



Hydrocarbon Oil Duties Act 1979

1979 CHAPTER 5

The dutiable commodities

1 Hydrocarbon oil.

- (1) Subsections (2) to (4) below define the various descriptions of oil referred to in this Act.
- (2) “Hydrocarbon oil” means petroleum oil, coal tar, and oil produced from coal, shale, peat or any other bituminous substance, and all liquid hydrocarbons, but does not include such hydrocarbons or bituminous or asphaltic substances as are—
 - (a) solid or semi-solid at a temperature of 15°C or
 - (b) gaseous at a temperature of 15°C and under a pressure of 1013·25 millibars.
- (3) “Light oil” means hydrocarbon oil—
 - (a) of which not less than 90 per cent. by volume distils at a temperature not exceeding 210°C or
 - (b) which gives off an inflammable vapour at a temperature of less than 23°C when tested in the manner prescribed by the Acts relating to petroleum.
- (4) “Heavy oil” means hydrocarbon oil other than light oil.

2 Provisions supplementing s. 1.

- (1) The method of testing oil for the purpose of ascertaining its classification in accordance with section 1 above shall, subject to subsection (3)(b) of that section, be such as the Commissioners may direct.
- (2) Subject to subsection (3) below, the Treasury may from time to time direct that, for the purposes of any duty of excise for the time being chargeable on hydrocarbon oil, any specified description of light oil shall be treated as being heavy oil.
- (3) The Treasury shall not give a direction under subsection (2) above in relation to any description of oil unless they are satisfied that the description is one which should, according to its use, be classed with heavy oil.

Status: Point in time view as at 28/11/1995. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: Hydrocarbon Oil Duties Act 1979 is up to date with all changes known to be in force on or before 08 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) For the purposes of the Customs and Excise Acts 1979, the production of hydrocarbon oil includes—
 - (a) the obtaining of one description of hydrocarbon oil from another description of hydrocarbon oil; and
 - (b) the subjecting of hydrocarbon oil to any process of purification or blending, as well as the obtaining of hydrocarbon oil from other substances or from any natural source.

^{F1}(5)

Textual Amendments
F1 S. 2(5) repealed (15.10.1993) by 1993 c. 34, ss. 12(7)(a)(8), 213, Sch. 23 Pt.I; S.I. 1993/2215, art.3

VALID FROM 24/07/2002

[^{F2}2AA Biodiesel

- (1) In this Act “biodiesel” means diesel quality liquid fuel—
 - (a) that is produced from biomass or waste cooking oil,
 - (b) the ester content of which is not less than 96.5% by weight, and
 - (c) the sulphur content of which does not exceed 0.005% by weight or is nil.
- (2) In subsection (1)—
 - (a) “diesel quality” means capable of being used for the same purposes as heavy oil;
 - (b) “liquid” does not include any substance that is gaseous at a temperature of 15°C and under a pressure of 1013.25 millibars;
 - (c) “biomass” means vegetable and animal substances constituting the biodegradable fraction of—
 - (i) products, wastes and residues from agriculture, forestry and related activities, or
 - (ii) industrial and municipal waste.]

Textual Amendments
F2 S. 2AA inserted (24.7.2002) by 2002 c. 23, s. 5(2)

VALID FROM 28/07/2000

[^{F3}2A Power to amend definitions.

- (1) The Treasury may by order made by statutory instrument amend the definitions for the purposes of this Act of—
 - “ultra low sulphur petrol”;

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“unleaded petrol” and “leaded petrol”;

“higher octane unleaded petrol”; and

“ultra low sulphur diesel”.

(2) An order under this section may contain such incidental, supplementary and transitional provision as appears to the Treasury to be appropriate.

(3) No order shall be made under this section unless a draft of it has been laid before and approved by a resolution of the House of Commons.]

Textual Amendments

F3 S. 2A inserted (28.7.2000) by 2000 c. 17, s. 7

3 Hydrocarbon oil as ingredient of imported goods.

Where imported goods contain hydrocarbon oil as a part or ingredient thereof, the oil shall be disregarded in the application to the goods of section 126 of the Management Act (charge of duty on manufactured or composite imported articles) unless in the opinion of the Commissioners the goods should, according to their use, be classed with hydrocarbon oil.

Modifications etc. (not altering text)

C1 S. 3 modified (26.7.2002) by S.I. 2002/1928, reg. 3(2)(a)

4 Petrol substitutes and power methylated spirits.

(1) In this Act “petrol substitute” means any liquid intended to take the place of petrol as fuel for internal combustion piston engines, being neither hydrocarbon oil nor power methylated spirits.

(2) In subsection (1) above, “liquid” does not include a substance which is gaseous at a temperature of 15°C and under a pressure of 1013·25 millibars.

(3) In this Act “power methylated spirits” means spirits methylated in such manner as may be prescribed by regulations made under section 77 of the ^{M1}Alcoholic Liquor Duties Act 1979 for methylated spirits of that class.

Marginal Citations

M1 1979 c. 4.

5 Road fuel gas.

In this Act “road fuel gas” means any substance which is gaseous at a temperature of 15°C and under a pressure of 1013·25 millibars, and which is for use as fuel in road vehicles.

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Charging provisions

6 Excise duty on hydrocarbon oil.

- (1) Subject to [^{F4}subsections (2) . . . ^{F5}and (3)] below, there shall be charged on hydrocarbon oil—
- (a) imported into the United Kingdom; or
 - (b) produced in the United Kingdom and delivered for home use from a refinery or from other premises used for the production of hydrocarbon oil or from any bonded storage for hydrocarbon oil, not being hydrocarbon oil chargeable with duty under paragraph (a) above, [^{F6}a duty of excise at the rate of [^{F7}£0.3912]a litre in the case of light oil and [^{F7}£0.3430]a litre in the case of heavy oil].
- (2) Where imported hydrocarbon oil is removed to a refinery, the duty chargeable under subsection (1) above shall, instead of being charged at the time of the importation of that oil, be charged on the delivery of any goods from the refinery for home use and shall be the same as that which would be payable on the importation of like goods.
- (2A) ^{F8}
- [^{F9}(3) In the case of aviation gasoline, the duty of excise charged under subsection (1) above shall be at one half of the rate specified in that subsection in relation to light oil.
- (4) In this Act “aviation gasoline” means light oil which—
- (a) is specially produced as fuel for aircraft; and
 - (b) is not normally used in road vehicles; and
 - (c) is delivered for use solely as fuel for aircraft.]

Textual Amendments

- F4** Words substituted by Finance Act 1982 (c. 39, SIF 40:1), s. 4(2)(a)
- F5** Words inserted by Finance Act 1989 (c. 26, SIF 40:1), s. 1(1)(a) and repealed by Finance Act 1990 (c. 29, SIF 40:1), s. 132, Sch. 19 Pt. I Note
- F6** Words substituted by virtue of Finance Act 1981 (c. 35, SIF 40:1), s. 4(1)(3)
- F7** Words in s. 6(1) substituted (*retrospective* to 6pm on 28.11.1995) by 1996 c. 8, s. 4(1)(7)
- F8** S. 6(2A) inserted by Finance Act 1989 (c. 26, SIF 40:1), s. 1(1)(b) and repealed by Finance Act 1990 (c. 29, SIF 40:1), ss. 3(1)(b)(6), 132, Sch. 19 Pt. I Note
- F9** S. 6(3)(4) inserted by Finance Act 1982 (c. 39, SIF 40:1), s. 4(2)(b)

VALID FROM 24/07/2002

[^{F10}6AA Excise duty on biodiesel

- (1) A duty of excise shall be charged on the setting aside for a chargeable use by any person, or (where it has not already been charged under this section) on the chargeable use by any person, of biodiesel.
- (2) In subsection (1) “chargeable use” means use—
- (a) as fuel for any engine, motor or other machinery, or
 - (b) as an additive or extender in any substance so used.

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(3) The rate of duty under this section shall be £0.2582 a litre.]

Textual Amendments

F10 Ss. 6AA-6AC inserted (24.7.2002 with effect as mentioned in s. 5(6)(7) of the amending Act) by 2002 c. 23, s. 5(4)

VALID FROM 24/07/2002

[^{F11}6AB Excise duty on blends of biodiesel and heavy oils

- (1) A duty of excise shall be charged on bioblend—
 - (a) imported into the United Kingdom, or
 - (b) produced in the United Kingdom and delivered for home use from a refinery or from other premises used for the production of hydrocarbon oil or from any bonded storage for hydrocarbon oil, not being bioblend chargeable with duty under paragraph (a) above. This is subject to subsection (6) below.
- (2) In this Act “bioblend” means any mixture that is produced by mixing—
 - (a) biodiesel, and
 - (b) heavy oil not charged with the excise duty on hydrocarbon oil.
- (3) The rate at which the duty shall be charged on any bioblend shall be a composite rate representing—
 - (a) in respect of the proportion of the bioblend that is hydrocarbon oil, the rate that would be applicable to the bioblend if it consisted entirely of heavy oil of the description that went into producing the bioblend, and
 - (b) in respect of the proportion of the bioblend that is biodiesel, the rate that would be applicable to the bioblend if it consisted entirely of biodiesel.
- (4) The references in subsection (3) above to the proportions of—
 - (a) hydrocarbon oil, and
 - (b) biodiesel,are to the proportions by volume to the nearest 0.001%.
- (5) If the Commissioners are not satisfied as to the proportion of biodiesel in any bioblend, the rate of duty chargeable shall be the rate that would be applicable to the bioblend if it consisted entirely of heavy oil of the description that went into producing the bioblend.
- (6) Where imported bioblend is removed to a refinery, the duty chargeable under subsection (1) above shall, instead of being charged at the time of the importation of the bioblend, be charged on the delivery of any goods from the refinery for home use and shall be the same as that which would be payable on the importation of like goods.]

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Textual Amendments

F11 Ss. 6AA-6AC inserted (24.7.2002 with effect as mentioned in s. 5(6)(7) of the amending Act) by 2002 c. 23, s. 5(4)

VALID FROM 24/07/2002

[^{F12}6AC Application to biodiesel and bioblend of provisions relating to hydrocarbon oil

- (1) The Commissioners may by regulations provide for—
 - (a) references in this Act, or specified references in this Act, to hydrocarbon oil to be construed as including references to—
 - (i) biodiesel;
 - (ii) bioblend;
 - (b) references in this Act, or specified references in this Act, to duty on hydrocarbon oil to be construed as including references to duty under—
 - (i) section 6AA above;
 - (ii) section 6AB above;
 - (c) biodiesel, or bioblend, to be treated for the purposes of such of the following provisions of this Act as may be specified as if it fell within a specified description of hydrocarbon oil.
- (2) Where the effect of provision made under subsection (1) above is to extend any power to make regulations, provision made in exercise of the power as extended may be contained in the same statutory instrument as the provision extending the power.
- (3) In this section “specified” means specified by regulations under this section.
- (4) Regulations under this section may make different provision for different cases.
- (5) Paragraph (b) of subsection (1) above shall not be taken as prejudicing the generality of paragraph (a) of that subsection.]

