yield from any premises in any accounting period shall consist of the aggregate of—
- (a) the gaming receipts for that period from those premises; and
- (b) where a provider of the premises (or a person acting on his behalf) is banker in relation to any dutiable gaming taking place on those premises in that period, the banker's profits for that period from that gaming.
- (9) For the purposes of subsection (8) above the gaming receipts for an accounting period from any premises are the receipts in that period from charges made in connection with any dutiable gaming which has taken place on the premises other than—
- <sup>F24</sup>(a) . . . . .
- (b) any charge the payment of which confers no more than an entitlement to admission to the premises.
- (10) In subsection (8) above the reference to the banker's profits from any gaming is a reference to the amount (if any) by which the value specified in paragraph (a) below exceeds the value specified in paragraph (b) below, that is to say—
- (a) the value, in money or money's worth, of the stakes staked with the banker in any such gaming; and
- (b) [F25 the value of the prizes provided] by the banker to those taking part in such gaming otherwise than on behalf of a provider of the premises.
- [F26 (10A) Subsections (2) to (6)(a) of section 20 of the Betting and Gaming Duties Act 1981 (expenditure on bingo winnings: valuation of prizes) apply, with any necessary modifications, for the purposes of gaming duty as they apply for the purposes of bingo duty.]
- (11) The Treasury may by order made by statutory instrument amend subsections (8) to [F27 (10A)] above.

#### Textual Amendments

- F20** Table in S. 11(2) substituted (with effect in accordance with s. 22(2) of the amending Act) by [Finance Act 2008 \(c. 9\), s. 22\(1\)](#)
- F21** Words in s. 11(3) substituted (with effect in accordance with s. 7(3) of the amending Act) by [Finance Act 2007 \(c. 11\), s. 7\(2\)](#)
- F22** Words in s. 11(7) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\), art. 1\(2\), Sch. 1 para. 242\(2\)](#)
- F23** Words in s. 11(7) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\), art. 1\(2\), Sch. 1 para. 242\(3\)](#)

*Status: Point in time view as at 27/04/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1997, Part I. (See end of Document for details)*

- F24** S. 11(9)(a) omitted (retrospective to 27.4.2009) by virtue of Finance Act 2009 (c. 10), s. 113(5)(b)(6)
- F25** Words in s. 11(10)(b) substituted (1.9.2007) by Finance Act 2007 (c. 11), Sch. 25 paras. 18(2), 23(2); S.I. 2007/2532, art. 2
- F26** S. 11(10A) inserted (1.9.2007) by Finance Act 2007 (c. 11), Sch. 25 paras. 18(3), 23(2); S.I. 2007/2532, art. 2
- F27** Word in s. 11(11) substituted (1.9.2007) by Finance Act 2007 (c. 11), Sch. 25 paras. 18(4), 23(2); S.I. 2007/2532, art. 2

#### Marginal Citations

**M10** 1994 c. 9.

## 12 Liability to pay gaming duty.

- (1) The liability to pay the gaming duty charged on any premises for any accounting period shall fall jointly and severally on—
- every person who is a provider of the premises at a time in that period when dutiable gaming takes place there;
  - every person concerned in the organisation or management of any dutiable gaming taking place on those premises in that period;
  - where any of the persons mentioned in paragraphs (a) and (b) above is a body corporate that is treated as a member of a group for the purposes of Part I of Schedule 1 to this Act, every body corporate that is treated as a member of that group for those purposes; and
  - where any of the persons mentioned in paragraphs (a) to (c) above is a body corporate, every director of that body.
- (2) A person shall for the purposes of this section be conclusively presumed to be a provider of premises at any time if at that time—
- he is registered on the gaming duty register, and
  - those premises are specified in his entry on that register.
- (3) The Commissioners may by regulations make provision—
- for apportioning the liability for any gaming duty charged on any premises for an accounting period between different persons; and
  - for the amount of gaming duty charged on any premises for the different parts of a period for which an apportionment falls to be made to be computed (in accordance with regulations made by virtue of section 11(5)(b) above) as if each part of the period were the only part of the period during which dutiable gaming has taken place on those premises.
- (4) The Commissioners may by regulations impose obligations on any of the persons mentioned in subsection (1) above requiring them to make payments on account of any gaming duty that is likely to be chargeable on any premises.
- (5) Any failure by any person to pay any amount of gaming duty due from him—
- shall attract a penalty under section 9 of the <sup>M11</sup>Finance Act 1994 (civil penalties) which shall be calculated by reference to the amount that has not been paid; and
  - shall also attract daily penalties.

