



Finance Act 1994

1994 CHAPTER 9

PART I

CUSTOMS AND EXCISE

CHAPTER IV

AIR PASSENGER DUTY

The duty

28 Air passenger duty.

- (1) A duty to be known as air passenger duty shall be charged in accordance with this Chapter on the carriage on a chargeable aircraft of any chargeable passenger.
- (2) Subject to the provisions of this Chapter about accounting and payment, the duty in respect of any carriage on an aircraft of a chargeable passenger—
 - (a) becomes due when the aircraft first takes off on the passenger's flight, and
 - (b) shall be paid by the operator of the aircraft.
- [^{F1}(3) Sections 29 and 29A below set out how to determine if an aircraft is a chargeable aircraft for the purposes of this Chapter.]
- (4) Subject to sections 31 and 32 below, every passenger on an aircraft is a chargeable passenger for the purposes of this Chapter if his flight begins at an airport in the United Kingdom.
- (5) In this Chapter, "flight", in relation to any person, means his carriage on an aircraft; and for the purposes of this Chapter, a person's flight is to be treated as beginning when he first boards the aircraft and ending when he finally disembarks from the aircraft.

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Textual Amendments

- F1** S. 28(3) substituted (17.7.2012) (with effect in accordance with Sch. 23 para. 23 of the amending Act) by [Finance Act 2012 \(c. 14\)](#), [Sch. 23 para. 17](#)

29 Chargeable aircraft.

- ^{F2}(1) For the purposes of this Chapter an aircraft is a chargeable aircraft if—
- (a) it is a fixed-wing aircraft designed or adapted to carry persons in addition to the flight crew,
 - (b) its authorised take-off weight is not less than 5.7 tonnes, and
 - (c) it is fuelled by kerosene (as defined in section 1(8) of the Hydrocarbon Oil Duties Act 1979).]
- (2) In this section “take-off weight”, in relation to an aircraft, means the total weight of the aircraft and its contents when taking off; and for the purposes of this section the authorised take-off weight of an aircraft is less than ^{F3}5.7] tonnes if—
- (a) there is a certificate of airworthiness in force in respect of the aircraft showing that the maximum authorised take-off weight (assuming the most favourable circumstances for take-off) is less than ^{F3}5.7] tonnes, or
 - (b) the Commissioners are satisfied that the aircraft is not designed or adapted to take off when its take-off weight is ^{F3}5.7] tonnes or more (assuming the most favourable circumstances for take-off) or the aircraft belongs to a class or description of aircraft in respect of which the Commissioners are so satisfied.
- ^{F4}(3)
- (4) In this section “certificate of airworthiness” has the same meaning as in the Air Navigation Order.

Textual Amendments

- F2** S. 29(1) substituted (17.7.2012) (with effect in accordance with Sch. 23 para. 23 of the amending Act) by [Finance Act 2012 \(c. 14\)](#), [Sch. 23 para. 18\(2\)](#)
- F3** Word in s. 29(2) substituted (17.7.2012) (with effect in accordance with Sch. 23 para. 23 of the amending Act) by [Finance Act 2012 \(c. 14\)](#), [Sch. 23 para. 18\(3\)](#)
- F4** S. 29(3) omitted (17.7.2012) (with effect in accordance with Sch. 23 para. 23 of the amending Act) by virtue of [Finance Act 2012 \(c. 14\)](#), [Sch. 23 para. 18\(4\)](#)

^{F5}29A Chargeable aircraft: exceptions

- (1) This section applies for the purposes of this Chapter.
- (2) An aircraft is not a chargeable aircraft whenever its operation falls within an exemption set out in sub-paragraph (b), (c), (f) or (g) under the category of activity “Aviation” in Annex I to Directive [2003/87/EC](#) of the European Parliament and of the Council of 13 October 2003 (as amended by Directive [2008/101/EC](#) of the European Parliament and of the Council of 19 November 2008).
- (3) Those exemptions are to be read in accordance with paragraphs 2.2 to 2.5 of the Annex to Commission Decision [2009/450/EC](#) of 8 June 2009.

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- (4) An aircraft is not a chargeable aircraft whenever it is being operated under a public service obligation imposed under Article 16 of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 (common rules for the operation of air services).]

Textual Amendments

- F5** S. 29A inserted (17.7.2012) (with effect in accordance with Sch. 23 para. 23 of the amending Act) by Finance Act 2012 (c. 14), Sch. 23 para. 19

[^{F6}30] The rate of duty.

- (1) Air passenger duty is chargeable on the carriage of each chargeable passenger at the rate determined as follows.

[^{F7}(1A) Subsection (1) does not apply to the carriage of a chargeable passenger to which section 30A below (Northern Ireland long haul rates of duty) applies.]

- (2) If the passenger's journey ends at a place in the United Kingdom or a territory specified in Part 1 of Schedule 5A—

- (a) if the passenger's agreement for carriage provides for standard class travel in relation to every flight on the passenger's journey, the rate is [^{F8}£13], and
(b) in any other case, the rate is [^{F9}£26].

- (3) If the passenger's journey ends at a place in a territory specified in Part 2 of Schedule 5A—

- (a) if the passenger's agreement for carriage provides for standard class travel in relation to every flight on the passenger's journey, the rate is [^{F10}£69] and
(b) in any other case, the rate is [^{F11}£138].

- (4) If the passenger's journey ends at a place in a territory specified in Part 3 of Schedule 5A—

- (a) if the passenger's agreement for carriage provides for standard class travel in relation to every flight on the passenger's journey, the rate is [^{F12}£85] and
(b) in any other case, the rate is [^{F13}£170].

