

2022 No. 0000

EXCISE

**The Hydrocarbon Oil Duties (Miscellaneous Amendments)
Regulations 2022**

<i>Made</i>	- - - -	2022
<i>Laid before Parliament</i>		2022
<i>Coming into force</i>	- -	2022

The Commissioners for Her Majesty's Revenue and Customs make the following Regulations in exercise of the powers conferred by sections 6A, 20AA, 23B, 24(1) and (3) and 24A(3) of, and Schedule 4 to, the Hydrocarbon Oil Duties Act 1979 (a) and section 100G(1) of the Customs and Excise Management Act 1979(b).

Citation and commencement

1. These Regulations may be cited as the Hydrocarbon Oil Duties (Miscellaneous Amendments) Regulations 2022 and come into force on 1st April 2022.

Amendment of the Other Fuel Substitutes (Rates of Excise Duty etc) Order 1995

2.—(1) The Other Fuel Substitutes (Rates of Excise Duty etc) Order 1995(c) is amended as follows.

(2) In article 4(2)(a) (rates of duty for fuel substitutes), at the end insert “minus the applicable rate of rebate allowable under section 11 of the Act”.

Amendment of the Hydrocarbon Oil (Designated Markers) Regulations 1996

3.—(1) The Hydrocarbon Oil (Designated Markers) Regulations 1996(d) are amended as follows.

(2) In regulation 2(1) (designation of markers) after “hydrocarbon oil” insert “or biodiesel”.

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- (a) 1979 c. 5. Section 6A was inserted by section 11 of the Finance Act 1993 (c. 34) and amended by section 11 of the Finance Act 2000 (c. 17), section 7 of the Finance Act 2002 (c. 23), sections 10 and 12 of the Finance Act 2004 (c. 12), Schedule 17 to the Finance Act 2016 (c. 24) and Schedule 21 to the Finance Act 2021 (c. 26). Section 20AA was inserted by section 2 of the Finance Act 1989 (c. 26) and amended by Schedule 23 to the Finance Act 1993 (c. 34), Schedule 4 to the Finance Act 1994 (c. 9), section 10 of the Finance Act 2000 and Schedules 5 and 6 to the Finance Act 2008 (c. 9). Section 24(1) was amended by section 6 of the Finance Act 1981 (c. 35), section 4 of the Finance Act 1982 (c. 39), Schedule 41 to the Finance Act 1996 (c. 8), section 3 of the Finance Act 2001 (c. 9) and Schedules 5 and 6 to the Finance Act 2008. Section 24(3) was amended by Schedule 5 to the Finance Act 2008. Section 24A was inserted by section 7 of the Finance Act 1996 and subsection (3) was amended by Schedule 21 to the Finance Act 2021. Schedule 4 was amended by section 6 of , and Schedule 19 to, the Finance Act 1981, section 4 of the Finance Act 1982, Schedule 41 to the Finance Act 1996, Schedule 2 to the Finance Act 2002, Schedule 5 to the Finance Act 2008, Schedule 11 to the Finance Act 2020 (c. 14), Schedule 21 to the Finance Act 2021.
- (b) 1979 c. 2. Section 100G was inserted by Schedule 4 to the Finance Act 1991 (c. 31).
- (c) S.I. 1995/2716. Relevant amending instruments are S.I. 2002/3042 and 2008/754.
- (d) S.I. 1996/1251; amended by S.I. 2002/1773 and 2015/36.

Amendment of the Hydrocarbon Oil (Payment of Rebates) Regulations 1996

4.—(1) The Hydrocarbon Oil (Payment of Rebates) Regulations 1996(a) are amended as follows.

(2) In regulation 3(1) (interpretation), in the definition of “Collector for the Oils Accounting Centre” for “Collector of Customs and Excise responsible for the Oils Accounting Centre at HM Customs and Excise, Dorset House, Stamford Street, London SE1 9PY” substitute “Commissioners for Her Majesty’s Revenue and Customs at HM Revenue and Customs, Cumbernauld Accounting Team, Room B1-25, St Mungo’s Road, Cumbernauld, G70 5WY”.

Amendment of the Hydrocarbon Oil (Marking) Regulations 2002

5.—(1) The Hydrocarbon Oil (Marking) Regulations 2002(b) are amended as follows.

(2) In regulation 2(1) (interpretation) at the appropriate place insert—

““biodiesel excise duty point” means the excise duty point which applies for biodiesel by virtue of regulation 17 (excise duty points) of the Biofuels and Other Fuel Substitutes (Payment of Excise Duties etc) Regulations 2004(c);”.