*Status: Point in time view as at 27/04/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1997, Part I. (See end of Document for details)*

- (6) Where, in accordance with any regulations under subsection (4) above, any amount has become payable on account of gaming duty by any person, that amount shall be deemed—
- (a) for the purposes of section 12 of the Finance Act 1994 (assessments to excise duty), to be an amount which has become due from that person in respect of gaming duty;
  - (b) for the purposes of section 116 of the <sup>M12</sup>Customs and Excise Management Act 1979 (time and place etc. for payment of excise duty), to be an amount of gaming duty that has become payable; and
  - (c) for the purposes of subsection (5) above, sections 51 and 52 below and section 137(1) of the Customs and Excise Management Act 1979 (recovery of duty), to be an amount of gaming duty due from that person;
- and an amount paid on account of gaming duty shall be deemed for the purposes of section 137A of the Customs and Excise Management Act 1979 (recovery of overpaid duty) to be an amount paid by way of that duty.

#### Marginal Citations

M11 1994 c. 9.

M12 1979 c. 2.

### 13 Supplemental provisions relating to gaming duty.

- (1) Schedule 1 to this Act (which makes supplemental provision with respect to gaming duty) shall have effect.
- (2) Schedule 2 to this Act (which amends the Customs and Excise Management Act 1979 and contains other amendments) shall have effect.

### 14 Subordinate legislation relating to gaming duty.

- (1) Any power conferred on the Commissioners by section 11 or 12 above or Schedule 1 to this Act to make regulations—
  - (a) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the House of Commons; and
  - (b) shall include power to make different provision for different cases.
- (2) A statutory instrument containing an order under section 10(5) [<sup>F28</sup>providing that any game is to be a casino game or equal chance gaming or any order under section 11(11)]—
  - (a) shall be laid before the House of Commons after being made; and
  - (b) shall cease to have effect (without prejudice to anything previously done under the order or to the making of a new order) at the end of the period of 28 days after the day on which it was made unless it has been approved, before the end of that period, by a resolution of that House.
- (3) In reckoning the period of 28 days mentioned in subsection (2)(b) above, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which the House of Commons is adjourned for more than four days.

*Status: Point in time view as at 27/04/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1997, Part I. (See end of Document for details)*

[<sup>F29</sup>(4) A statutory instrument containing an order under section 10(5) that does not provide for any game to be a casino game or equal chance gaming is subject to annulment in pursuance of a resolution of the House of Commons.]

#### Textual Amendments

- F28** Words in s. 14(2) substituted (retrospective to 27.4.2009) by [Finance Act 2009 \(c. 10\), s. 114\(11\)\(17\)](#) (with [s. 114\(18\)](#))
- F29** S. 14(4) inserted (retrospective to 27.4.2009) by [Finance Act 2009 \(c. 10\), s. 114\(12\)\(17\)](#) (with [s. 114\(18\)](#))

## 15 Interpretation of gaming duty provisions.

- (1) This section shall have effect for the purposes of construing the gaming duty provisions of this Act, that is to say, sections 10 to 14 above, this section and Schedule 1 to this Act.
- (2) The gaming duty provisions of this Act shall be construed as one with the <sup>M13</sup>Customs and Excise Management Act 1979.
- (3) In the gaming duty provisions of this Act—
  - “accounting period” means, subject to the provisions of Schedule 1 to this Act, a period of six months beginning with 1st April or 1st October;
  - [<sup>F30</sup>“casino games” means games of chance which are not equal chance gaming (but subject to any order under section 10(5));]
  - “dutable gaming” means gaming to which section 10 above applies;
  - [<sup>F31</sup>“equal chance gaming”—
    - (a) in Great Britain, means gaming which does not involve playing or staking against a bank (however described, and whether or not controlled or administered by a player) and in which the chances are equally favourable to all participants, and
    - (b) in Northern Ireland, means gaming in respect of which none of the conditions specified in Article 55 of the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985 is met,(but subject to any order under section 10(5));]
  - [<sup>F32</sup>“gaming” has the same meaning as in the Betting and Gaming Duties Act 1981 (see section 33(1));]
  - “the gaming duty register” means the register maintained under paragraph 1 of Schedule 1 to this Act;
  - “premises” includes any place and any means of transport and shall be construed subject to section 11(6) above;
  - “provider”, in relation to any premises where gaming takes place, means any person having a right to control the admission of persons to those premises, whether or not he has a right to control the admission of persons to the gaming.
- (4) For the avoidance of doubt it is hereby declared that the imposition or payment of gaming duty does not make lawful any gaming which is otherwise unlawful.

*Status: Point in time view as at 27/04/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1997, Part I. (See end of Document for details)*

#### Textual Amendments

- F30** Words in s. 15(3) inserted (retrospective to 27.4.2009) by [Finance Act 2009 \(c. 10\)](#), s. 114(13)(14)(17) (with s. 114(18))
- F31** Words in s. 15(3) inserted (retrospective to 27.4.2009) by [Finance Act 2009 \(c. 10\)](#), s. 114(13)(15)(17) (with s. 114(18))
- F32** Words in s. 15(3) substituted (1.9.2007) by [Finance Act 2007 \(c. 11\)](#), [Sch. 25 paras. 19, 23\(2\)](#); S.I. 2007/2532, art. 2

#### Marginal Citations

- M13** 1979 c. 2.