- (4A) If the passenger's journey ends at any other place—

- (a) if the passenger's agreement for carriage provides for standard class travel in relation to every flight on the passenger's journey, the rate is [^{F14}£97] and
(b) in any other case, the rate is [^{F15}£194].]

^{F16}(4B)

^{F16}(4C)

^{F16}(4D)

[^{F17}(4E) In relation to the carriage of a chargeable passenger on an aircraft to which subsection (4F) applies—

- (a) if the rate which (apart from this subsection) would apply is the rate in subsection (2)(a) or (b), a rate equal to twice the rate in subsection (2)(b) is to apply instead,

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- (b) if the rate which (apart from this subsection) would apply is the rate in subsection (3)(a) or (b), a rate equal to twice the rate in subsection (3)(b) is to apply instead,
 - (c) if the rate which (apart from this subsection) would apply is the rate in subsection (4)(a) or (b), a rate equal to twice the rate in subsection (4)(b) is to apply instead, and
 - (d) if the rate which (apart from this subsection) would apply is the rate in subsection (4A)(a) or (b), a rate equal to twice the rate in subsection (4A)(b) is to apply instead.
- (4F) This subsection applies to an aircraft if—
- (a) its authorised take-off weight is not less than 20 tonnes, but
 - (b) it is not authorised to seat more than 18 persons (excluding members of the flight crew and cabin attendants).
- (4G) In subsection (4F)(a) “take-off weight” is to be read in accordance with section 29(2) but as if “20” were substituted for “ 5.7 ” wherever occurring.
- (4H) For the purposes of subsection (4F)(b) an aircraft is authorised to seat more than 18 persons (excluding members of the flight crew and cabin attendants) if—
- (a) there is a certificate of airworthiness (as defined in section 29(4)) in force in respect of the aircraft showing that the maximum number of persons who may be seated on the aircraft (excluding members of the flight crew and cabin attendants) is more than 18, or
 - (b) the Commissioners are satisfied that the aircraft is designed or adapted to seat more than 18 persons (excluding members of the flight crew and cabin attendants) or the aircraft belongs to a class or description of aircraft in respect of which the Commissioners are so satisfied.]
- (5) Subject to subsection (6) below, the journey of a passenger whose agreement for carriage is evidenced by a ticket ends for the purposes of this section at his final place of destination.
- (6) Where in the case of such a passenger—
- (a) his journey includes two or more flights, and
 - (b) any of those flights is not followed by a connected flight,
- his journey ends for those purposes where the first flight not followed by a connected flight ends.
- (7) The journey of any passenger whose agreement for carriage is not evidenced by a ticket ends for those purposes where his flight ends.
- (8) For the purposes of this Chapter, successive flights are connected if (and only if) they are treated under an order as connected.

[^{F18}(8A) The Treasury may by order amend Schedule 5A.]

^{F19}(9)

^{F19}(9A)

^{F19}(9B)

[^{F20}(10) In this section “standard class travel”, in relation to carriage on an aircraft, means—

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- (a) in the case of an aircraft on which only one class of travel is available, that class of travel;
- (b) in any other case, the lowest class of travel available on the aircraft.]

[^{F21}(11) But a class of travel is not standard class travel if the seats for passengers whose agreement for carriage provides for that class of travel have a pitch exceeding 1.016 metres (40 inches).

(12) For this purpose “pitch”, in relation to a seat, means the distance between a fixed point on the seat and the same point on the seat immediately in front of it; but where there is no seat immediately in front of the seat, the seat is to be treated as having the same pitch as the seat immediately behind it.]

Textual Amendments

- F6** S. 30(1)-(4A) substituted for s. 30(1)-(4) (with effect in accordance with s. 17(3) of the amending Act) by [Finance Act 2009 \(c. 10\)](#), [s. 17\(1\)](#)
- F7** S. 30(1A) inserted (with effect in accordance with Sch. 23 para. 8(4) of the amending Act) by [Finance Act 2012 \(c. 14\)](#), [Sch. 23 para. 8\(2\)](#)
- F8** Word in s. 30(2)(a) substituted (with effect in accordance with Sch. 23 para. 6 of the amending Act) by [Finance Act 2012 \(c. 14\)](#), [Sch. 23 para. 4\(2\)\(a\)](#)
- F9** Word in s. 30(2)(b) substituted (with effect in accordance with Sch. 23 para. 6 of the amending Act) by [Finance Act 2012 \(c. 14\)](#), [Sch. 23 para. 4\(2\)\(b\)](#)
- F10** Sum in s. 30(3)(a) substituted (with effect in accordance with s. 78(5) of the amending Act) by [Finance Act 2014 \(c. 26\)](#), [s. 78\(2\)\(a\)](#)
- F11** Sum in s. 30(3)(b) substituted (with effect in accordance with s. 78(5) of the amending Act) by [Finance Act 2014 \(c. 26\)](#), [s. 78\(2\)\(b\)](#)
- F12** Sum in s. 30(4)(a) substituted (with effect in accordance with s. 78(5) of the amending Act) by [Finance Act 2014 \(c. 26\)](#), [s. 78\(3\)\(a\)](#)
- F13** Sum in s. 30(4)(b) substituted (with effect in accordance with s. 78(5) of the amending Act) by [Finance Act 2014 \(c. 26\)](#), [s. 78\(3\)\(b\)](#)
- F14** Sum in s. 30(4A)(a) substituted (with effect in accordance with s. 78(5) of the amending Act) by [Finance Act 2014 \(c. 26\)](#), [s. 78\(4\)\(a\)](#)
- F15** Sum in s. 30(4A)(b) substituted (with effect in accordance with s. 78(5) of the amending Act) by [Finance Act 2014 \(c. 26\)](#), [s. 78\(4\)\(b\)](#)
- F16** S. 30(4B)-(4D) omitted (with effect in accordance with Sch. 23 para. 8(4) of the amending Act) by virtue of [Finance Act 2012 \(c. 14\)](#), [Sch. 23 para. 8\(3\)](#)
- F17** S. 30(4E)-(4H) inserted (with effect in accordance with Sch. 23 para. 23 of the amending Act) by [Finance Act 2012 \(c. 14\)](#), [Sch. 23 para. 20](#)
- F18** S. 30(8A) inserted (with effect in accordance with Sch. 5 para. 8(2) of the amending Act) by [Finance Act 2009 \(c. 10\)](#), [Sch. 5 para. 2\(2\)](#)
- F19** S. 30(9)-(9B) omitted (with effect in accordance with Sch. 5 para. 7 of the amending Act) by virtue of [Finance Act 2009 \(c. 10\)](#), [Sch. 5 para. 2\(3\)](#)
- F20** S. 30(10) added (with application as mentioned in [s. 18\(8\)](#) of the amending Act) by [2000 c. 17](#), [s. 18\(6\)](#)
- F21** S. 30(11)(12) inserted (with effect in accordance with s. 153(2) of the amending Act) by [Finance Act 2008 \(c. 9\)](#), [s. 153\(1\)](#)

