
 STATUTORY INSTRUMENTS

1985 No. 1450

CUSTOMS AND EXCISE

The Hydrocarbon Oil (Mixing of Oils) Regulations 1985

<i>Made - - - -</i>	16th September 1985
<i>Laid before Parliament</i>	23rd September 1985
<i>Coming into Operation</i>	15th October 1985

The Commissioners of Customs and Excise, in exercise of the powers conferred on them by sections 20A(5), (6) and (7), 21 and 24 of the Hydrocarbon Oil Duties Act 1979(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Hydrocarbon Oil (Mixing of Oils) Regulations 1985 and shall come into operation on 15th October 1985.

Interpretation

2.—(1) In these Regulations:—

“the Act” means the Hydrocarbon Oil Duties Act 1979;

“the 1973 Regulations” means the Hydrocarbon Oil Regulations 1973(b);

“the duty deferment Regulations” means the Excise Duties (Hydrocarbon Oils) (Deferred Payment) Regulations 1985 (c);

“approved mixer” means a person approved by the Commissioners for the purposes of section 20A of the Act;

“business day” means a day which is a business day within the meaning of the Bills of Exchange Act 1882 (d);

“mixing” means the mixing of different descriptions of hydrocarbon oil so as to produce new oil in accordance with section 20A of the Act and “mix” and its cognate expressions shall be construed accordingly.

(2) Any expression used in these Regulations to which a meaning is given by the 1973 Regulations has, except where the context otherwise requires, the same meaning in these Regulations.

Application

3. These Regulations apply to oil which has been either charged with excise duty under section 6 of the Act or which would have been charged but for a relief or rebate allowed in respect of that oil.

(a) 1979 c.5; section 20A was inserted by the Finance Act 1985 (c.54), section 7; section 24 was amended by the Finance Act 1981 (c.35), section 6(2) and the Finance Act 1982 (c.39), section 4(3).

(b) S.I. 1973/1311, amended by S.I. 1976/443, 1977/1868, 1981/1134, 1985/1033.

(c) S.I. 1985/1032.

(d) 1882 c.61.

Approval

4.—(1) Save where the Commissioners otherwise permit, a person seeking approval as a mixer shall apply to the Commissioners in writing and give such particulars as they may require.

(2) Approval of persons as mixers, whether individually or by reference to a class, and whether in relation to particular descriptions of oil or generally may be:—

- (a) limited as to the mixture stated in the approval;
- (b) granted subject to conditions; and
- (c) revoked for reasonable cause.

(3) Where conditions are imposed under this regulation they may be varied for reasonable cause.

(4) Any person who has applied to be approved or who has been approved under paragraph (2) above shall notify the Commissioners immediately of any change in circumstances which materially affects any application for approval or approval given by the Commissioners or security given by him under these Regulations.

Security

5. An approved mixer shall provide security in such amount and in such form as the Commissioners may require for:—

- (a) the observance of any conditions imposed under regulation 4(2) above; and
- (b) the furnishing of returns as required by regulation 7 below.

Charge to duty and allowance

6.—(1) New oil subject to a charge of duty under section 20A of the Act shall be charged at the time it is mixed and that duty shall be paid in accordance with regulation 8 below.

(2) Where new oil is subject to an allowance under section 20A of the Act that allowance shall be determined at the time it is mixed and it shall be made in accordance with regulation 9 below.

Furnishing of returns

7.—(1) An approved mixer shall furnish to the Commissioners a return—

- (a) on the last business day of each month, or,
- (b) where the approved mixer is also approved under the duty deferment Regulations, on the appropriate payment day of each month which is prescribed in regulation 5 of the said Regulations—

of all new oil mixed in the month preceding that in which the return is rendered, save that the Commissioners may allow a return to be rendered on a day and for a period different from the aforesaid.

(2) The return shall be in such form and manner and containing such particulars as the Commissioners may require.

Payment of duty

8.—(1) At the time of furnishing a return under regulation 7 above an approved mixer shall pay to the Commissioners, or account for, the amount of duty appearing by the return to be due from him for the period to which it relates, and any duty which may be due from him for an earlier period.

(2) The duty deferment Regulations shall not apply to the payment of duty under paragraph (1) above.

Allowances

9. Where it appears by a return furnished under regulation 7 above that an allowance under section 20A of the Act is due to an approved mixer, that allowance, unless the Commissioners otherwise allow, shall be in the form of a credit which he shall set off against excise duty on oil otherwise due from him to the Commissioners at the time of furnishing the return.

Amendment of the 1973 Regulations

10.—(1) The 1973 Regulations shall be amended in accordance with the provisions of this regulation.

(2) In regulation 2, after the definition of the duty deferment Regulations, there shall be inserted the following definition—

“the mixing Regulations” means the Hydrocarbon Oil (Mixing of Oils) Regulations 1985;”.

(3) In regulation 43:—

(a) after the words “in accordance with the terms of” there shall be inserted the words “either an approval granted by the Commissioners under the mixing Regulations or”, and

(b) after the words “where they so require” there shall be inserted the words “in relation to such a licence”.

P. Jefferson Smith,
Commissioner of Customs and Excise.

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London EC3R 7HE
16th September 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Section 20A of the Hydrocarbon Oil Duties Act 1979, as inserted by paragraph 2 of Schedule 4 to the Finance Act 1985, provides for the adjustment of duty on duty paid oil which has become oil of a different description by reason of being mixed with other oil in a pipeline. The section provides for the imposition of a further charge of duty on that oil or for the granting of an allowance. These Regulations give effect to that section by permitting the mixing of the different oils (which may be subject to conditions), by describing the method of charging the duty and for determining the form of the allowance.

Regulation 3 describes the duty status of oils to which the Regulations apply.

Regulation 4 provides that the approval of persons as mixers may be subject to restrictions and conditions.

Regulation 5 prescribes that security shall be required for the observance of conditions and furnishing of returns.

Regulation 6 prescribes the time at which the charge to duty or allowance will be made.

Regulations 7-9 provide for returns to be made to the Commissioners and for payment of duty or taking of allowance appearing on the returns.

Regulation 10 amends the Hydrocarbon Oil Regulations 1973 by defining "the mixing Regulations" in regulation 2 and by amending regulation 43 to require approval under "the mixing Regulations".

SI 1985/1450
ISBN 0-11-057450-8



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