### *Vehicle excise duty*

#### 16 Increase in general rate.

- (1) In Schedule 1 to the <sup>M14</sup>Vehicle Excise and Registration Act 1994 (annual rates of duty), in paragraph 1(2) (the general rate), for “£140” there shall be substituted “£145”.
- (2) This section applies in relation to licences taken out after 26th November 1996.

#### Marginal Citations

- M14** 1994 c. 22.

#### 17 Exemption for vehicles for disabled persons.

In paragraph 19 of Schedule 2 to the <sup>M15</sup>Vehicle Excise and Registration Act 1994 (exemption for vehicles for disabled persons), after sub-paragraph (2) there shall be inserted the following sub-paragraph—

- “(2A) This paragraph shall have effect as if a person were in receipt of a disability living allowance by virtue of entitlement to the mobility component at the higher rate in any case where—
- (a) he has ceased to be in receipt of it as a result of having ceased to satisfy a condition of receiving the allowance or of receiving the mobility component at that rate;
  - (b) that condition is either—
    - (i) a condition relating to circumstances in which he is undergoing medical or other treatment as an in-patient in a hospital or similar institution; or
    - (ii) a condition specified in regulations made by the Secretary of State;
- and
- (c) he would continue to be entitled to receive the mobility component of the allowance at the higher rate but for his failure to satisfy that condition.”



*Status: Point in time view as at 27/04/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1997, Part I. (See end of Document for details)*

**Marginal Citations**

M15 1994 c. 22.

**18 Provisions applying to exempt vehicles.**

Schedule 3 to this Act (which contains provisions applying to exempt vehicles) shall have effect.

**19 Issue of licences before payment of duty.**

(1) After section 19A of the <sup>M16</sup>Vehicle Excise and Registration Act 1994 there shall be inserted the following section—

**“19B Issue of licences before payment of duty.**

(1) The Secretary of State may, if he thinks fit, issue a vehicle licence or a trade licence to a person who has agreed with the Secretary of State to pay the duty payable on the licence in a manner provided for in the agreement.

(2) In a case where—

- (a) a vehicle licence or a trade licence is issued to a person in accordance with subsection (1),
- (b) the duty payable on the licence is not received by the Secretary of State in accordance with the agreement, and
- (c) the Secretary of State sends a notice by post to the person informing him that the licence is void as from the time when it was granted,

the licence shall be void as from the time when it was granted.

(3) In a case where—

- (a) paragraphs (a) and (b) of subsection (2) apply,
- (b) the Secretary of State sends a notice by post to the person requiring him to secure that the duty payable on the licence is paid within such reasonable period as is specified in the notice,
- (c) the requirement in the notice is not complied with, and
- (d) the Secretary of State sends a further notice by post to the person informing him that the licence is void as from the time when it was granted,

the licence shall be void as from the time when it was granted.”

(2) In subsection (1)(a) of section 35A of that Act (dishonoured cheques)—

- (a) after “19A(2)(b)” there shall be inserted “ or 19B(2)(c) ”; and
- (b) after “19A(3)(d)” there shall be inserted “ or 19B(3)(d) ”.

**Marginal Citations**

M16 1994 c. 22.

*Status: Point in time view as at 27/04/2009.*

*Changes to legislation: There are currently no known outstanding effects  
for the Finance Act 1997, Part I. (See end of Document for details)*

## 20 Removal and disposal of vehicles.

(1) In paragraph 3 of Schedule 2A to the <sup>M17</sup>Vehicle Excise and Registration Act 1994 (immobilisation, removal and disposal of vehicles), for sub-paragraph (1) there shall be substituted the following sub-paragraph—

“(1) The regulations may make provision with respect to any case where—

(a) an authorised person has reason to believe that an offence under section 29(1)—

(i) is being committed as regards a vehicle which is stationary on a public road; or

(ii) was being committed as regards a vehicle at a time when an immobilisation device which is fixed to the vehicle was fixed to it in accordance with the regulations;

and

(b) such conditions as may be prescribed are fulfilled.”

(2) In sub-paragraph (2) of that paragraph, for “an authorised person, or a person acting under the direction of an authorised person” there shall be substituted “the authorised person, or a person acting under his direction”.

(3) In sub-paragraph (6) of that paragraph, for “when the immobilisation device was fixed” there shall be substituted “when the vehicle was removed”.

(4) This section shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.

### Subordinate Legislation Made

**P2** S. 20(4) power fully exercised (3.10.1997): 8.10.1997 appointed by 1997/2392, art. 2

### Marginal Citations

**M17** 1994 c. 22.

**Status:**

Point in time view as at 27/04/2009.

**Changes to legislation:**

There are currently no known outstanding effects for the Finance Act 1997, Part I.