[^{F22}30A Northern Ireland long haul rates of duty

- (1) This section applies to the carriage of a chargeable passenger if—
 - (a) the carriage begins on or after the relevant day,

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- (b) the only flight, or the first flight, of the passenger's journey begins at a place in Northern Ireland,
 - (c) the passenger's journey does not end at a place in the United Kingdom or a territory specified in Part 1 of Schedule 5A, and
 - (d) if the passenger's journey has more than one flight, the first flight is not followed by a connected flight beginning at a place in the United Kingdom or a territory specified in Part 1 of Schedule 5A.
- (2) Air passenger duty is chargeable on the carriage of the chargeable passenger at the rate determined as follows.
- (3) If the passenger's journey ends at a place in a territory specified in Part 2 of Schedule 5A—
- (a) if the passenger's agreement for carriage provides for standard class travel in relation to every flight on the passenger's journey, the rate is the rate set by an Act of the Northern Ireland Assembly for the purposes of this paragraph, and
 - (b) in any other case, the rate is the rate set by an Act of the Northern Ireland Assembly for the purposes of this paragraph.
- (4) If the passenger's journey ends at a place in a territory specified in Part 3 of Schedule 5A—
- (a) if the passenger's agreement for carriage provides for standard class travel in relation to every flight on the passenger's journey, the rate is the rate set by an Act of the Northern Ireland Assembly for the purposes of this paragraph, and
 - (b) in any other case, the rate is the rate set by an Act of the Northern Ireland Assembly for the purposes of this paragraph.
- (5) If the passenger's journey ends at any other place—
- (a) if the passenger's agreement for carriage provides for standard class travel in relation to every flight on the passenger's journey, the rate is the rate set by an Act of the Northern Ireland Assembly for the purposes of this paragraph, and
 - (b) in any other case, the rate is the rate set by an Act of the Northern Ireland Assembly for the purposes of this paragraph.

[In relation to the carriage of a chargeable passenger on an aircraft to which ^{F23}(5A) section 30(4F) applies—

- (a) if the rate which (apart from this subsection) would apply is the rate set for the purposes of subsection (3)(a) or (b), the following rate is to apply instead—
 - (i) the rate set by an Act of the Northern Ireland Assembly for the purposes of this paragraph, or
 - (ii) if no rate is so set for the purposes of this paragraph, a rate equal to twice the rate set for the purposes of subsection (3)(b),
- (b) if the rate which (apart from this subsection) would apply is the rate set for the purposes of subsection (4)(a) or (b), the following rate is to apply instead—
 - (i) the rate set by an Act of the Northern Ireland Assembly for the purposes of this paragraph, or
 - (ii) if no rate is so set for the purposes of this paragraph, a rate equal to twice the rate set for the purposes of subsection (4)(b), and
- (c) if the rate which (apart from this subsection) would apply is the rate set for the purposes of subsection (5)(a) or (b), the following rate is to apply instead—
 - (i) the rate set by an Act of the Northern Ireland Assembly for the purposes of this paragraph, or

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- (ii) if no rate is so set for the purposes of this paragraph, a rate equal to twice the rate set for the purposes of subsection (5)(b).]
- (6) The rate of £0 may be set for the purposes of any paragraph.
- (7) The same rate may be set for the purposes of two or more paragraphs.
- (8) Subsections (5) to (7) and (10) to (12) of section 30 apply for the purposes of this section as they apply for the purposes of that section.
- (9) “The relevant day” means the day appointed as such by an order.
- (10) Section 42(4) and (5) does not apply to an order under subsection (9).
- (11) None of the following applies to any matter in respect of which this section authorises provision to be made by an Act of the Northern Ireland Assembly—
- (a) any paragraph of Schedule 2 or 3 to the Northern Ireland Act 1998 (excepted and reserved matters);
 - (b) section 63 of that Act (financial acts of the Assembly).
- (12) A Bill containing provision authorised by this section may not be passed by the Northern Ireland Assembly except in pursuance of a recommendation which—
- (a) is made by the Minister of Finance and Personnel, and
 - (b) is signified to the Assembly by the Minister or on the Minister's behalf.
- (13) A Bill containing provision authorised by this section may not be passed by the Northern Ireland Assembly without cross-community support (as defined in section 4(5) of the Northern Ireland Act 1998).
- (14) “Passed”, in relation to a Bill, means passed at the final stage (at which the Bill can be passed or rejected but not amended).
- (15) Duty paid to the Commissioners in respect of the carriage of chargeable passengers to which this section applies must be paid by the Commissioners into the Consolidated Fund of Northern Ireland.]