(3) In regulation 3(1)(a) (prescribed markers and colouring substance), after “gas oil” insert “, biodiesel”.

(4) For regulation 4 (marking required for rebate) substitute—

“**4.** Subject to Part III (exceptions to marking requirements), no rebated of duty may be allowed—

(a) on the delivery for home use of—

- (i) gas oil under section 11(1)(b) or (ba) of the Act;
- (ii) kerosene under section 11(1)(c) or 13AA(1) of the Act; or
- (iii) light oil under section 14(1) of the Act; or

(b) for biodiesel under section 14A of the Act, at the biodiesel excise duty point,

unless there is added to the oil or biodiesel, in accordance with these Regulations, the markers and, except in the case of kerosene, the colouring substance, prescribed by regulation 3.”.

(5) In regulation 7 (application), after “oil” insert “, biodiesel”.

(6) For regulation 8 (time of marking) substitute—

“**8.** Except as otherwise provided in regulations made by the Commissioners—

- (a) oil and bioblend must be marked before delivery for home use of that oil and bioblend; and
- (b) biodiesel must be marked before the biodiesel excise duty point.”.

(7) In regulation 9 (use of composite solution), after “oil” insert “, biodiesel”.

(8) In regulation 11 (storage of marked oil), after “oil” insert “, biodiesel or”.

(9) In regulation 12(a) (labelling of delivery points for marked oil), after “oil”, in both places it occurs, insert “, biodiesel”.

(10) In regulation 13(1) (particulars to be recorded on delivery notes)—

- (a) in sub-paragraph (a) after “oil” insert “or biodiesel”;
- (b) in the words after sub-paragraph (c) after “may be,” insert “biodiesel or”.

(a) S.I. 1996/2313.

(b) S.I. 2002/1773; amended by S.I. 2007/1416, 2008/753 and 2015/36.

(c) S.I. 2004/2065; amended by S.I. 2007/1640.

(11) In regulation 14 (prohibitions relating to prescribed markers), after “oil”, in each place it occurs, insert “, biodiesel”.

(12) In regulation 16 (prohibition on importation of certain oil), after “oil” insert “, biodiesel”.

Amendment of the Hydrocarbon Oil (Registered Dealers in Controlled Oil) Regulations 2002

6.—(1) The Hydrocarbon Oil (Registered Dealers in Controlled Oil) Regulations 2002(a) are amended as follows.

(2) In regulation 3(1) (unregulated controlled oil)(b)—

- (a) at the end of sub-paragraph (a) omit “or”;
- (b) omit sub-paragraph (b).

Amendment of the Hydrocarbon Oil (Registered Remote Markers) Regulations 2005

7.—(1) The Hydrocarbon Oil (Registered Remote Markers) Regulations 2005(c) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) in the definition of “appropriate rebate”—

- (i) from “the rebate” to the end becomes sub-paragraph (a);
- (ii) after that sub-paragraph insert—

“(b) the rebate that would have been allowed in relation to biodiesel at the biodiesel excise duty point had it been marked as it is now marked;”;

(b) at the appropriate place insert—

““biodiesel excise duty point” means the excise duty point which applies for biodiesel by virtue of regulation 17 (excise duty points) of the Biofuels and Other Fuel Substitutes (Payment of Excise Duties etc) Regulations 2004;”;

(c) in the definition of “duty”—

- (i) at the end of sub-paragraph (a) omit “and”;
- (ii) at the end of sub-paragraph (b), after the semi-colon insert “and”;
- (iii) after sub-paragraph (b) insert—

“(c) biodiesel by section 6AA(1) of that Act (excise duty on biodiesel);”.

(3) In regulation 3 (approval and registration), after “oil” insert “, biodiesel”.

(4) In regulation 4(2) (certificates of registration)—

- (a) in sub-paragraph (d) after “may be,” insert “biodiesel or”;
- (b) in sub-paragraph (e) after “oil” insert “, biodiesel”.

(5) In regulation 6 (privileges of a registered remote marker), after “oil”, in each place it occurs, insert “, biodiesel or”.

(6) In regulation 8(3) (general conditions and restrictions)—

- (a) after “oil”, in the first place it occurs, insert “, biodiesel”;
- (b) after “may be,” insert “biodiesel or”.