Textual Amendments

F12 Ss. 6AA-6AC inserted (24.7.2002 with effect as mentioned in s. 5(6)(7) of the amending Act) by 2002 c. 23, s. 5(4)

VALID FROM 01/12/1995

[6A ^{F13}Fuel substitutes.

- (1) A duty of excise shall be charged on the setting aside for a chargeable use by any person, or (where it has not already been charged under this section) on the chargeable use by any person, of any liquid which is not hydrocarbon oil.

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- (2) In this section “chargeable use” in relation to any substance means the use of that substance—
 - (a) as fuel for any engine, motor or other machinery; or
 - (b) as an additive or extender in—
 - (i) any substance on which duty is charged by virtue of paragraph (a) above; or
 - (ii) any hydrocarbon oil which is or is to be used as mentioned in that paragraph.
- (3) The rate of the duty under this section shall be prescribed by order made by the Treasury.
- (4) In the following provisions of this Act references to hydrocarbon oil shall be construed as including references to any substance on which duty is charged under this section; and, accordingly, references to duty on hydrocarbon oil shall be construed, where a substance is to be treated as such oil, as including references to duty under this section.
- (5) The Treasury may by order provide for any substance on which duty is charged under this section to be treated for the purposes of such of the following provisions of this Act as may be specified in the order as if it fell within the description of such one or more of the following as may be so specified, that is to say—
 - (a) heavy oil or light oil;
 - (b) aviation gasoline;
 - (c) fuel oil or gas oil, as defined in section 11(2) below; and
 - (d) unleaded petrol, as defined in section 13A(2) below.
- (6) In exercising their powers under this section, the Treasury shall so far as practicable secure—
 - (a) that a substance set aside for use or used as mentioned in subsection (2)(a) above is—
 - (i) charged with duty at the same rate as, and
 - (ii) otherwise treated for the purposes of the following provisions of this Act as if it were,
the substance falling within the descriptions specified in subsection (5) above to which, when put to that use, it is most closely equivalent; and
 - (b) that a substance set aside for use or used as an additive or extender in any substance is—
 - (i) charged with duty at the same rate as, and
 - (ii) otherwise treated for the purposes of the following provisions of this Act as if it were,
the substance in which it is an additive or extender.
- (7) For the purposes of this section “liquid” does not include any substance which is gaseous at a temperature of 15°C and under a pressure of 1013.25 millibars.
- (8) The power of the Treasury to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the House of Commons.
- (9) An order under this section—

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- (a) may make different provision for different cases and for different substances;
- (b) may prescribe the rate of duty under this section in respect of any substance by reference to the rate of duty under this Act in respect of any other substance; and
- (c) in making different provision for different substances, may define a substance by reference to the use for which it is set aside or the use to which it is put.]

Textual Amendments
F13 S. 6A inserted (1.12.1995) by 1993 c. 34, s. 11(1); S.I. 1995/2715, art. 2

7 Excise duty on petrol substitutes and power methylated spirits.

- A duty of excise at the same rate as the duty of excise on light oil shall be charged—
- (a) on any petrol substitute which is sent out from the premises of a person producing or dealing in petrol substitutes and which was not acquired by him duty paid under this paragraph; and
 - (b) on spirits used for making power methylated spirits (payable by the methylator immediately after the spirits have been so used).

Modifications etc. (not altering text)
C2 Ss. 7, 8(3)(4)(c) the words “light oil” now stand in the text (with saving) by virtue of Finance Act 1980 (c. 48, SIF 40:1), s. 3(4) and Finance Act 1981 (c. 35, SIF 40:1), s. 4(2)(3)
C3 S. 7 excluded (27.7.1993) by 1993 c. 34, s. 10(6)

8 Excise duty on road fuel gas.

- (1) A duty of excise shall be charged on road fuel gas which is sent out from the premises of a person producing or dealing in road fuel gas and on which the duty charged by this section has not been paid.
- (2) The like duty of excise shall be charged on the setting aside for use, or on the use, by any person, as fuel in a road vehicle, of road fuel gas on which the duty charged by this section has not been paid.

[^{F14}(3) The rate of the duty under this section shall be [^{F15}£0.2817] a kilogram.]

- (6) For the purposes of this Act, so far as it relates to the excise duty chargeable under this section, road fuel gas shall be deemed to be used as fuel in a road vehicle if, but only if, it is used as fuel for the engine provided for propelling the vehicle, or for an engine which draws its fuel from the same supply as that engine.

^{F16}(7)

Textual Amendments
F14 S. 8(3) substituted for subsections (3) to (5) (retrospective to 6pm on 29.11.1994) by 1995 c. 4, s. 6(2) (5)

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- F15** Words in s. 8(3) substituted (*retrospective to 6pm on 28.11.1995*) by 1996 c. 8, s. 4(2)(7)
F16 S. 8(7) repealed (1.5.1995) by 1995 c. 4, ss. 9, 162, Sch. 29 Pt. II

Delivery of oil without payment of duty

9 Oil delivered for home use for certain industrial purposes.

- (1) The Commissioners may permit hydrocarbon oil to be delivered for home use to an approved person, without payment of excise duty on the oil, where—
- (a) it is to be put by him to a use qualifying for relief under this section; or
 - (b) it is to be supplied by him in the course of a trade of supplying oil for any such use.

[^{F17}(2) the uses of hydrocarbon oil qualifying for relief under this section are all uses which do not consist in either—

- (a) the use of the oil as fuel for any engine, motor or other machinery; or
- (b) the use of the oil as heating fuel.]

- (4) Where the Commissioners are authorised to give permission under subsection (1) above in the case of any oil, but the permission is for any reason not given, they shall, if satisfied that the oil has been put by an approved person to a use qualifying for relief under this section, repay to him the amount of the excise duty paid on the oil, less any rebate allowed in respect of the duty.

- (5) In this section—
- (a) “an approved person” means a person for the time being approved in accordance with regulations made for any of the purposes of subsection (1) or (4) above under section 24(1) below; ^{F18} . . .

^{F18}(b)

Textual Amendments

- F17** S. 9(2) substituted (1.1.1993) for s. 9(2) and (3) by S.I. 1992/3158, reg. 3(1)
F18 S. 9(5)(b) and the word “and” immediately preceding it repealed (1.1.1993) by S.I. 1992/3158, reg. 3(2)

Modifications etc. (not altering text)

- C4** S. 9 restricted (subject to reg. 6 of the amending S.I.)(1.8.2002) by S.I. 2002/1773, regs. 5, 6
C5 S. 9 excluded (20.10.1995) by S.I. 1995/2518, reg. 118(b)
C6 S. 9(4) amended by S.I. 1985/1032, reg. 11(c)
C7 S. 9(4) amended (1.1.1993) by S.I. 1992/3152, reg. 11(d) (with reg. 12)

10 Restrictions on the use of duty-free oil.

- (1) Except with the consent of the Commissioners, no oil in whose case delivery without payment of duty has been permitted under section 9 above shall—
- (a) be put to a use not qualifying for relief under that section; or
 - (b) be acquired or taken into any vehicle, appliance or storage tank in order to be put to such a use.

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- (2) In giving their consent for the purposes of subsection (1) above, the Commissioners may impose such conditions as they think fit.
- (3) [^{F19}Where any person]—
- (a) uses or acquires oil in contravention of subsection (1) above; or
 - (b) is liable for oil being taken into a vehicle, appliance or storage tank in contravention of that subsection,
- [^{F20}his use or acquisition of the oil or, as the case may be, his becoming so liable shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties)]; and the Commissioners may recover from him an amount equal to the excise duty on like oil at the rate in force at the time of the contravention.
- (4) [^{F21}Where any person] supplies oil having reason to believe that it will be put to a use not qualifying for relief under section 9 above [^{F21}and] that use without the consent of the Commissioners would contravene subsection (1) above [^{F22}his supplying the oil shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties)].
- (5) A person who, with the intent that the restrictions imposed by subsection (1) above should be contravened,—
- (a) uses or acquires oil in contravention of that subsection; or
 - (b) supplies oil having reason to believe that it will be put to a use not qualifying for relief under section 9 above, being a use which, without the consent of the Commissioners, would contravene that subsection,
- shall be guilty of an offence under this subsection.
- (6) A person who is liable for oil being taken into a vehicle, appliance or storage tank in contravention of subsection (1) above shall be guilty of an offence under this subsection where the oil was taken in with the intent by him that the restrictions imposed by that subsection should be contravened.
- (7) A person guilty of an offence under subsection (5) or (6) above shall be liable—
- (a) on summary conviction, to a penalty of the prescribed sum or of three times the value of the oil in question, whichever is the greater, or to imprisonment for a term not exceeding 6 months, or to both; or
 - (b) on conviction on indictment, to a penalty of any amount or to imprisonment for a term not exceeding [^{F23}7 years], or to both.
- (8) For the purposes of this section, a person is liable for oil being taken into a vehicle, appliance or storage tank in contravention of subsection (1) above if he is at the time the person having the charge of the vehicle, appliance or tank, or is its owner, except that if a person other than the owner is, or is for the time being, entitled to possession of it, that person and not the owner is liable.
- (9) Any oil acquired, or taken into a vehicle, appliance or storage tank as mentioned in subsection (1) above, or supplied as mentioned in subsection (4) or (5) above, shall be liable to forfeiture.

Textual Amendments

F19 Words in s. 10(3) substituted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. III para. 50(1)(a)** (with s. 19(3)); S.I. 1994/2679, **art. 3**

F20 Words in s. 10(3) substituted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. III para. 50(1)(b)** (with s. 19(3)); S.I. 1994/2679, **art. 3**

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- F21** Words in s. 10(4) substituted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. III para. 50(2)(a)(b)** (with s. 19(3)); S.I. 1994/2679, **art. 3**
- F22** Words in s. 10(4) inserted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. III para. 50(2)(c)** (with s. 19(3)); S.I. 1994/2679, **art. 3**
- F23** Words substituted by Finance Act 1988 (c. 39, SIF 40:1), **s. 12(1)(b)(6)**

Rebate of duty

11 Rebate on heavy oil.

- (1) Subject to sections 12 and 13 below, where heavy oil charged with the excise duty on hydrocarbon oil is delivered for home use, there shall be allowed on the oil at the time of delivery a rebate of duty at a rate—
- [^{F24}(a) in the case of fuel oil, of [^{F25}£0.0181] a litre less than the rate at which the duty is for the time being chargeable;
- (b) in the case of gas oil, of [^{F25}£0.0233] a litre less than the rate at which the duty is for the time being chargeable; and
- (c) in the case of heavy oil other than fuel oil and gas oil, equal to the rate at which the duty is for the time being chargeable.]