Subordinate Legislation Made

P1 S. 30A(9): 1.1.2013 appointed as "the relevant day" (3.12.2012) by [S.I. 2012/3015, art. 2](#)

Textual Amendments

F22 S. 30A inserted (17.7.2012) by [Finance Act 2012 \(c. 14\), Sch. 23 para. 9](#)

F23 S. 30A(5A) inserted (17.7.2012 with effect in accordance with Sch. 23 para. 23 of the amending Act) by [Finance Act 2012 \(c. 14\), Sch. 23 para. 21](#)

31 Passengers: exceptions.

^{F24}(1)

^{F24}(2)

- (3) A passenger whose agreement for carriage is evidenced by a ticket is not a chargeable passenger in relation to a flight which is the second or a subsequent flight on his journey if—
- (a) the prescribed particulars of the flight are shown on the ticket, and

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- (b) that flight and the previous flight are connected.
- (4) A child who—
- (a) has not attained the age of two years, and
- (b) is not allocated a separate seat before he first boards the aircraft,
- is not a chargeable passenger.
- [^{F25}(4A) A passenger is not a chargeable passenger in relation to a flight if under his agreement for carriage (whether or not it is evidenced by a ticket)—
- (a) the flight is to depart from and return to the same airport, and
- (b) the duration of the flight (excluding any period during which the aircraft's doors are open for boarding or disembarkation) is not to exceed 60 minutes.]
- [^{F26}(4B) A passenger is not a chargeable passenger in relation to a flight if under his agreement for carriage (whether or not it is evidenced by a ticket) the flight is to depart from an airport which is in a region of the United Kingdom designated by order.
- (4C) An order may be made for the purposes of subsection (4B) above in respect of any region which has a population density of not more than 12.5 persons per square kilometre.
- (4D) In subsections (4B) and (4C) above, references to a region are references to an area which is determined by the Treasury to constitute a region for the purposes of those subsections.]
- (5) A passenger not carried for reward is not a chargeable passenger if he is carried—
- (a) in pursuance of any requirement imposed under any enactment, or
- (b) for the purpose only of inspecting matters relating to the aircraft or the flight crew.
- ^{F24}(6)

Textual Amendments

- F24** S. 31(1)(2)(6) repealed (28.7.2000 with application as mentioned in s. 19(6) of the repealing Act) by 2000 c. 17, ss. 19(2)(4), 156, **Sch. 40 Pt. I(4)**
- F25** S. 31(4A) inserted (29.4.1996) by 1996 c. 8, **s. 13(1)**
- F26** S. 31(4B)-(4D) inserted (28.7.2000 with application as mentioned in s. 19(6) of the amending Act) by 2000 c. 17, **s. 19(3)**

32 Change of circumstances after ticket issued etc.

- (1) [^{F27}Subsections (2) and (3) below apply] in the case of a person whose agreement for carriage is evidenced by a ticket.
- (2) Where—
- (a) at the time the ticket is issued or, if it is altered, at the time it is last altered, he would not (assuming there is no change of circumstances) be a chargeable passenger in relation to any flight in the course of his journey, and
- (b) by reason only of a change of circumstances not attributable to any act or default of his, he arrives at or departs from an airport in the course of that

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journey on a flight the prescribed particulars of which were not shown on his ticket at that time,

he shall not by reason of the change of circumstances be treated as a chargeable passenger in relation to that flight.

(3) Where—

- (a) at the time the ticket is issued or, if it is altered, at the time it is last altered, he would (assuming there is no change of circumstances) be a chargeable passenger in relation to one or more flights (“the proposed chargeable flights”) in the course of his journey,
- (b) by reason only of a change of circumstances not attributable to any act or default of his, he arrives at or departs from an airport in the course of that journey on a flight the prescribed particulars of which were not shown on his ticket at that time, and
- (c) but for this subsection he would by reason of the change be a chargeable passenger in relation to a number of flights exceeding the number of the proposed chargeable flights,

he shall not by reason of the change of circumstances be treated as a chargeable passenger in relation to that flight.

[^{F28}(4) Where—

- (a) at the time a passenger’s flight begins, by virtue of section 31(4A) above he would not (assuming there is no change of circumstances) be a chargeable passenger in relation to the flight, and
- (b) by reason only of a change of circumstances not attributable to any act or default of his, the flight does not return to the airport from which it departed or exceeds 60 minutes in duration (excluding any period during which the aircraft’s doors are open for boarding or disembarkation),

he shall not by reason of the change of circumstances be treated as a chargeable passenger in relation to that flight.]

