



# Finance Act 1996

## 1996 CHAPTER 8

### PART III

#### LANDFILL TAX

##### *The basic provisions*

#### **39 Landfill tax.**

- (1) A tax, to be known as landfill tax, shall be charged in accordance with this Part.
- (2) The tax shall be under the care and management of the Commissioners of Customs and Excise.

#### **40 Charge to tax.**

- (1) Tax shall be charged on a taxable disposal [<sup>F1</sup>made in England <sup>F2</sup>... or Northern Ireland]
- (2) A disposal is a taxable disposal if—
  - (a) it is a disposal of material as waste,
  - (b) it is made by way of landfill,
  - (c) it is made at a landfill site, and
  - (d) it is made on or after 1st October 1996.
- (3) For this purpose a disposal is made at a landfill site if the land on or under which it is made constitutes or falls within land which is a landfill site at the time of the disposal.

#### **Textual Amendments**

- F1** Words in s. 40(1) inserted (with effect in accordance with s. 31(4) of the amending Act) by [Scotland Act 2012 \(c. 11\)](#), **ss. 31(2), 44(2)(b)(3)(c)** (with saving in [The Devolution of Landfill](#))

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Tax (Consequential, Transitional and Saving Provisions) Order 2015 (S.I. 2015/599), art. 6); S.I. 2015/638, art. 2

**F2** Words in s. 40(1) omitted (17.2.2015) by virtue of Wales Act 2014 (c. 29), ss. 19(2), 29(2)(b)(3) (with s. 19(3))

#### **41 Liability to pay tax.**

- (1) The person liable to pay tax charged on a taxable disposal is the landfill site operator.
- (2) The reference here to the landfill site operator is to the person who is at the time of the disposal the operator of the landfill site which constitutes or contains the land on or under which the disposal is made.

#### **42 Amount of tax.**

- (1) The amount of tax charged on a taxable disposal shall be found by taking—
  - (a) [<sup>F3</sup>£84.40 for each whole tonne disposed of and a proportionately reduced sum for any additional part of a tonne,] or
  - (b) a proportionately reduced sum if less than a tonne is disposed of.
- (2) Where the material disposed of consists entirely of qualifying material [<sup>F4</sup>or qualifying fines] this section applies as if the [<sup>F5</sup>reference to £84.40 were to £2.65.]
- (3) Qualifying material is material for the time being listed for the purposes of this section in an order.

[<sup>F6</sup>(3A) Qualifying fines are a mixture of—

- (a) fines that consist of such qualifying material as is prescribed by order, and
  - (b) fines that consist of material that is not qualifying material,
- that satisfies all the requirements prescribed in an order.

(3B) An order under subsection (3A) relating to the mixture of fines may require, in particular—

- (a) that fines that consist of material that is not qualifying material do not exceed a prescribed proportion;
- (b) that the mixture of fines does not include prescribed materials or prescribed descriptions of materials;
- (c) that the mixture of fines is such that, if subjected to a prescribed test, it would give a prescribed result;
- (d) that the mixture of fines originates, or does not originate, in a prescribed way.]

[<sup>F7</sup>(4) The Treasury must—

- (a) set criteria to be considered in determining from time to time what material is to be listed [<sup>F8</sup>or what fines are to be qualifying fines],
- (b) keep those criteria under review, and
- (c) revise them whenever they consider they should be revised.

(5) The Commissioners must publish the criteria (and any revised criteria) set by the Treasury.

(6) In determining from time to time what material is to be listed, [<sup>F9</sup>or what fines are to be qualifying fines,] the Treasury must have regard to—

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- (a) the criteria (or revised criteria) published under subsection (5), and
- (b) any other factors they consider relevant.]

#### **Textual Amendments**

- F3** Words in s. 42(1)(a) substituted (with effect in accordance with s. 64(4) of the amending Act) by [Finance Act 2015 \(c. 11\), s. 64\(2\)](#)
- F4** Words in s. 42(2) inserted (with effect in accordance with Sch. 15 para. 8 of the amending Act) by [Finance Act 2015 \(c. 11\), Sch. 15 para. 2\(2\)](#)
- F5** Words in s. 42(2) substituted (with effect in accordance with s. 64(4) of the amending Act) by [Finance Act 2015 \(c. 11\), s. 64\(3\)](#)
- F6** S. 42(3A)(3B) inserted (with effect in accordance with Sch. 15 para. 8 of the amending Act) by [Finance Act 2015 \(c. 11\), Sch. 15 para. 2\(3\)](#)
- F7** S. 42(4)-(6) substituted for s. 42(4) (with effect in accordance with s. 24(2) of the amending Act) by [Finance \(No. 3\) Act 2010 \(c. 33\), s. 24\(1\)](#)
- F8** Words in s. 42(4)(a) inserted (with effect in accordance with Sch. 15 para. 8 of the amending Act) by [Finance Act 2015 \(c. 11\), Sch. 15 para. 2\(4\)](#)
- F9** Words in s. 42(6) inserted (with effect in accordance with Sch. 15 para. 8 of the amending Act) by [Finance Act 2015 \(c. 11\), Sch. 15 para. 2\(5\)](#)

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