[^{F26}(2) In this section—

“fuel oil” means heavy oil which contains in solution an amount of asphaltenes of not less than 0·5 per cent. or which contains less than 0·5 per cent. but not less than 0·1 per cent. of asphaltenes and has a closed flash point not exceeding 150°C; and

“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.]

Textual Amendments

- F24** S. 11(1)(a)(b)(c) substituted for paragraphs (a) and (b) by Finance Act 1986 (c.41, SIF 40:1), **s. 2(3)(4)**
- F25** Words in s. 11(1)(a)(b) substituted (*retrospective* to 6pm on 28.11.1995) by 1996 c. 8, **s. 4(3)(7)**
- F26** S. 11(2) substituted by Finance Act 1986 (c. 41, SIF 40:1), **s. 2(3)(4)**

12 Rebate not allowed on fuel for road vehicles.

- (1) If, on the delivery of heavy oil for home use, it is intended to use the oil as fuel for a road vehicle, a declaration shall be made to that effect in the entry for home use and thereupon no rebate shall be allowed in respect of that oil.
- (2) No heavy oil on whose delivery for home use rebate has been allowed shall—
- (a) be used as fuel for a road vehicle; or
- (b) be taken into a road vehicle as fuel,
- unless an amount equal to the amount for the time being allowable in respect of rebate on like oil has been paid to the Commissioners in accordance with regulations made under section 24(1) below for the purposes of this section.
- (3) For the purposes of this section and section 13 below—

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- (a) heavy oil shall be deemed to be used as fuel for a road vehicle if, but only if, it is used as fuel for the engine provided for propelling the vehicle or for an engine which draws its fuel from the same supply as that engine; and
- (b) heavy oil shall be deemed to be taken into a road vehicle as fuel if, but only if, it is taken into it as part of that supply.

Modifications etc. (not altering text)

C8 S. 12(2) restricted by S.I. 1989/2439, reg. 2

13 Penalties for misuse of rebated heavy oil.

- (1) [^{F27}Where any person]—
 - (a) uses heavy oil in contravention of section 12(2) above; or
 - (b) is liable for heavy oil being taken into a road vehicle in contravention of that subsection,

[^{F28}his use of the oil or, as the case may be, his becoming so liable shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties)]; and the Commissioners may recover from him an amount equal to the rebate on like oil at the rate in force at the time of the contravention.
- (2) [^{F29}Where any person] supplies heavy oil having reason to believe that it will be put to a particular use [^{F29}and] that use would, if a payment under subsection (2) of section 12 above were not made in respect of the oil, contravene that subsection [^{F30}his supplying the oil shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties).].
- (3) A person who, with the intent that the restrictions imposed by section 12 above should be contravened,—
 - (a) uses heavy oil in contravention of subsection (2) of that section; or
 - (b) supplies heavy oil having reason to believe that it will be put to a particular use, being a use which would, if a payment under that subsection were not made in respect of the oil, contravene that subsection,

shall be guilty of an offence under this subsection.
- (4) A person who is liable for heavy oil being taken into a road vehicle in contravention of subsection (2) of section 12 above shall be guilty of an offence under this subsection where the oil was taken in with the intent by him that the restrictions imposed by that section should be contravened.
- (5) A person guilty of an offence under subsection (3) or (4) above shall be liable—
 - (a) on summary conviction, to a penalty of the prescribed sum or of three times the value of the oil in question, whichever is the greater, or to imprisonment for a term not exceeding 6 months, or to both; or
 - (b) on conviction on indictment, to a penalty of any amount, or to imprisonment for a term not exceeding [^{F31}7 years], or to both.
- (6) Any heavy oil—
 - (a) taken into a road vehicle as mentioned in section 12(2) above or supplied as mentioned in subsection (2) or (3) above; or

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- (b) taken as fuel into a vehicle at a time when it is not a road vehicle and remaining in the vehicle as part of its fuel supply at a later time when it becomes a road vehicle,

shall be liable to forfeiture.

- (7) For the purposes of this section, a person is liable for heavy oil being taken into a road vehicle in contravention of section 12(2) above if he is at the time the person having the charge of the vehicle or is its owner, except that if a person other than the owner is, or is for the time being, entitled to possession of it, that person and not the owner is liable.

Textual Amendments

- F27** Words in s. 13(1) substituted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. III para. 51(1)(a)** (with s. 19(3)); S.I. 1994/2679, **art. 3**
- F28** Words in s. 13(1) substituted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. III para. 51(1)(b)** (with s. 19(3)); S.I. 1994/2679, **art. 3**
- F29** Words in s. 13(2) substituted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. III para. 51(2)(a)(b)** (with s. 19(3)); S.I. 1994/2679, **art. 3**
- F30** Words in s. 13(2) inserted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. III para. 51(2)(c)** (with s. 19(3)); S.I. 1994/2679, **art. 3**
- F31** Words substituted by **Finance Act 1988 (c. 39, SIF 40:1), s. 12(1)(b)(6)**

[^{F32}13A Rebate on unleaded petrol.

- (1) On unleaded petrol charged with the excise duty on hydrocarbon oil and delivered for home use there shall be allowed at the time of delivery a rebate of duty at the rate of [^{F33}£0.0482] a litre.
- (2) For the purposes of this section petrol is “unleaded” if it contains not more than 0.013 grams of lead per litre of petrol or, if the petrol is delivered for home use before 1st April 1990, not more than 0.020 grams of lead per litre of petrol.
- (3) Rebate shall not be allowed under this section in any case where it is allowed under section 14 below.]

Textual Amendments

- F32** S. 13A inserted by **Finance Act 1987 (c. 16, SIF 40:1), s. 1(1)(4)**
- F33** Words in s. 13A(1) substituted (with effect from 6 p.m. on 16.3.1993) by virtue of 1993 c. 34, **s. 9(3)(5)**

VALID FROM 01/10/1996

[^{F34}13A Restrictions on use of rebated kerosene.

- (1) If, on the delivery of kerosene for home use, it is intended to use the kerosene as fuel for—
- (a) an engine provided for propelling an excepted vehicle, or
- (b) an engine which is used neither for propelling a vehicle nor for heating,

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a declaration shall be made to that effect and thereupon rebate shall be allowed at the rate for rebated gas oil which is then in force, instead of at the rate then in force under section 11(1)(c) above.

- (2) Subject to subsection (3) below, no kerosene on whose delivery for home use a rebate at the rate given by section 11(1)(c) above has been allowed shall—
- (a) be used as fuel for an engine provided for propelling an excepted vehicle;
 - (b) be used as fuel for an engine which is used neither for propelling a vehicle nor for heating; or
 - (c) be taken into the fuel supply of an engine falling within paragraph (a) or (b) above.
- (3) Subsection (2) above does not apply to any quantity of kerosene in respect of which there has been paid to the Commissioners an amount equal to duty on the same quantity of gas oil at the rate for rebated gas oil which is in force at the time of the payment.
- (4) A payment under subsection (3) above shall be made in accordance with regulations made under section 24(1) below for the purposes of this section.
- (5) For the purposes of this section and section 13AB below—
- “excepted vehicle” means a vehicle which is an excepted vehicle under any provision of Schedule 1 to this Act; and
- “kerosene” means heavy oil of which more than 50 per cent. by volume distils at a temperature of 240°C or less.
- (6) For the purposes of this section and section 13AB below the rate for rebated gas oil which is in force at any time is the rate of duty which at that time is in force under section 6(1) above in the case of heavy oil as reduced by the rate of rebate allowable at that time under section 11(1)(b) above.]

Textual Amendments

F34 S. 13AA inserted (1.10.1996) by 1996 c. 8, s. 5(4); S.I. 1996/2314, art. 2

VALID FROM 01/10/1996

^{F35}13AB Penalties for misuse of kerosene.

- (1) If a person uses kerosene in contravention of section 13AA(2) above—
- (a) the Commissioners may recover from him, in respect of the quantity of kerosene used, an amount equal to duty on the same quantity of gas oil at the rate for rebated gas oil which is in force at the time of the contravention;
 - (b) his use of the kerosene shall attract a penalty under section 9 of the ^{M2}Finance Act 1994 (civil penalties); and
 - (c) if he uses the kerosene with the relevant intent, he shall be guilty of an offence.
- (2) If a person is liable for kerosene being taken into a fuel supply of an engine in contravention of section 13AA(2) above—

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- (a) the Commissioners may recover from him, in respect of the quantity of kerosene taken into the fuel supply, an amount equal to duty on the same quantity of gas oil at the rate for rebated gas oil which is in force at the time of the contravention;
 - (b) his becoming so liable shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties); and
 - (c) if he has the relevant intent in relation to the kerosene being taken into the fuel supply, he shall be guilty of an offence.
- (3) For the purposes of subsection (2) above, a person is liable for kerosene being taken into a fuel supply of an engine if at the time—
 - (a) he has the charge of the engine; or
 - (b) subject to subsection (4) below, he is the owner of the engine.
- (4) If a person other than the owner is for the time being entitled to possession of the engine, that other person and not the owner is liable.
- (5) If—
 - (a) a person supplies kerosene having reason to believe that it will be put to a particular use, and
 - (b) that use is one which, if a payment is not made under subsection (3) of section 13AA above, will contravene subsection (2) of that section,his supplying the kerosene shall attract a penalty under section 9 of the ^{M3}Finance Act 1994 (civil penalties) and, if he makes the supply with the relevant intent, he shall be guilty of an offence.
- (6) In this section “the relevant intent” means the intent that the restrictions imposed by section 13AA(2) above shall be contravened.
- (7) A person guilty of an offence under this section shall be liable—
 - (a) on summary conviction, to a penalty of the statutory maximum, or to imprisonment for a term not exceeding 6 months, or to both;
 - (b) on conviction on indictment, to a penalty of any amount, or to a term of imprisonment not exceeding 7 years, or to both.
- (8) Any kerosene falling within subsection (9) or (10) below is liable to forfeiture.
- (9) Kerosene falls within this subsection if it is taken into a fuel supply in contravention of section 13AA(2) above.
- (10) Kerosene falls within this subsection if—
 - (a) it has been supplied in circumstances in which there is reason to believe that it will be put to a particular use; and
 - (b) that use is one which, if payment is not made under subsection (3) of section 13AA above, will contravene subsection (2) of that section.]