Textual Amendments

F27 Words in s. 32(1) substituted (29.4.1996) by 1996 c. 8, s. 13(2)(a)

F28 S. 32(4) added (29.4.1996) by 1996 c. 8, s. 13(2)(b)

Persons liable for the duty

33 Registration of aircraft operators.

- (1) The Commissioners shall under this section keep a register of aircraft operators.
- (2) The operator of a chargeable aircraft becomes liable to be registered under this section if the aircraft is used for the carriage of any chargeable passengers.

[^{F29}(2A) If the Commissioners decide to keep a register under section 33A below, an operator of a chargeable aircraft does not become liable to be registered under this section just because the aircraft is used for the carriage of chargeable passengers to which section 30A above applies.]

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- (3) A person who has become liable to be registered under this section ceases to be so liable if the Commissioners are satisfied at any time—
- (a) that he no longer operates any chargeable aircraft, or
 - (b) that no chargeable aircraft which he operates will be used for the carriage of chargeable passengers [^{F30}or, if the Commissioners have decided to keep a register under section 33A below, that no chargeable aircraft which he operates will be used for the carriage of chargeable passengers apart from the carriage of chargeable passengers to which section 30A above applies] .
- (4) A person who is not registered [^{F31}under this section] and has not given notice under this subsection shall, if he becomes liable to be registered [^{F31}under this section] at any time, give written notice of that fact to the Commissioners not later than the end of the prescribed period beginning with that time.
- (5) Notice under subsection (4) above shall be in such form, be given in such manner and contain such information as the Commissioners may direct.
- ^{F32}(6)
- (7) Regulations may make provision as to the information to be included in, and the correction of, the register kept under this section [^{F33}or section 33A below] .
- (8) In particular, the regulations may provide—
- (a) for the inclusion in the register of persons who have not given notice under this section but appear to the Commissioners to be liable to be registered,
 - (b) for persons who are liable to be registered—
 - (i) not to be included in, or
 - (ii) to be removed from,
 the register in prescribed circumstances,
 - (c) for the removal from the register of persons who have ceased to be so liable, and
 - (d) for the time from which an entry in the register is to be effective (which may be earlier than the time when the entry is first made in the register).

Textual Amendments

- F29** S. 33(2A) inserted (17.7.2012) by [Finance Act 2012 \(c. 14\)](#), [Sch. 23 para. 10\(2\)](#)
- F30** Words in s. 33(3)(b) inserted (17.7.2012) by [Finance Act 2012 \(c. 14\)](#), [Sch. 23 para. 10\(3\)](#)
- F31** Words in s. 33(4) inserted (17.7.2012) by [Finance Act 2012 \(c. 14\)](#), [Sch. 23 para. 10\(4\)](#)
- F32** S. 33(6) omitted (1.4.2010) (with effect in accordance with art. 3 of the commencing S.I.) by virtue of [Finance Act 2008 \(c. 9\)](#), s. 123(2), [Sch. 41 para. 25\(e\)\(i\)](#); S.I. 2009/511, art. 2 (with art. 4)
- F33** Words in s. 33(7) inserted (17.7.2012) by [Finance Act 2012 \(c. 14\)](#), [Sch. 23 para. 10\(5\)](#)

^{F34}33A Registration of Northern Ireland long haul aircraft operators

- (1) The Commissioners may under this section keep a register of aircraft operators.
- (2) If the Commissioners decide to keep a register under this section, the operator of a chargeable aircraft becomes liable to be registered under this section if the aircraft is used for the carriage of chargeable passengers to which section 30A above applies.

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- (3) A person who has become liable to be registered under this section ceases to be so liable if the Commissioners are satisfied at any time—
 - (a) that he no longer operates any chargeable aircraft, or
 - (b) that no chargeable aircraft which he operates will be used for the carriage of chargeable passengers to which section 30A above applies.
- (4) A person who is not registered under this section and has not given notice under this subsection shall, if he becomes liable to be registered under this section at any time, give written notice of that fact to the Commissioners not later than the end of the prescribed period beginning with that time.
- (5) Notice under subsection (4) above shall be in such form, be given in such manner and contain such information as the Commissioners may direct.]

Textual Amendments

F34 S. 33A inserted (17.7.2012) by [Finance Act 2012 \(c. 14\)](#), [Sch. 23 para. 11](#)

34 Fiscal representatives.

- (1) An aircraft operator who—
 - (a) is or is liable to be registered, and
 - (b) does not meet the requirements of subsection (3) below,is required to have a fiscal representative.
- (2) In this Chapter “fiscal representative”, in relation to an aircraft operator, means a person who meets those requirements and stands appointed by the operator for the purposes of this section.
- (3) A person meets the requirements of this subsection if—
 - (a) he has any business establishment or other fixed establishment in the United Kingdom, or
 - (b) if he is an individual, he has his usual place of residence in the United Kingdom.
- (4) Where any person is appointed under this section to be the fiscal representative of any aircraft operator (in this section referred to as his “principal”), then, subject to subsection (5) below [^{F35}and section 34A], the fiscal representative—
 - (a) shall be entitled to act on his principal’s behalf for any of the purposes of the enactments relating to duty,
 - (b) shall, subject to such provisions as may be made by regulations, secure (where appropriate by acting on his principal’s behalf) his principal’s compliance with and discharge of the obligations and liabilities to which his principal is subject by virtue of those enactments, and
 - (c) shall be personally liable in respect of any failure of his principal to comply with or discharge any such obligation or liability as if the obligations and liabilities imposed on his principal were imposed jointly and severally on the fiscal representative and his principal.
- (5) A fiscal representative shall not be liable by virtue of subsection (4) above himself to be registered ^{F36}..., but regulations may—

Status: Point in time view as at 12/03/2015.

