



Hydrocarbon Oil Duties Act 1979

1979 CHAPTER 5

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—

[^{F1}“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 ^{M1}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 [^{F2}or Wales], the prescribed sum within the meaning of [^{F3}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 ^{M2}Criminal Procedure (Scotland) Act 1975 (£1,000 or other sum substituted by order under section 289D(1) of that Act);

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[^{F4}(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 [^{F5}13A] or 14 above, and “rebated” has a corresponding meaning;

[^{F6}“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;

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 of a kind specified in Schedule 1 to this Act.

[^{F7}(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

[^{F8}“pipe-line”]

“port”

“ship”

“shipment”

“stores”

“warehouse”

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Alcoholic Liquor Duties Act 1979

“methylated spirits”

“spirits”.

Textual Amendments

- F1** Words inserted by [Finance Act 1982 \(c. 39, SIF 40:1\)](#), **s. 4(4)**
- F2** Words substituted by [S.I. 1984/703](#), (N.I. 3) Sch. 6 para. 10(a)
- F3** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154, **Sch. 7 para. 181**
- F4** In the definition of “the prescribed sum” paragraph (c) inserted by [S.I. 1984/703](#), (N.I. 3) Sch. 6 para. 10(b)
- F5** Word inserted by [Finance Act 1987 \(c. 16, SIF 40:1\)](#), **s. 1(3)(4)**
- F6** Definition substituted by [Finance Act 1981 \(c. 35, SIF 40:1\)](#), **s. 5(3)**
- F7** [S. 27\(1A\)](#) inserted by [Finance Act 1981 \(c. 35, SIF 40:1\)](#), **s. 5(4)**
- F8** Word inserted by [Finance Act 1985 \(c. 54, SIF 40:1\)](#), s. 7, **Sch. 4 para.3**

Marginal Citations

- M1** 1979 c. 2.
- M2** 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 ^{M3}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 ^{M4}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 ^{M5}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 ^{M6}Interpretation Act 1978 (which relate to the effect of repeals).

Modifications etc. (not altering text)

- C1** 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.

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Marginal Citations

- M3** 1971 c. 12.
- M4** 1975 c. 45.
- M5** S.I. 1977/1866
- M6** 1978 c. 30.

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.

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