Textual Amendments

F35 S. 13AB inserted (1.10.1996) by 1996 c. 8, s. 5(4); S.I. 1996/2314, art. 2

Marginal Citations

M2 1994 c. 9.

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M3 1994 c. 9.

14 Rebate on light oil for use as furnace fuel.

- (1) On light oil charged with the excise duty on hydrocarbon oil, and delivered for home use as furnace fuel for burning in vaporised or atomised form by a person for the time being approved in accordance with regulations made for the purposes of this subsection under section 24(1) below, there shall be allowed at the time of delivery a rebate of duty at a rate of [^{F36}£0.0181] a litre less than the rate at which the duty is charged.
- (2) Except with the consent of the Commissioners, no oil in whose case rebate has been allowed under this section shall—
 - (a) be put to a use otherwise than as mentioned in subsection (1) above; or
 - (b) be acquired or taken into any vehicle, appliance or storage tank in order to be put to such a use.
- (3) In giving their consent for the purposes of subsection (2) above, the Commissioners may impose such conditions as they think fit.
- (4) [^{F37}Where any person]—
 - (a) uses or acquires oil in contravention of subsection (2) above; or
 - (b) is liable for oil being taken into a vehicle, appliance or storage tank in contravention of that subsection,

[^{F37}his use or acquisition of the oil or, as the case may be, his becoming so liable shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties)]; and the Commissioners may recover from him the amount of the rebate allowed on the oil.
- (5) [^{F38}Where any person] supplies oil having reason to believe that it will be used otherwise than as mentioned in subsection (1) above [^{F38}and] that use without the consent of the Commissioners would contravene subsection (2) above [^{F39}his supplying the oil shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties)].
- (6) A person who, with the intent that the restrictions imposed by subsection (2) above should be contravened,—
 - (a) uses or acquires oil in contravention of that subsection; or
 - (b) supplies oil having reason to believe that it will be put to a use otherwise than as mentioned in subsection (1) above, being a use which, without the consent of the Commissioners, would contravene subsection (2) above,

shall be guilty of an offence under this subsection.
- (7) A person who is liable for oil being taken into a vehicle, appliance or storage tank in contravention of subsection (2) above shall be guilty of an offence under this subsection where the oil was taken in with the intent by him that the restrictions imposed by that subsection should be contravened.
- (8) A person guilty of an offence under subsection (6) or (7) above shall be liable—
 - (a) on summary conviction, to a penalty of the prescribed sum or of three times the value of the oil in question, whichever is the greater, or to imprisonment for a term not exceeding 6 months, or to both; or
 - (b) on conviction on indictment, to a penalty of any amount, or to imprisonment for a term not exceeding [^{F40}7 years], or to both.

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- (9) For the purposes of this section, a person is liable for oil being taken into a vehicle, appliance or storage tank in contravention of subsection (2) above if he is at the time the person having the charge of the vehicle, appliance or tank, or is its owner, except that if a person other than the owner is, or is for the time being, entitled to possession of it, that person and not the owner is liable.
- (10) Any oil acquired, or taken into a vehicle, appliance or storage tank, as mentioned in subsection (2) above, or supplied as mentioned in subsection (5) or (6) above, shall be liable to forfeiture.

Textual Amendments

- F36** Words in s. 14(1) substituted (*retrospective* to 6pm on 28.11.1995) by 1996 c. 8, s. 4(6)(7)
- F37** Words in s. 14(4) substituted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. III para. 52(1)(a)(b)** (with s. 19(3)); S.I. 1994/2679, **art. 3**
- F38** Words in s. 14(5) substituted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. III para. 52(2)(a)(b)** (with s. 19(3)); S.I. 1994/2679, **art. 3**
- F39** Words in s. 14(5) inserted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. III para. 52(2)(c)**; (with s. 19(3)); S.I. 1994/2679, **art. 3**
- F40** Words substituted by Finance Act 1988 (c. 39, SIF 40:1), s. 12(1)(b)(6)

Drawback

15 Drawback of duty on exportation etc. of certain goods.

- (1) A drawback equal to any amount ^{F41} . . . paid in respect of the goods in question by way of the excise duty on hydrocarbon oil shall be allowed on the exportation, shipment as stores or warehousing in an excise warehouse for use as stores of—
 - (a) any hydrocarbon oil; or
 - (b) any article in which there is contained any hydrocarbon oil which was used, or which formed a component of any article used, as an ingredient in the manufacture or preparation of the article.
- (2) The Treasury may by order direct as respects articles of any class or description specified in the order that, subject to the provisions of the order, drawback shall be allowed under subsection (1) above in respect of hydrocarbon oil (or goods containing it) used as a material, solvent, extractant, preservative or finish in the manufacture or preparation of the articles.
- (3) On the making of an order under subsection (2) above this Act shall have effect, subject to the provisions of the order and of this section, as if the reference in subsection (1) (b) above to an article in which there is contained any hydrocarbon oil used as an ingredient in the manufacture or preparation of the article included a reference to an article of the class or description specified in the order.
- (4) An order made under subsection (2) above as respects articles of any class or description—
 - (a) may provide for drawback to be allowed in respect of hydrocarbon oil (or goods containing it) used as a material, solvent, extractant, preservative or finish in the manufacture or preparation not directly of articles of that class or description but of articles incorporated in them; and

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- (b) may provide that the quantity of hydrocarbon oil as respects duty on which drawback is to be allowed shall be determined by reference to average quantities or otherwise.
- (5) The power to make orders under subsection (2) above shall be exercisable by statutory instrument, and any statutory instrument by which the power is exercised shall be subject to annulment in pursuance of a resolution of the House of Commons.

Textual Amendments

F41 Words in s. 15(1) repealed (15.10.1993) by 1993 c. 34, ss. 12(7)(b)(8), 213, Sch. 23 Pt. I(5) Note; S.I. 1993/2215, art. 3

Modifications etc. (not altering text)

C9 S. 15 amended (15.10.1993) by 1993 c. 34, s. 12(3); S.I. 1993/2215, art. 3

C10 S. 15 excluded (20.10.1995) by S.I. 1995/2518, reg. 118(b)

C11 S. 15(1) amended by S.I. 1985/1032, reg. 11(c)

C12 S. 15(1) amended (1.1.1993) by S.I. 1992/3152, reg. 11(d) (with reg. 12)

16 Drawback of duty on exportation etc. of power methylated spirits.

On power methylated spirits which are exported, shipped as stores or warehoused in an excise warehouse for use as stores there shall be allowed a drawback equal to the amount of excise duty shown to the satisfaction of the Commissioners to have been paid in respect of those spirits.

Modifications etc. (not altering text)

C13 S. 16 excluded (20.10.1995) by S.I. 1995/2518, reg. 118(b)

Miscellaneous reliefs

17 Heavy oil used by horticultural producers.

- (1) If, on an application made for the purposes of this section by a horticultural producer, it is shown to the satisfaction of the Commissioners that within the period for which the application is made any quantity of heavy oil has been used by the applicant as mentioned in subsection (2) below, then, subject as provided below, the applicant shall be entitled to obtain from the Commissioners repayment of the amount of any excise duty which has been paid in respect of the quantity so used [^{F42}less any rebate allowed in respect of the duty], . . . ^{F43}.
- (2) A horticultural producer shall be entitled to repayment under this section in respect of oil used by him—
- in the heating, for the growth of horticultural produce primarily with a view to the production of horticultural produce for sale, of any building or structure, or of the earth or other growing medium in it; or
 - in the sterilisation of the earth or other growing medium to be used for the growth of horticultural produce as mentioned in paragraph (a) above in any building or structure.

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- (3) Where any quantity of oil is used partly for any such purpose as is mentioned in subsection (2) above and partly for another purpose, such part of that quantity shall be treated as used for each purpose as may be determined by the Commissioners.
- (4) F44
- (5) The Commissioners may require an applicant for repayment under this section—
- (a) to state such facts concerning the hydrocarbon oil delivered to or used by him, or concerning the production of horticultural produce by him, as they may think necessary to deal with the application;
 - (b) to furnish them in such form as they may require with proof of any statement so made; and
 - (c) to permit an officer to inspect any premises or plant used by him for the production of horticultural produce or in or for which any such oil was used.
- (6) If—
- (a) the facts required by the Commissioners under subsection (5)(a) above are not stated; or
 - (b) proof of the matters referred to in subsection (5)(b) above is not furnished to the satisfaction of the Commissioners; or
 - (c) an applicant fails to permit inspection of premises or plant as required under the subsection (5)(c) above,
- the facts shall be deemed for the purposes of this section to be such as the Commissioners may determine.
- (7) In this section—
- (a) “horticultural produce” has the meaning assigned to it by Schedule 2 to this Act; and
 - (b) “horticultural producer” means a person growing horticultural produce primarily for sale.

Textual Amendments

- F42** Words inserted (*retrospectively*) by Finance Act 1981 (c. 35, SIF 40:1), 6(4)
- F43** Words repealed by Finance Act 1981 (c. 35, SIF 40:1), s. 139(6), **Sch. 19 Pt. III** Note 4 (by Note 4 it is provided that the repeal has effect in relation to oil used on or after 1.1.1982)
- F44** S. 17(4) repealed by Finance Act 1981 (c.35, SIF 40:1), s. 139(6), **Sch. 19 Pt. III** Note 4 (by Note 4 it is provided that the repeal has effect in relation to oil used on or after 1.1.1982)
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Modifications etc. (not altering text)

- C14** Ss. 17-19A amended (15.10.1993) by 1993 c. 34, s. 12(3); S.I. 1993/2215, art. 3
- C15** S. 17 excluded (20.10.1995) by S.I. 1995/2518, reg. 118(b)
- C16** S. 17(1) explained by Finance Act 1981 (c. 35, SIF 40:1), s. 6(4)
- C17** S. 17(1) amended by S.I. 1985/1032, reg. 11(c)
- C18** S. 17(1) amended (1.1.1993) by S.I. 1992/3152, reg. 11(d) (with reg. 12)

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VALID FROM 24/07/2002

[^{F45}17A Biodiesel used otherwise than as road fuel

- (1) If, on an application made for the purposes of this section, it is shown to the satisfaction of the Commissioners that within the period for which the application is made any quantity of biodiesel has been used by the applicant as mentioned in subsection (2) below, then, subject as provided below, the applicant shall be entitled to obtain from the Commissioners repayment of the amount specified below.
- (2) A person is entitled to repayment under this section in respect of biodiesel used by him—
 - (a) otherwise than as road fuel,
 - (b) otherwise than by mixing the biodiesel with—
 - (i) hydrocarbon oil, or
 - (ii) a mixture containing hydrocarbon oil, and
 - (c) otherwise than in the form of a mixture containing biodiesel and hydrocarbon oil.
- (3) For the purposes of subsection (2)(a) above, use “as road fuel” means use—
 - (a) as fuel for the engine provided for propelling a road vehicle or for an engine that draws its fuel from the same supply as such an engine, or
 - (b) as an additive or extender in any substance so used.
- (4) The amount of the repayment is the amount of the excise duty which has been paid in respect of the quantity of biodiesel used less the amount of £0.0313 a litre.
- (5) The Commissioners may require an applicant for repayment under this section—
 - (a) to state such facts concerning the biodiesel that is the subject of the claim, or the use to which it was put, as they may think necessary to deal with the application;
 - (b) to furnish them in such form as they may require with proof of any statement so made;
 - (c) to retain such records as the Commissioners may require relating to the use of biodiesel; and
 - (d) to permit an officer to inspect any premises, plant or vehicle on or in which the biodiesel in respect of which repayment is claimed is used.
- (6) If the applicant fails to comply with any such requirement, the Commissioners may reject the claim.]