Changes to legislation: Finance Act 1994, Chapter IV is up to date with all changes known to be in force on or before 15 June 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)

- (a) require the names of fiscal representatives to be shown in such manner as may be prescribed against the names of their principals in the register kept under ^{F37}section 33 or 33A above], and
- (b) make it the duty of a fiscal representative, for the purposes of registration, to notify the Commissioners, within such period as may be prescribed, that his appointment has taken effect or has ceased to have effect.

Textual Amendments

F35 Words in s. 34(4) inserted (31.7.1998) by 1998 c. 36, s. 15(2)

F36 Words in s. 34(5) omitted (17.7.2012) by virtue of Finance Act 2012 (c. 14), Sch. 23 para. 12(a)

F37 Words in s. 34(5)(a) substituted (17.7.2012) by Finance Act 2012 (c. 14), Sch. 23 para. 12(b)

^{F38}34A Administrative representatives.

- (1) Subject to the following provisions of this section, where—
 - (a) the appointment of any person to be the fiscal representative of an aircraft operator contains a statement that the appointment is made for administrative purposes only,
 - (b) the operator has complied with any obligations for the provision of security imposed, in relation to appointments containing such statements, by any general directions given by the Commissioners, and
 - (c) the operator is not for the time being in contravention of any requirement to provide any security that he is required to provide under section 36 below,
 that appointment shall have effect in accordance with subsection (2) below.
- (2) Where the appointment of any person as a fiscal representative has effect in accordance with this subsection section 34(4)(b) and (c) above shall be taken, in the case of that person—
 - (a) not to impose any requirement on the representative to secure the payment of amounts of duty which are or may become due from his principal, and
 - (b) not to make him personally liable either to pay any such amounts or in respect of any failure by his principal to pay them.
- (3) The security that may be required by general directions given by the Commissioners for the purposes of this section is any such security for the payment of amounts of duty which are or may become due from the person providing the security as may be determined in accordance with the directions.
- (4) The power of the Commissioners under section 36 below to require the provision of security shall not include any power to require a fiscal representative of an aircraft operator whose appointment has effect in accordance with subsection (2) above to provide any security for the payment of amounts of duty which are or may become due from his principal.
- (5) In this section references to an amount of duty include references to any penalty or interest that is recoverable as if it were an amount of duty, but only in so far as the penalty or interest is in respect of a failure by an aircraft operator to pay an amount of duty, or to pay such an amount before a certain time.]

Status: Point in time view as at 12/03/2015.

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Textual Amendments

F38 S. 34A inserted (31.7.1998) by 1998 c. 36, s. 15(1)

35 Fiscal representatives: supplementary.

- (1) Regulations may make provision about—
 - (a) the manner in which a person is to be appointed as a fiscal representative, and
 - (b) the circumstances in which a person is to be treated as having ceased to be a fiscal representative.
- (2) If any aircraft operator who is required to have a fiscal representative fails to appoint such a representative before the prescribed time, his failure shall attract a penalty under section 9 above.
- (3) Any failure of a fiscal representative to give any notice which he is required to give by regulations under section 34(5)(b) above shall attract a penalty under section 9 above.

36 Security for payment of duty.

- (1) The Commissioners may require—
 - (a) any operator of an aircraft who is or is liable to be registered, or
 - (b) any fiscal representative,to provide such security, or further security, as they may think appropriate for the payment of any duty which is or may become due from the operator.
- (2) Any failure by a person to provide any security which he is required by the Commissioners to provide under subsection (1) above shall attract a penalty under section 9 above.
- (3) For the purposes of this section, a person shall not be treated as having been required to provide security under subsection (1) above unless the Commissioners have either—
 - (a) served notice of the requirement on him, or
 - (b) taken all such other steps as appear to them to be reasonable for bringing the requirement to his attention.

37 Handling agents.

- (1) Where any amount of duty becomes payable at any time by the operator of an aircraft and, within the period of ninety days beginning with that time, that amount, or any other amount which becomes payable by him within the period, is not paid, the Commissioners may give notice under this section to any handling agent of his.
- (2) If any operator of an aircraft who is required to have a fiscal representative fails to appoint such a representative before the prescribed time, the Commissioners may give notice under this section to any handling agent of his.
- (3) In this Chapter “handling agent”, in relation to the operator of an aircraft (“the principal”), means any person (other than an individual) who, under an agreement with the principal, makes arrangements for—
 - (a) the allocation of seats to passengers on aircraft operated by the principal, or
 - (b) the supervision of the boarding of such aircraft by passengers.

Status: Point in time view as at 12/03/2015.

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- (4) A notice under this section—
- (a) may be given on the ground referred to in subsection (1) above only if the Commissioners consider it necessary to do so for the protection of the revenue, and
 - (b) may at any time be withdrawn by the Commissioners.
- (5) A notice under this section shall become effective on the date stated in it or, if later, the time when the notice is received by the handling agent and shall continue to be effective until withdrawn.
- (6) If, where a notice given to a handling agent under this section is effective—
- (a) the allocation of seats to passengers on aircraft operated by his principal, or the supervision of the boarding of such aircraft by passengers, is carried out in pursuance of arrangements made by him under any agreement with his principal, and
 - (b) any duty payable in respect of those passengers is not paid,
- the handling agent shall be liable jointly and severally with his principal for the payment of the duty.