(7) In regulation 9 (conditions for relief to be allowed)—

- (a) in paragraph (2) after “oil” insert “, biodiesel”;
- (b) in paragraph (4) after “may be,” insert “biodiesel or”;
- (c) in paragraph (5) after “oil” insert “, biodiesel”;

(a) S.I. 2002/3057; relevantly amended by S.I. 2008/753.

(b) Paragraph (1) was substituted by S.I. 2008/753.

(c) S.I. 2005/3472; amended by S.I. 2008/753 and 209/56.

- (d) in paragraph (8) after “oil” insert “, biodiesel”.
- (8) In regulation 11 (relieved hydrocarbon to be treated as rebated oil)—
 - (a) after “oil”, in the first place it occurs, insert “, biodiesel”;
 - (b) after “may be,” insert “biodiesel or”.
- (9) In regulation 12 (relief)—
 - (a) in paragraph (1)
 - (i) at the end of sub-paragraph (a) insert “, or no rebate of duty is allowed in relation to biodiesel at the biodiesel excise duty point”
 - (ii) in sub-paragraphs (b) and (c) after “that”, in both places it occurs, insert “biodiesel or”;
 - (b) in paragraph (3) at the end of the definition of “the prescribed manner and proportions” and at the end of the definition of “the prescribed markers and colouring substances” insert “or to biodiesel as a condition of allowing a rebate of duty at the biodiesel excise duty point”.
- (10) In regulation 13(3) (relief that is not allowed), after “oil”, in both places it occurs, insert “, biodiesel”.

Amendment of the Hydrocarbon Oil and Biofuels (Road Fuel in Defined Areas) (Reliefs) Regulations 2011

8.—(1) The Hydrocarbon Oil and Biofuels (Road Fuel in Defined Areas) (Reliefs) Regulations 2011(a) are amended as follows.

- (2) In regulation 2 (interpretation), in the definition of “qualifying fuel”—
 - (a) paragraphs (v) to (viii) are renumbered (i) to (iv);
 - (b) after “in relation to which” insert “no rebate has been given and”.
- (3) For regulation 4 (relief) substitute—

“4. Relief is allowed in accordance with these Regulations in relation to qualifying fuel that has been purchased by a qualified claimant to be supplied by that person by retail sale from premises situated in a defined area.”.
- (4) In regulation 7(2)(b) (conditions), for “for use in a road vehicle” substitute “by retail sale from premises situated in a defined area”.

	<i>Name</i>
	<i>Name</i>
Date	Two of the Commissioners for Her Majesty’s Revenue and Customs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make miscellaneous provision relating to fuel duties principally under the Hydrocarbon Oil Duties Act 1979 (c. 5) (“HODA”).

Regulation 1 provides for citation and commencement.

Regulation 2 amends the Other Fuel Substitutes (Rates of Excise Duty etc) Order 1995 (S.I. 1995/2716) to clarify that the rate of duty for a fuel substitute to be used in a diesel engine, or an

(a) S.I. 2011/2935; amended by S.I. 2015/550.

engine, other than a piston engine, of an aircraft, is that specified by section 6 of HODA for heavy oil minus the rate of rebate allowable under section 11

Regulation 3 amends the Hydrocarbon Oil (Designated Markers) Regulations 1996 (S.I. 1996/1251) to provide for the designation of markers for the purposes of identifying biodiesel that is not to be used other than for an excepted machine (as defined by section 27 of HODA).

Regulation 4 amends the Hydrocarbon Oil (Payment of Rebates) Regulations 1996 (S.I. 1996/2313) to update the meaning of “Collector for the Oils Accounting Centre”.

Regulation 5 amends the Hydrocarbon Oil (Marking) Regulations 2002 (S.I. 2002/1773) to extend provision regulating the marking of fuel to biodiesel.

Regulation 6 amends the Hydrocarbon Oil (Registered Dealers in Controlled Oil) Regulations 2002 (S.I. 2002/3057) to extend the application of regulation of traders in controlled oil to biodiesel.

Regulation 7 amends the Hydrocarbon Oil (Registered Remote Markers) Regulations 2005 (S.I. 2005/3472) to extend the application of the provisions relating to registered remote markers to biodiesel.

Regulation 8 amends the Hydrocarbon Oil and Biofuels (Road Fuel in Defined Areas) (Reliefs) Regulations 2011 (S.I. 2011/2935) to clarify that relief does not extend to rebated fuel and makes further minor clarifications.

A Tax Information and Impact Note covering this instrument will be published on the website at <https://www.gov.uk/government/collections/tax-information-and-impact-notes-tiins>.