Textual Amendments

F45 S. 17A inserted (24.7.2002 with effect as mentioned in s. 5(6) of the amending Act) by 2002 c. 23, s. 5, Sch. 2 para. 4(1)

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18 Fuel for ships in home waters.

- (1) If, on an application made for the purposes of this subsection . . . ^{F46} by the owner of a ship specified in the application, not being a pleasure yacht, it is shown to the satisfaction of the Commissioners—
 - (a) that . . . ^{F46} any quantity of heavy oil has been used as fuel for the machinery of the ship while engaged on a voyage in home waters; and
 - (b) that no drawback was allowable on the shipment of the oil,the applicant shall be entitled to obtain from the Commissioners repayment of the amount of any excise duty which has been paid in respect of the quantity so used [^{F47}less any rebate allowed in respect of the duty], . . . ^{F46}.
- (2) Subject to subsections (3) and (4) below, heavy oil in a warehouse or refinery may, on an application made for the purposes of this subsection in such manner as the Commissioners may direct by the owner of a ship specified in the application, not being a pleasure yacht, and on the prescribed security being given, be delivered without payment of excise duty to the applicant for use as fuel for the machinery of the ship while engaged on a voyage in home waters.
- (3) At any time not later than 12 months after any oil has been delivered as mentioned in subsection (2) above the Commissioners may require the applicant to prove in the prescribed manner that the whole of the oil, or such part of it as is not on board the ship or has not been relanded with the sanction of the proper officer, has been used as so mentioned.
- (4) If proof of any matter relating to the use of any oil, required by the Commissioners under subsection (3) above is not furnished to their satisfaction, any duty which but for the provisions of subsection (2) above would have been payable on the delivery of the oil shall become payable by the applicant on demand made by the Commissioners in the prescribed manner.
- (5) If, where oil has been delivered from a warehouse or refinery without payment of duty on an application under subsection (2) above, a person—
 - (a) uses the oil or any part of it otherwise than as fuel for the machinery of the ship specified in the application while engaged on a voyage in home waters; or
 - (b) relands the whole or any part of the oil at any place in the United Kingdom without the sanction of the proper officer,[^{F48}his use or relanding of the oil or any part of it shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties), and, in the case of any contravention falling within paragraph (b) of this subsection, the oil relanded shall be liable to forfeiture.]
- (6) In this section—
 - (a) “owner”, in relation to an application, includes a charterer to whom the specified ship is demised, or, in a case where the application relates to oil used, or for use, on a ship while undergoing trials for the purpose of testing her hull or machinery, the builder or other person conducting the trials;
 - (b) “prescribed” means prescribed by regulations made by the Commissioners; and
 - (c) “voyage in home waters”, in relation to a ship, means a voyage in which the ship is at all times either at sea or within the limits of a port.

Status: Point in time view as at 28/11/1995. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: Hydrocarbon Oil Duties Act 1979 is up to date with all changes known to be in force on or before 08 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (7) This section shall apply as if references to ships included references to hovercraft (and “pleasure yacht”, “voyage”, “reland” and other expressions shall be construed accordingly).

Textual Amendments

- F46** Words repealed by Finance Act 1981 (c. 35, SIF 40:1), s. 139(6), **Sch. 19 Pt. III** Note 4 (by Note 4 it is provided that the repeal has effect in relation to oil used on or after 1.1.1982)
F47 Words inserted (*retrospectively*) by Finance Act 1981 (c. 35, SIF 40:1), 6(4)
F48 Words in s. 18(5) substituted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. III para. 53** (with s. 19(3)); S.I. 1994/2679, **art. 3**

Modifications etc. (not altering text)

- C19** Ss. 17-19A amended (15.10.1993) by 1993 c. 34, s. 12(3); S.I. 1993/2215, **art. 3**
C20 S. 18 excluded (20.10.1995) by S.I. 1995/2518, **reg. 118(b)**
C21 S. 18(1) explained by Finance Act 1981 (c. 35, SIF 40:1), s. 6(4)
C22 S. 18(1) amended by S.I. 1985/1032, **reg. 11(c)**
C23 S. 18(1) amended (1.1.1993) by S.I. 1992/3152, **reg. 11(d)** (with **reg. 12**)

19 Fuel used in fishing boats, etc.

- (1) Subsection (3) below shall have effect in the case of—
- (a) any fishing boat entered in the fishing boat register under the ^{M4}Merchant Shipping Act 1894 and used for the purposes of fishing by a person gaining a substantial part of his livelihood by fishing, whether he is the owner of the boat or not; or
 - (b) any lifeboat owned by the Royal National Lifeboat Institution (in this subsection called “the Institution”); or
 - (c) any tractor or gear owned by the Institution and used for the purpose of launching or hauling in any lifeboat owned by it,
- in respect of which an application is made to the Commissioners for the purposes of this section by the owner or master of the fishing boat or, as the case may be, by the Institution.
- (2) Paragraphs (b) and (c) of subsection (1) above shall apply to hovercraft as if hovercraft were boats or vessels.
- (3) Subject to the provisions of this section, if it appears to the satisfaction of the Commissioners that the applicant has . . . ^{F49} used any quantity of hydrocarbon oil on board that boat or for the purposes of that tractor or gear, the applicant shall be entitled to obtain from the Commissioners repayment of any excise duty which has been paid in respect of the oil so used [^{F50}less any rebate allowed in respect of the duty].
- (4) ^{F51}
- (6) This section shall have effect in relation to excise duty paid in respect of power methylated spirits as it has effect in relation to excise duty paid in respect of hydrocarbon oil.

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Textual Amendments

- F49** Words repealed by [Finance Act 1981 \(c. 35, SIF 40:1\)](#), [Sch. 19 Pt. III](#) Note 4 (by Note 4 it is provided that the repeal has effect in relation to oil used on or after 1.1.1982)
- F50** Words inserted (*retrospectively*) by [Finance Act 1981 \(c. 35, SIF 40:1\)](#), [s. 6\(4\)](#)
- F51** [S. 19\(4\)\(5\)](#) repealed by [Finance Act 1981 \(c. 35, SIF 40:1\)](#), [Sch. 19 Pt. III](#) Note 4 (by Note 4 it is provided that the repeal has effect in relation to oil used on or after 1.1.1982)

Modifications etc. (not altering text)

- C24** [Ss. 17-19A](#) amended (15.10.1993) by [1993 c. 34, s. 12\(3\)](#); [S.I. 1993/2215, art.3](#)
- C25** [S. 19\(3\)](#) amended by [S.I. 1985/1032, reg. 11\(c\)](#)
- C26** [S. 19\(3\)](#) explained by [Finance Act 1981 \(c. 35, SIF 40:1\)](#), [s. 6\(4\)](#)
- C27** [S. 19\(3\)](#) amended (1.1.1993) by [S.I. 1992/3152, reg. 11\(d\)](#) (with [reg. 12](#))

Marginal Citations

- M4** [1894 c. 60.](#)

[^{F52}19A Fuel for producing energy for refineries etc.

- (1) If on an application made for the purposes of this section by an approved person it is shown to the satisfaction of the Commissioners—
- (a) that any quantity of rebated hydrocarbon oil has been used by him, otherwise than at a refinery or other premises used for the production of hydrocarbon oil, as fuel for producing energy; and
 - (b) that not less than one-sixth or more than one-third of that energy was used in the treatment of hydrocarbon oil at a refinery or in the production of hydrocarbon oil at other premises used for the production of such oil,
- the applicant shall be entitled to obtain from the Commissioners repayment of one-third of the amount of excise duty which has been paid in respect of the quantity so used less the rebate allowed in respect of the duty.
- (2) In this section “an approved person” means a person for the time being approved in accordance with regulations made for the purposes of this section under section 24(1) below.]

Textual Amendments

- F52** [S. 19A](#) inserted by [Finance Act 1981 \(c.35, SIF 40:1\)](#), [s. 5\(2\)\(5\)](#) (in relation to oil used on or after 1.9.1981)

Modifications etc. (not altering text)

- C28** [Ss. 17-19A](#) amended (15.10.1993) by [1993 c. 34, s. 12\(3\)](#); [S.I. 1993/2215, art. 3](#)
- C29** [S. 19A\(1\)](#) amended by [S.I. 1985/1032, reg. 11\(c\)](#)
- C30** [S. 19A\(1\)](#) amended (1.1.1993) by [S.I. 1992/3152, reg. 11\(d\)](#) (with [reg. 12](#))

[^{F53}20 Contaminated or accidentally mixed oil.

- (1) This section applies where it is shown to the satisfaction of the Commissioners—
- (a) that hydrocarbon oil has been delivered for home use, that since it was so delivered it has become contaminated, and that at the time it became

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- contaminated it was oil on which the appropriate duty of excise had been paid, or
- (b) that hydrocarbon oils of different descriptions have been delivered for home use, that since they were so delivered they have become accidentally mixed with each other, and that at the time of mixing they were oils on which the appropriate duty of excise had been paid.
- (2) Subject to any conditions which the Commissioners see fit to impose for the protection of the revenue, they may make to such person as they see fit a payment in accordance with subsection (3) below.
- (3) The payment shall be of an amount appearing to the Commissioners to be equal to the excise duty which would have been payable if—
 - (a) the oil had been delivered for home use (uncontaminated) at the time it became contaminated (where subsection (1)(a) above applies), or
 - (b) the oils had been delivered for home use (un-mixed) at the time they became mixed (where subsection (1)(b) above applies).]