38 Accounting for and payment of duty.

- (1) Regulations shall require aircraft operators who are registered or liable to be registered—
- (a) to keep accounts for the purposes of duty in such form and manner as may be prescribed, and
 - (b) to make returns in respect of duty—
 - (i) by reference to such periods as may be prescribed or as may be allowed by the Commissioners, in relation to a particular operator, in accordance with regulations, and
 - (ii) at such time and in such manner as may be prescribed or specified.
- (2) Any person from whom any duty is due shall pay the duty at such time and in such manner as may be prescribed or specified.
- [^{F39}(2A) Regulations may require a prescribed person to make, at prescribed times during a prescribed period, payments based on an estimate of what the person's liability will be for duty charged in the period.
- (2B) The estimate and the amounts of the payments are to be determined in accordance with provision made by the regulations.
- (2C) The payments are to be treated as being payments on account of the person's liability for duty charged in the period.
- (2D) The regulations must make provision for dealing with cases where this results in an overpayment of duty by providing for amounts—
- (a) to be repaid by the Commissioners, or
 - (b) to be treated as having been paid on account of the person's liability for duty charged in other periods,
- or both.]

Status: Point in time view as at 12/03/2015.

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- (3) In this section “specified” means specified in a notice published, and not withdrawn, by the Commissioners.
- (4) Any failure by any person to comply with regulations under this section shall, unless he is complying with the corresponding provisions of such a notice, attract a penalty under section 9 above and, in the case of any failure to keep accounts, daily penalties.

Textual Amendments

F39 S. 38(2A)-(2D) inserted (17.7.2013) by [Finance Act 2013 \(c. 29\)](#), s. 186(1)

[^{F40}39 Schemes for simplified operation of Chapter

- (1) This section applies if the Commissioners consider that, having regard to difficulties encountered or expected to be encountered by any registered operator in obtaining and recording information about passengers and their journeys, it is appropriate for this Chapter to have effect in relation to the registered operator in accordance with a special accounting scheme.
- (2) The Commissioners may agree with the registered operator that this Chapter is to have effect in relation to the registered operator in accordance with a special accounting scheme agreed between the Commissioners and the registered operator (but subject to subsection (4)).
- (3) A special accounting scheme is a scheme which makes provision for methods of calculating—
 - (a) how many persons are to be regarded for the purposes of this Chapter as chargeable passengers carried by chargeable aircraft operated by a registered operator, and
 - (b) how many of those are to be so regarded as having been so carried on journeys in respect of which duty is chargeable at any particular rate.
- (4) The Commissioners may publish a notice specifying terms and conditions subject to which special accounting schemes are to have effect.
- (5) Where the Commissioners and a registered operator have agreed that this Chapter is to have effect in relation to the registered operator in accordance with a special accounting scheme, this Chapter has effect in relation to the registered operator in accordance with the scheme (and with any notice under subsection (4) which has been published by the Commissioners and not withdrawn) for the period agreed by the Commissioners and the registered operator.
- (6) The Commissioners and the registered operator may at any time agree to vary the special accounting scheme for the future.
- (7) The Commissioners may at any time terminate the operation of the special accounting scheme—
 - (a) on the application of the registered operator, or
 - (b) where they have reasonable grounds for doing so,by giving notice to the registered operator.]

Status: Point in time view as at 12/03/2015.

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Textual Amendments

F40 S. 39 substituted (21.7.2009) (with effect in accordance with Sch. 5 para. 8(2) of the amending Act) by Finance Act 2009 (c. 10), **Sch. 5 para. 3** (with Sch. 5 para. 8(1))

Administration and enforcement

40 Administration and enforcement.

- (1) Air passenger duty shall be a duty of excise and, accordingly, shall be under the care and management of the Commissioners.
- (2) Schedule 6 to this Act (administration and enforcement) shall have effect.

41 Offences.

- (1) A person who is knowingly concerned—
 - (a) in the fraudulent evasion (by him or another person) of duty, or
 - (b) in taking steps with a view to such fraudulent evasion,
 is guilty of an offence.
- (2) A person guilty of an offence under subsection (1) above is liable—
 - (a) on summary conviction, to a penalty of—
 - (i) [^{F41}£20,000,] or
 - (ii) if greater, treble the amount of the duty evaded or sought to be evaded, or to imprisonment for a term not exceeding six months, or to both, or
 - (b) on conviction on indictment, to a penalty of any amount or to imprisonment for a term not exceeding seven years, or to both.
- (3) A person who in connection with duty—
 - (a) makes a statement that he knows to be false in a material particular or recklessly makes a statement that is false in a material particular, or
 - (b) with intent to deceive, produces or makes use of a book, account, return or other document that is false in a material particular,
 is guilty of an offence.
- (4) A person guilty of an offence under subsection (3) above is liable—
 - (a) on summary conviction, to a penalty of [^{F42}£20,000] or to imprisonment for a term not exceeding six months, or to both, or
 - (b) on conviction on indictment, to a penalty of any amount or to imprisonment for a term not exceeding two years, or to both.

Textual Amendments

F41 Sum in s. 41(2)(a)(i) substituted (12.3.2015) by The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664), reg. 1(1), **Sch. 2 para. 7(2)(a)** (with reg. 5(1))

Status: Point in time view as at 12/03/2015.