Textual Amendments

F53 S. 20 substituted by Finance Act 1985 (c. 54, SIF 40:1), s. 7, **Sch. 4 para. 1**

Modifications etc. (not altering text)

C31 S. 20 excluded (20.10.1995) by S.I. 1995/2518, **reg. 118(b)**

C32 S. 20(1) amended by S.I. 1985/1032, **reg. 11(c)**

C33 S. 20(1) amended (1.1.1993) by S.I. 1992/3152, **reg. 11(d)** (with **reg. 12**)

[^{F54} Mixing: adjustment of duty]

Textual Amendments

F54 Ss. 20A, 20AA inserted by Finance Act 1985 (c. 54, SIF 40:1), s. 7(2), **Sch. 4 para. 2** and Finance Act 1989 (c. 26, SIF 40:1), **s. 2(1)** respectively

^{F55F56}20A Mixing: adjustment of duty.

- (1) In this section “new oil” means hydrocarbon oil which after it has been charged under section 6 above as oil of one description becomes oil of a different description as a result of approved mixing in a pipe-line with other hydrocarbon oil which has been so charged; and “approved mixing” has the meaning given by subsection (5) below.
- (2) Where the Commissioners are of the opinion that, if the new oil had fallen to be charged under section 6 above as oil of the different description, the amount of duty would have been greater or less than that actually charged, then—
 - (a) if in their opinion the amount would have been greater, they may charge under this section a duty of excise on the oil of an amount equal to the difference, and
 - (b) if in their opinion the amount would have been less, they may make under this section an allowance equal to the difference.
- (3) In determining the amount of duty which would have been charged if the new oil had fallen to be charged under section 6 above as oil of the different description, the rates

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to be applied are those effective at the time when in the Commissioners' opinion the oil became oil of the different description.

- (4) Where the Commissioners have made a charge or allowance under subsection (2) above, then, for the purposes of this Act, any relief or rebate which was permitted or allowed at the time of the charge under section 6 above shall be disregarded.
- (5) The Commissioners may make regulations—
- (a) enabling them to grant to persons (whether individually or of a specified class) permission to mix in a pipe-line different descriptions of hydrocarbon oil (whether generally or in the case of specified descriptions only), and to withdraw permission for reasonable cause;
 - (b) enabling permission to be granted subject to conditions and conditions to be varied for reasonable cause,
- and in this section “approved mixing” means mixing in accordance with permission under the regulations.
- (6) The Commissioners may make regulations—
- (a) for prescribing the method of charging the duty under this section;
 - (b) for determining the form of the allowance under this section (which may be by way of repayment or otherwise) and the time the allowance may be made.
- (7) Regulations under this section may make different provision for different circumstances.]

Textual Amendments

- F55** Ss. 20A, 20AA inserted by Finance Act 1985 (c. 54, SIF 40:1), s. 7(2), Sch. 4 para. 2 and Finance Act 1989 (c. 26, SIF 40:1), s. 2(1) respectively
- F56** Ss. 20A, 20AA inserted by Finance Act 1985 (c. 54, SIF 40:1), s. 7(2), Sch. 4 para. 2 and Finance Act 1989 (c. 26, SIF 40:1), s. 2(1) respectively

VALID FROM 15/11/1996

[^{F57}20AA] Mixing of rebated oil.

- (1) Where—
- (a) a mixture which is leaded or unleaded petrol is produced in contravention of Part I of Schedule 2A to this Act, and
 - (b) the mixture is not produced as a result of approved mixing,
- a duty of excise shall be charged on the mixture.
- (2) Where—
- (a) a mixture of heavy oils is produced in contravention of Part II of Schedule 2A to this Act,
 - (b) the mixture is not produced as a result of approved mixing, and
 - (c) the mixture is supplied for use as fuel for a road vehicle or an excepted vehicle,
- a duty of excise shall be charged on the mixture.

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- (3) The person liable to pay the duty charged under subsection (1) above is the person producing the mixture.
- (4) The person liable to pay the duty charged under subsection (2) above is the person supplying the mixture.
- (5) The Commissioners may exempt a person from liability to pay duty charged under this section in respect of the production or supply of a mixture if they are satisfied—
 - (a) that the mixture has been produced or (as the case may be) supplied accidentally; and
 - (b) that, having regard to all the circumstances, the person should be exempted from liability to pay the duty.
- (6) Part III of Schedule 2A to this Act makes provision with respect to rates and amounts of duty charged under this section.
- (7) In this section—

“approved mixing” has the meaning given by section 20A(5) above; and

“excepted vehicle” means a vehicle which is an excepted vehicle under any provision of Schedule 1 to this Act.]

Textual Amendments

F57 Ss. 20AAA, 20AAB inserted (15.11.1996) by 1996 c. 8, s. 6(3); S.I. 1996/2751, art. 2

VALID FROM 15/11/1996

^{F58}20AA Mixing of rebated oil: supplementary.

- (1) A person who—
 - (a) produces a mixture on which duty is charged under section 20AAA(1) above, or
 - (b) supplies a mixture on which duty is charged under section 20AAA(2) above, must notify the Commissioners that he has done so within the period of seven days beginning with the date on which he produced or (as the case may be) supplied the mixture.
- (2) A person is not required to give a notification under subsection (1) above if, before he produced or (as the case may be) supplied the mixture, he notified the Commissioners that he proposed to do so.
- (3) Notification under subsection (1) or (2) above must be given in such form and in such manner, and must contain such particulars, as the Commissioners may direct.
- (4) Subject to subsection (7) below, where it appears to the Commissioners—
 - (a) that a person has produced or supplied a mixture on which duty is charged under section 20AAA above, and
 - (b) that he is the person liable to pay the duty,
 they may assess the amount of duty due from him to the best of their judgement and notify that amount to him or his representative.

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- (5) An assessment under subsection (4) above shall be treated as if it were an assessment under section 12(1) of the ^{M5}Finance Act 1994.
- (6) The Commissioners may give a direction that a person who is, or expects to be, liable to pay duty charged under section 20AAA above—
 - (a) shall account for duty charged under that section by reference to such periods (“accounting periods”) as may be determined by or under the direction;
 - (b) shall make, in relation to accounting periods, returns in such form and at such times and containing such particulars as may be so determined;
 - (c) shall pay duty charged under that section at such times and in such manner as may be so determined.
- (7) The power to make an assessment under subsection (4) above does not apply in relation to a person who is for the time being subject to a direction under subsection (6) above.
- (8) Where any person—
 - (a) fails to give a notification which he is required to give under subsection (1) above, or
 - (b) fails to comply with a direction under subsection (6) above,his failure shall attract a penalty under section 9 of the ^{M6}Finance Act 1994 (civil penalties).

Textual Amendments

F58 Ss. 20AAA, 20AAB inserted (15.11.1996) by 1996 c. 8, s. 6(3); S.I. 1996/2751, art. 2

Marginal Citations

M5 1994 c. 9.

M6 1994 c. 9.

^{F59}20AAPower to allow reliefs.

- (1) The Commissioners may make regulations allowing reliefs as regards—
 - (a) any duty of excise which has been charged in respect of hydrocarbon oil, petrol substitute, spirits used for making power methylated spirits, or road fuel gas;
 - (b) any amount which has been paid to the Commissioners under section 12(2) above;
 - (c) any amount which would (apart from the regulations) be payable to the Commissioners under section 12(2) above.
- (2) The regulations may include such provision as the Commissioners think fit in connection with allowing reliefs, and in particular may—
 - (a) provide for relief to take the form of a repayment or remission;
 - (b) provide for relief to be allowed in cases or classes of case set out in the regulations;
 - (c) provide for relief to be allowed to the extent set out in the regulations;
 - (d) provide for relief to be allowed subject to conditions imposed by the regulations;

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- (e) provide for relief to be allowed subject to such conditions as the Commissioners may impose on the person claiming relief;
 - (f) provide for the taking of samples of hydrocarbon oil in order to ascertain whether relief should be allowed or has been properly allowed;
 - (g) make provision as to administration (which may include provision requiring the making of applications for relief);
 - (h) make different provision in relation to different cases or classes of case;
 - (i) include such supplementary, incidental, consequential or transitional provisions as appear to the Commissioners to be necessary or expedient.
- (3) The conditions which may be imposed as mentioned in subsection (2)(d) or (e) above may include conditions as to the physical security of premises, the provision (by bond or otherwise) of security for payment, or such other matters as the Commissioners think fit.
- (4) Where a person contravenes or fails to comply with any regulation made under this section or any condition imposed by or under such a regulation—
- [^{F60}(a) his contravention or failure to comply shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties); and]
 - (b) any goods in respect of which the contravention or failure occurred shall be liable to forfeiture.
- (5) A reference in this section to a duty of excise includes a reference to any addition to such duty by virtue of section 1 of the Excise Duties (Surcharges or Rebates) Act 1979.
- (6) Schedule 5 to this Act shall have effect with respect to any sample of hydrocarbon oil taken in pursuance of regulations made under this section.

Textual Amendments

F59 Ss. 20A and 20AA inserted by Finance Act 1985 (c. 54, SIF 40:1), s. 7(2), **Sch. 4 para. 2** and Finance Act 1989 (c. 26, SIF 40:1), **s. 2(1)** respectively

F60 S. 20AA(4)(a) substituted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. III para. 54** (with s. 19(3)); S.I. 1994/2679, **art. 3**

VALID FROM 11/05/2001

[^{F61}20AB] Power to allow reliefs for fuel testing etc

- (1) The Commissioners may by regulations make provision allowing reliefs as regards excise duty charged in respect of experimental fuel where—
- (a) the fuel is, or is to be, used for the purposes of a fuel-testing project that is approved by the Commissioners,
 - (b) the project is approved for the purposes of the development of the fuel (see subsection (8)(a) below), and
 - (c) the use takes place, or is to take place, during the period that, for the purposes of the project, is the relief period for the fuel (see subsection (8)(b) below).
- (2) In this section “experimental fuel” means a substance of a description specified in regulations made by the Commissioners.

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- (3) For each experimental fuel, the Commissioners shall by regulations make provision specifying—
 - (a) the beginning and end of the period that is the experimental period for that fuel; and
 - (b) the form that (subject to any directions under subsection (9)(a) below) is to be taken by relief under this section as regards excise duty chargeable on that fuel.
- (4) A form of relief specified under subsection (3)(b) above must be an authorised form; and for the purposes of this section “an authorised form” is—
 - (a) a repayment, or
 - (b) a rebate (or extra rebate).
- (5) Relief under this section shall be allowed—
 - (a) to the extent specified in, or determined in accordance with, regulations under subsection (1) above, and
 - (b) subject to—
 - (i) such conditions as the Commissioners may impose, and
 - (ii) any directions under subsection (9)(b) below.
- (6) The conditions that may be imposed under subsection (5)(b)(i) above include, in particular, conditions in connection with—
 - (a) the collection, keeping, compilation or analysis, or
 - (b) the supply to the Commissioners or other persons, of data, or information, relating to the production, use or performance of an experimental fuel.
- (7) Subsections (8) and (9) below apply where the Commissioners have approved a fuel-testing project.
- (8) The Commissioners shall give directions specifying—
 - (a) each experimental fuel for the purposes of whose development the project is approved;
 - (b) for each fuel specified under paragraph (a) above, the beginning and end of the period that, for the purposes of the project, is (in accordance with subsection (10) below) the relief period for the fuel; and
 - (c) any conditions imposed under subsection (5)(b)(i) above that apply to the allowance under this section of relief as regards excise duty chargeable in respect of an experimental fuel used, or to be used, for the purposes of the project.
- (9) The Commissioners may give directions—
 - (a) providing for relief as regards excise duty chargeable in respect of an experimental fuel used, or to be used, for the purposes of the project to take an authorised form different to the form specified under subsection (3)(b) above;
 - (b) as to administration in connection with allowing reliefs under this section as regards excise duty chargeable in respect of an experimental fuel used, or to be used, for the purposes of the project.
- (10) For the purposes of subsection (8)(b) above—

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- (a) the beginning of the relief period for a fuel may not be earlier than the beginning of the experimental period for that fuel; and
 - (b) the end of the relief period for a fuel may not be later than the end of the experimental period for that fuel.
- (11) In this section—
- “excise duty” means—
 - (a) excise duty chargeable by virtue of this Act, or
 - (b) any addition to such duty by virtue of section 1 of the Excise Duties (Surcharges or Rebates) Act 1979 (c. 8);
 - “fuel-testing project” means a pilot project connected with the technological development of environment-friendly fuels.
- (12) Regulations under this section may make different provision for different cases.]

Textual Amendments

F61 S. 20AB inserted (11.5.2001) by 2001 c. 9, s. 3(1)

Administration and enforcement

21 Regulations with respect to hydrocarbon oil, petrol substitutes and road fuel gas.

- (1) The Commissioners may, with a view to the protection of the revenue, make regulations—
- (a) for any of the purposes specified in Part I of Schedule 3 to this Act (which relates to hydrocarbon oil);
 - (b) for any of the purposes specified in Part II of that Schedule (which relates to petrol substitutes);
 - (c) for any of the purposes specified in Part III of that Schedule (which relates to road fuel gas).
- (2) In the case of regulations made for the purposes mentioned in subsection (1)(a) above, different regulations may be made for different classes of hydrocarbon oil; and the power to make such regulations shall include power to make regulations—
- (a) regulating the allowance and payment of drawback under or by virtue of section 15 above; and
 - (b) for making the allowance and payment of drawback by virtue of an order under subsection (2) of that section subject to such conditions as the Commissioners see fit to impose for the protection of the revenue.
- (3) [^{F62}Where any person] contravenes or fails to comply with any regulation made under this section [^{F63}his contravention or failure to comply shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties), and any goods in respect of which any person contravenes or fails to comply with any such regulation shall be liable to forfeiture.]

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Textual Amendments

- F62** Words in s. 21(3) substituted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. III para. 55(a)** (with s. 19(3)); S.I. 1994/2679, **art. 3**
- F63** Words in s. 21(3) substituted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. III para. 55(b)** (with s. 19(3)); S.I. 1994/2679, **art. 3**

22 Prohibition on use of petrol substitutes on which duty has not been paid.

- (1) [^{F64}Where any person] uses as fuel for an internal combustion piston engine any liquid which is neither hydrocarbon oil nor power methylated spirits and on which he knows or has reasonable cause to believe that the excise duty on petrol substitutes has not been paid [^{F64}his putting the liquid to that use shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties), and any goods in respect of which any person contravenes this subsection shall be liable to forfeiture.].

[^{F65}(1A) Section 10 of the Finance Act 1994 (exception for cases of reasonable excuse) shall not apply in relation to conduct attracting a penalty by virtue of subsection (1) above.]

- (2) In subsection (1) above, “liquid” does not include any substance which is gaseous at a temperature of 15°C and under a pressure of 1013·25 millibars.

Textual Amendments

- F64** Words in s. 22(1) substituted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. III para. 56(1)(a)(b)** (with s. 19(3)); S.I. 1994/2679, **art. 3**
- F65** S. 22(1A) inserted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. III para. 56(2)** (with s. 19(3)); S.I. 1994/2679, **art. 3**

23 Prohibition on use etc. of road fuel gas on which duty has not been paid.

- (1) [^{F66}Where any person]—
- (a) uses as fuel in; or
 - (b) takes as fuel into,

a road vehicle any road fuel gas on which he knows or has reasonable cause to believe that the excise duty chargeable under section 8 above has not been paid [^{F67}his use of the road fuel gas or, as the case may be, his taking it as fuel into that vehicle shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties), and any goods in respect of which a person contravenes this subsection shall be liable to forfeiture.].

[^{F68}(1A) Section 10 of the Finance Act 1994 (exception for cases of reasonable excuse) shall not apply in relation to conduct attracting a penalty by virtue of subsection (1) above.]

- (2) For the purposes of subsection (1)(b) above, road fuel gas shall be deemed to be taken into a road vehicle as fuel if, but only if, it is taken into it as part of the supply of fuel for the engine provided for propelling the vehicle or for an engine which draws its fuel from the same supply as that engine.

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Textual Amendments

- F66** Words in s. 23(1) substituted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. III para. 57(1)(a)** (with s. 19(3)); S.I. 1994/2679, **art. 3**
- F67** Words in s. 23(1) substituted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. III para. 57(1)(b)** (with s. 19(3)); S.I. 1994/2679, **art. 3**
- F68** S. 23(1A) inserted (1.1.1995) by 1994 c. 9, s. 9, **Sch. 4 Pt. III para. 57(2)** (with s. 19(3)); S.I. 1994/2679, **art. 3**

VALID FROM 24/07/2002

[^{F69}23A Regulation of traders in controlled oil

- (1) If a revenue trader who is not a registered excise dealer and shipper—
 - (a) buys or sells controlled oil in the course of a trade or business, or
 - (b) in the course of a trade or business deals in controlled oil,
 his buying or selling, or dealing in, the oil shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties).
- (2) Subsection (1) above does not apply to the buying of oil by a revenue trader if—
 - (a) the oil is for use by the trader, and
 - (b) that use does not involve selling or dealing in hydrocarbon oil.
- (3) Subsection (1) above does not apply to the selling of oil by a revenue trader if—
 - (a) that oil was for use by the trader,
 - (b) that use did not involve selling or dealing in hydrocarbon oil,
 - (c) that use came to an end before the oil was used, and
 - (d) the oil is sold after the use ends.
- (4) Where a revenue trader who is not a registered excise dealer and shipper is entitled to the possession of any controlled oil, the oil is liable to forfeiture.
- (5) Subsection (4) above does not apply to oil if—
 - (a) that oil is for use by the revenue trader, and
 - (b) that use does not involve selling or dealing in hydrocarbon oil.
- (6) Subsection (4) above does not apply to oil if—
 - (a) the oil was for use by the revenue trader,
 - (b) that use did not involve selling or dealing in hydrocarbon oil,
 - (c) that use has come to an end,
 - (d) that use came to an end before the oil was used, and
 - (e) the oil is being held pending sale or other disposal.
- (7) Where oil is liable to forfeiture by virtue of subsection (4) above—
 - (a) anything mixed with the oil,
 - (b) any container in which the oil (and anything mixed with it) is kept, and
 - (c) any equipment kept for dispensing the contents of any such container,
 is liable to forfeiture.]

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Textual Amendments

F69 Ss. 23A, 23B inserted (24.7.2002 for power to make regulations otherwise 1.4.2003) by 2002 c. 23, s. 6, Sch. 3 para. 1; S.I. 2002/3056, art. 2

Modifications etc. (not altering text)

C34 S. 23A restricted in part by S.I. 2002/3057, reg. 3(1) (as substituted (1.4.2008) by The Hydrocarbon Oil, Biofuels and Other Fuel Substitutes (Determination of Composition of a Substance and Miscellaneous Amendments) Regulations 2008 (S.I. 2008/2753), regs. 1(2), 7(2))

C35 S. 23A(1)(4) excluded (1.1.2003) by S.I. 2002/3057, regs. 3(1), 6(3)

VALID FROM 24/07/2002

^{F70}23B Power to provide for exceptions to section 23A

- (1) The Commissioners may by regulations make provision for—
 - (a) exceptions to section 23A(1) above in addition to those allowed by section 23A(2) and (3) above;
 - (b) exceptions to section 23A(4) above in addition to those allowed by section 23A(5) and (6) above;
 - (c) exceptions to section 23A(7) above.
- (2) Regulations under subsection (1) above may provide for exceptions allowed by such regulations to have effect subject to conditions—
 - (a) specified by such regulations;
 - (b) specified by the Commissioners under such regulations.

Textual Amendments

F70 Ss. 23A, 23B inserted (24.7.2002 for power to make regulations otherwise 1.4.2003) by 2002 c. 23, s. 6, Sch. 3 para. 1; S.I. 2002/3056, art. 2

24 Control of use of duty-free and rebated oil.

- (1) The Commissioners may make regulations for any of the purposes of [^{F71}section 6(3)] section 9(1) or (4), section 12 [^{F72}section 13A][^{F73}, section 14(1), section 17, section 18(1), section 19 or section 19A above], and in particular for the purposes specified in Schedule 4 to this Act.
- (2) Regulations made for the purposes of section 12 above may provide for restricting (whether by reference to locality, the obtaining of a licence from the Commissioners or other matters) the cases in which payments to the Commissioners under subsection (2) of that section are to be effective for the purposes of that subsection.
- (3) For the purposes of the Customs and Excise Acts 1979, the presence in any hydrocarbon oil of a marker which, in regulations made under this section, is prescribed in relation to—
 - (a) oil delivered without payment of duty under section 9 above; or
 - (b) rebated heavy oil or rebated light oil,

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shall be conclusive evidence that that oil has been so delivered or, as the case may be, that the rebate in question has been allowed.

- (4) [^{F74}Where any person] contravenes or fails to comply with any regulation made under this section [^{F75}his contravention or failure to comply shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties), and any goods in respect of which any person contravenes or fails to comply with any such regulation shall be liable to forfeiture.]
- (5) Schedule 5 to this Act shall have effect with respect to any sample of hydrocarbon oil taken in pursuance of regulations made under this section.