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F42 Sum in s. 41(4)(a) substituted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 2 para. 7(2)(b)** (with reg. 5(1))

[^{F43}**41A Northern Ireland long haul rates of duty: disclosure of information**

- (1) An officer of Revenue and Customs may disclose to the Secretary of State, the Treasury or the Department of Finance and Personnel in Northern Ireland any information for purposes connected with the setting of rates of duty under section 30A above, including (in particular) to enable the setting of rates under that section to be taken into account for the purposes of section 58 of the Northern Ireland Act 1998 (payments by Secretary of State into Consolidated Fund of Northern Ireland).
- (2) Information disclosed under subsection (1) above may not be further disclosed without the consent of the Commissioners (which may be general or specific).
- (3) In section 19 of the Commissioners for Revenue and Customs Act 2005 (wrongful disclosure) references to section 18(1) of that Act are to be read as including a reference to subsection (2) above.]

Textual Amendments

F43 S. 41A inserted (17.7.2012) by [Finance Act 2012 \(c. 14\)](#), **Sch. 23 para. 13**

Supplementary

42 Regulations and orders.

- (1) In this Chapter “regulations” means regulations made by the Commissioners and “order” means an order made by the Treasury.
- (2) Regulations and orders may make different provision for different cases or circumstances and make incidental, supplemental, saving or transitional provision.
- (3) Any power to make regulations or an order is exercisable by statutory instrument.
- (4) No order which appears to the Treasury to extend the circumstances in which passengers are to be treated as chargeable passengers [^{F44}, or to increase the rate of air passenger duty to be charged on the carriage of any chargeable passengers whose journeys end in any place,] shall be made unless a draft of the order has been laid before and approved by the House of Commons.
- (5) Any other order, and any regulations, shall be subject to annulment in pursuance of a resolution of the House of Commons.

Textual Amendments

F44 Words in s. 42(4) inserted (21.7.2009) (with effect in accordance with Sch. 5 para. 8(2) of the amending Act) by [Finance Act 2009 \(c. 10\)](#), **Sch. 5 para. 4**

Status: Point in time view as at 12/03/2015.

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43 Interpretation.

(1) In this Chapter—

“accounting period” means any period prescribed or allowed for the purposes of section 38 above,

“agreement for carriage”, in relation to the carriage of any person, means the agreement or arrangement under which he is carried, whether the carriage is by a single carrier or successive carriers,

“Air Navigation Order” has the same meaning as in the ^{M1}Civil Aviation Act 1982,

“airport” means any aerodrome (within the meaning of that Act),

“carriage” means carriage wholly or partly by air, and “carried” is to be read accordingly,

“connected”, in relation to any flights, has the meaning given by section 30(8) above,

“document” includes information recorded in any form,

“duty” means air passenger duty,

“fiscal representative” has the meaning given by section 34(2) above,

“flight” has the meaning given by section 28(5) above,

“operator”, in relation to any aircraft, means the person having the management of the aircraft for the time being,

[^{F45}“passenger”, in relation to any aircraft, means any person carried on the aircraft other than—

(a) a member of the flight crew,

(b) a cabin attendant, or

(c) a person who is not carried for reward and who satisfies such other requirements as may be prescribed.]

“prescribed” means prescribed by regulations,

“reward”, in relation to the carriage of any person, includes any form of consideration received or to be received wholly or partly in connection with the carriage, irrespective of the person by whom or to whom the consideration has been or is to be given, and

“ticket” means a document or documents evidencing an agreement (wherever made) for the carriage of any person.

[^{F46}(1A) The agreements and arrangements covered by the definition of “agreement for carriage” in subsection (1) include informal agreements or arrangements between, for example, members of a family or friends.]

(2) ^{F47}. . ., in this Chapter, in relation to a passenger whose agreement for carriage is evidenced by a ticket—

“journey” means the journey from his original place of departure to his final place of destination, and

“original place of departure” and “final place of destination” mean the original place of departure and the final place of destination indicated on his ticket.

^{F48}(3)

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- (4) Subject to the preceding provisions of this section, expressions used in this Chapter and in the ^{M2}Customs and Excise Management Act 1979 have the same meaning as in that Act.

Textual Amendments

- F45** Words in s. 43(1) substituted (17.7.2012) (with effect in accordance with Sch. 23 para. 23 of the amending Act) by [Finance Act 2012 \(c. 14\)](#), [Sch. 23 para. 22\(2\)](#)
- F46** S. 43(1A) inserted (17.7.2012) (with effect in accordance with Sch. 23 para. 23 of the amending Act) by [Finance Act 2012 \(c. 14\)](#), [Sch. 23 para. 22\(3\)](#)
- F47** Words in s. 43(2) repealed (28.7.2000 with effect as mentioned in s. 19(6) of the repealing Act) by [2000 c. 17, ss. 19\(5\)\(a\), 156](#), [Sch. 40 Pt. I\(4\)](#)
- F48** S. 43(3) repealed (28.7.2000 with effect as mentioned in s. 19(6) of the repealing Act) by [2000 c. 17, ss. 19\(5\)\(b\), 156](#), [Sch. 40 Pt. I\(4\)](#)

Marginal Citations

- M1** [1982 c. 16](#).
- M2** [1979 c. 2](#).

44 Commencement.

- (1) This Chapter applies to any carriage of a passenger on an aircraft which begins after 31st October 1994.
- (2) For the purpose of determining whether or not a person is a chargeable passenger in relation to any carriage on an aircraft beginning after that date, the provisions of section 31 above and any order made by virtue of that section shall be treated as having applied to any such carriage of that person which began on or before that date as they would apply to any such carriage of that person beginning after that date.

Status:

Point in time view as at 12/03/2015.

Changes to legislation:

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