Textual Amendments

- F71** Words inserted by virtue of Finance Act 1982 (c. 39, SIF 40:1), s. 4(3)
- F72** Words inserted by Finance Act 1987 (c. 16, SIF 40:1), s. 1(2)(4)
- F73** Words substituted by Finance Act 1981 (c. 35, SIF 40:1), s. 6(1)(2)
- F74** Words in s. 24(4) substituted (1.1.1995) by 1994 c. 9, s. 9, Sch. 4 Pt. III para. 58(a) (with s. 19(3)); S.I. 1994/2679, art. 3
- F75** Words in s. 24(4) substituted (1.1.1995) by 1994 c. 9, s. 9, Sch. 4 Pt. III para. 58(b) (with s. 19(3)); S.I. 1994/2679, art. 3

VALID FROM 24/07/2002

[^{F76}24AA] Registered excise dealers and shippers regulations: special provision for traders in controlled oil

- (1) For the purposes of section 100H(1)(p) of the Management Act (registered excise dealers and shippers regulations may, in particular, make provision authorised by this section), this section authorises provision—
- (a) requiring traders in controlled oil to notify prescribed information;
 - (b) requiring traders in controlled oil to make prescribed returns;
 - (c) authorising a trader in controlled oil to carry out or arrange for the carrying out of any prescribed activity falling within section 100H(1)(b) of the Management Act in relation to controlled oil, but subject to prescribed conditions or restrictions;
 - (d) requiring a trader in controlled oil to give security by prescribed means for amounts that may become due from him by way of repayment of rebate;
 - (e) for taking into account, in determining whether a trader in controlled oil has—
 - (i) contravened any provision of registered excise dealers and shippers regulations, or
 - (ii) failed to comply with any prescribed condition, restriction or requirement,
 the extent to which the trader has followed guidance issued by the Commissioners (including guidance issued after the making of provision under this paragraph referring to it).

- (2) In this section—

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“prescribed” has the meaning given by section 100H(3) of the Management Act;

“trader in controlled oil” means a registered excise dealer and shipper carrying on a trade or business that consists of or includes the dealing in, buying or selling of controlled oil.]

Textual Amendments

F76 S. 24AA inserted (24.7.2002) by 2002 c. 23, s. 6, Sch. 3 para. 3

VALID FROM 29/04/1996

[^{F77}24A Penalties for misuse of marked oil.

- (1) Marked oil shall not be used as fuel for a road vehicle.
- (2) For the purposes of this section marked oil is any hydrocarbon oil in which a marker is present which is for the time being designated by regulations made by the Commissioners under subsection (3) below.
- (3) The Commissioners may for the purposes of this section designate any marker which appears to them to be used for the purposes of the law of any place (whether within or outside the United Kingdom) for identifying hydrocarbon oil that is not to be used as fuel for road vehicles, or for road vehicles of a particular description.
- (4) For the purposes of this section marked oil shall be taken to be used as fuel for a road vehicle if, but only if, it is used as fuel for the engine provided for propelling the vehicle or for an engine which draws its fuel from the same supply as that engine.
- (5) Where a person uses any hydrocarbon oil in contravention of subsection (1) above, his use of the oil shall attract a penalty under section 9 of the Finance Act 1994 (civil penalties).
- (6) If a person who uses any marked oil in contravention of subsection (1) above does so in the knowledge that the oil he is using is marked oil, he shall be guilty of an offence and liable—
 - (a) on summary conviction, to a penalty of the statutory maximum, or to imprisonment for a term not exceeding 6 months, or to both;
 - (b) on conviction on indictment, to a penalty of any amount, or to a term of imprisonment not exceeding 7 years, or to both.
- (7) Any marked oil which is in a road vehicle as part of the fuel supply for the engine which propels the vehicle shall be liable to forfeiture.
- (8) Where in any proceedings relating to this section a question arises as to the nature of any substance present at any time in any hydrocarbon oil—
 - (a) a certificate of the Commissioners to the effect that that substance is or was a marker designated for the purposes of this section shall be sufficient, unless the contrary is shown, for establishing that fact; and
 - (b) any document purporting to be such a certificate shall be taken to be one unless it is shown not to be.]

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Textual Amendments

F77 S. 24A inserted (29.4.1996) by 1996 c. 8, s. 7(1)

Supplementary

25 Regulations.

Any power to make regulations under this Act shall be exercisable by statutory instrument, and any statutory instrument by which the power is exercised shall be subject to annulment in pursuance of a resolution of either House of Parliament.

26 Directions.

Directions given under any provision of this Act may make different provision for different circumstances and may be varied or revoked by subsequent directions thereunder.

27 Interpretation.

(1) In this Act—

[^{F78}“aviation gasoline” has the meaning given by section 6(4) above]

“heavy oil” has the meaning given by section 1(4) above;

“hydrocarbon oil” has the meaning given by section 1(2) above;

“light oil” has the meaning given by section 1(3) above;

“the Management Act” means the ^{M7}Customs and Excise Management Act 1979;

“petrol substitute” shall be construed in accordance with section 4(1) and (2) above;

“power methylated spirits” has the meaning given by section 4(3) above;

“the prescribed sum”, in relation to the penalty provided for an offence, means—

(a) if the offence was committed in England [^{F79}or Wales], the prescribed sum within the meaning of [^{F80}section 32 of the Magistrates’ Courts Act 1980 (£1,000 or other sum substituted by order under section 143(1) of that Act)];

(b) if the offence was committed in Scotland, the prescribed sum within the meaning of section 289B of the ^{M8}Criminal Procedure (Scotland) Act 1975 (£1,000 or other sum substituted by order under section 289D(1) of that Act);

[^{F81}(c) if the offence was committed in Northern Ireland, the prescribed sum within the meaning of Article 4 of the Fines and Penalties (Northern Ireland) Order 1984 (£1,000 or other sum substituted by order under Article 17 of that Order);]

“rebate” means rebate of duty under section 11 [^{F82}13A] or 14 above, and “rebated” has a corresponding meaning;

[^{F83}“refinery” means any premises which—

(a) are approved by the Commissioners for the treatment of hydrocarbon oil; or

(b) are approved by them for the production of energy for use in the treatment of hydrocarbon oil at premises approved under paragraph (a) above or in the production of hydrocarbon oil at other premises used for the production of such oil;

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and the Commissioners may approve any premises under paragraph (b) above if it appears to them that more than one-third of the energy will be produced for such use as is mentioned in that paragraph;]

“road fuel gas” has the meaning given by section 5 above; and

“road vehicle” means a vehicle constructed or adapted for use on roads, but does not include any vehicle [^{F84} which is an excepted vehicle within the meaning given by Schedule 1 to this Act.].

[^{F85}(1A) If in the case of any premises which the Commissioners can approve under paragraph (b) of the definition of “refinery” in subsection (1) above it appears to them appropriate to do so, they may direct that the provisions of this Act (other than that definition) shall apply to them as if, instead of being a refinery, they were other premises used for the production of hydrocarbon oil.]

(2) This Act and the other Acts included in the Customs and Excise Acts 1979 shall be construed as one Act but where a provision of this Act refers to this Act that reference is not to be construed as including a reference to any of the others.

(3) Any expression used in this Act or in any instrument made under this Act to which a meaning is given by any other Act included in the Customs and Excise Acts 1979 has, except where the context otherwise requires, the same meaning in this Act or in any such instrument as in that Act; and for ease of reference the Table below indicates the expressions used in this Act to which a meaning is given by any other such Act—

Management Act

“the Commissioners”

“container”

“the Customs and Excise Acts 1979”

“excise warehouse”

“goods”

“hovercraft”

“occupier”

“officer” and “proper” in relation to an officer

[^{F86}“pipe-line”]

“port”

“ship”

“shipment”

“stores”

“warehouse”

Alcoholic Liquor Duties Act 1979

^{F87}

. . .

“spirits”.

Textual Amendments

F78 Words inserted by Finance Act 1982 (c. 39, SIF 40:1), s. 4(4)

F79 Words substituted by S.I. 1984/703, (N.I. 3) Sch. 6 para. 10(a)

F80 Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154, Sch. 7 para. 181

F81 In the definition of “the prescribed sum” paragraph (c) inserted by S.I. 1984/703, (N.I. 3) Sch. 6 para. 10(b)

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- F82** Word inserted by Finance Act 1987 (c. 16, SIF 40:1), s. 1(3)(4)
F83 Definition substituted by Finance Act 1981 (c. 35, SIF 40:1), s. 5(3)
F84 S. 27(1): words in the definition of “road vehicle” substituted (1.7.1995) by 1995 c. 4, s. 8(1)(3)
F85 S. 27(1A) inserted by Finance Act 1981 (c. 35, SIF 40:1), s. 5(4)
F86 Word inserted by Finance Act 1985 (c. 54, SIF 40:1), s. 7, Sch. 4 para.3
F87 Words in s. 27(3) repealed (1.5.1995) by 1995 c. 4, s. 162, Sch. 29 Pt. I

Marginal Citations

- M7** 1979 c. 2.
M8 1975 c. 21.

28 Consequential amendments, repeals, savings and transitional provisions.

- (1) The enactments and order specified in Schedule 6 to this Act shall be amended in accordance with the provisions of that Schedule.
- (2) The enactments specified in Schedule 7 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) Any provision of this Act relating to anything done or required or authorised to be done under or by reference to that provision or any other provision of this Act shall have effect as if any reference to that provision, or that other provision, as the case may be, included a reference to the corresponding provision of the enactments repealed by this Act.
- (4) The repeal by subsection (2) above of the ^{M9}Hydrocarbon Oil (Customs & Excise) Act 1971 shall not affect the operation of the saving in paragraph 2 in Part I of Schedule 14 to the ^{M10}Finance (No. 2) Act 1975 in relation to the provisions of the said Act of 1971 repealed by section 75(5) of the said Act of 1975 and specified in that Part.
- (5) The ^{M11}Amendment of Units of Measurement (Hydrocarbon Oil, etc) Order 1977 is hereby revoked.
- (6) Nothing in this section shall be taken as prejudicing the operation of sections 15 to 17 of the ^{M12}Interpretation Act 1978 (which relate to the effect of repeals).

Modifications etc. (not altering text)

- C36** The text of s. 28(1)(2)(5), Sch. 6 paras. 1, 2 and 6, and Sch. 7 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M9** 1971 c. 12.
M10 1975 c. 45.
M11 S.I. 1977/1866
M12 1978 c. 30.

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29 Citation and commencement.

- (1) This Act may be cited as the Hydrocarbon Oil Duties Act 1979 and is included in the Acts which may be cited as the Customs and Excise Acts 1979.
- (2) This Act shall come into operation on 1st April 1979.

Status:

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Changes to legislation:

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