



CUSTOMS AND EXCISE DUTIES (GENERAL RELIEFS) ACT 1986

CUSTOMS AND EXCISE (PERSONAL RELIEFS FOR
SPECIAL VISITORS) ORDER 1993

Laid before Tynwald 16th March, 1993

Coming into operation 1st January 1993

In exercise of the powers conferred on the Treasury by section 11B of the Customs and Excise Duties (General Reliefs) Act 1986(a) and of all other powers enabling it in that behalf, the following Order is hereby made:-

PART I

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Customs and Excise (Personal Reliefs for Special Visitors) Order 1993 and shall be deemed to have come into operation on 1st January 1993.

PART II

INTERPRETATION

2. In this Order -

"acquisition" means an acquisition of goods from a member State within the meaning of section 2A of the Value Added Tax and Other Taxes Act 1973(b), and "acquired" shall be construed accordingly;

"duty" means any duty of customs or duty of excise;

"importation" means an importation from a place outside the member States, and "imported" shall be construed accordingly;

(a) 1986 c.40.

(b) 1973 c.1.

"relief" means the remission of any duty or tax which is chargeable and which a person, whether the person upon whom the relief is conferred or some other person, would be liable to pay were it not for the relief conferred;

"supply" means a supply within the meaning of section 6 of the Value Added Tax and Other Taxes Act 1973 and "supplied" shall be construed accordingly;

"tax" means value added tax;

"United Kingdom national" means a British citizen, a British Dependent Territories citizen, a British National (Overseas) or a British Overseas citizen;

"used", in relation to a person's use of consumable property, includes having the property at his disposal;

"warehouse" means a warehouse within the meaning of section 184(1) of the Customs and Excise Management Act 1986(a), and "removal from warehouse" shall be construed accordingly.

PART III

CONDITIONS ATTACHING TO PART VI RELIEFS

3. In this Part -

"entitled person" means an entitled person for the purposes of Part VI.

4. It shall be a condition of the relief conferred under article 16 that the entitled person deliver or cause to be delivered to the supplier of the motor vehicle a certificate in the form numbered 1 in the Schedule to this Order -

- (a) containing full information in respect of the matters specified therein; and
- (b) signed -
 - (i) as to Part A, by the entitled person upon whom the relief is conferred;
 - (ii) as to Part B, by the head of the mission or other body or organisation of which the entitled person is a member;
 - (iii) as to Part C, by the Secretary of State or a person authorised to sign on his behalf; and
 - (iv) as to Part D, by the supplier,

before the supply is made.

PART IV

CONDITIONS ATTACHING TO PART VII RELIEFS

5. (1) In this Part -

"entitled person" means an entitled person for the purposes of Part VII.

(2) For the purposes of articles 6 and 7, any reference to a certificate shall be construed as including a reference to a copy of such a certificate.

6. (1) It shall be a condition of relief conferred under article 19 that the entitled person deliver or cause to be delivered in accordance with paragraph (2) five certificates in the form numbered 2 in the Schedule to this Order -

(a) containing full information in respect of the matters specified therein; and

(b) signed -

(i) as to Part A, by the entitled person upon whom the relief is conferred; and

(ii) as to Part B, by the officer commanding the visiting force or other body or organisation of which the entitled person is a member or by a person authorised to sign on his behalf.

(2) The certificates referred to in paragraph (1) shall be delivered before the supply is made as follows:

(a) two certificates shall be delivered to the visiting force or other body or organisation of which the entitled person is a member;

(b) two certificates shall be delivered to the proper officer; and

(c) one certificate shall be delivered to the supplier of the motor vehicle.

7. (1) It shall be a condition of relief conferred under article 20 in respect of a motor vehicle that the entitled person deliver or cause to be delivered in accordance with paragraph (2) four certificates in the form numbered 3 in the Schedule to this Order -

(a) containing full information in respect of the matters specified therein; and

(b) signed -

(i) as to Part A, by the entitled person upon whom the relief is conferred; and

- (ii) as to Part B, by the officer commanding the visiting force or other body or organisation of which the entitled person is a member or by a person authorised to sign on his behalf.

(2) The certificates referred to in paragraph (1) shall be delivered before the goods are removed by or on behalf of the entitled person as follows:

- (a) one certificate shall be delivered to the visiting force or other body or organisation of which the entitled person is a member; and
- (b) three certificates shall be delivered to the proper officer.

PART V

CONDITIONS ATTACHING TO ALL RELIEFS

8. In this Part -

"entitled person" means an entitled person for the purposes of either Part VI or Part VII of this Order.

9. An entitled person upon whom any relief is conferred under any Part of this Order shall be bound by the conditions described in the following provisions of this Part and in Part III or IV, as the case may be.

10. (1) It shall be a condition of the relief that the goods shall not be lent, hired-out, given as security or transferred by the entitled person or any other person without the prior authorisation in writing of the Treasury.

(2) Where the Treasury authorises such disposal as is mentioned in paragraph (1), it may discharge the relief and the entitled person to whom the relief was afforded shall forthwith pay the duty or tax at the rate then in force, provided that where a lower rate was in force when relief was afforded the amount payable shall be determined by reference to the lower rate.

11. It shall be a condition of the relief that the goods are used exclusively by the entitled person or members of his family forming part of his household.

12. Where relief has been afforded and subsequently the Treasury is not satisfied that any condition attaching to such relief, whether by virtue of a provision of this Order or otherwise, has been complied with, then, unless the Treasury sanctions the non-compliance in writing, the duty or tax shall become payable forthwith and the goods shall be liable to forfeiture.

13. Where relief has been afforded, but any duty or tax subsequently becomes payable by virtue of article 12, the

following persons shall be jointly and severally liable to pay it -

- (a) the entitled person upon whom the relief was conferred;
- (b) any person who, at or after the time of the non-compliance with the condition which has caused the duty or tax to become payable, has been in possession of the goods.

PART VI

DIPLOMATS ETC

14. In this Part -

"entitled person" means:

- (a) any person enjoying any privilege or immunity by virtue of his being -
 - (i) a diplomatic agent for the purposes of the Diplomatic Privileges Act 1964(a),
 - (ii) a senior officer of the Commonwealth Secretariat for the purposes of the Commonwealth Secretariat Act 1966(b),
 - (iii) a consular officer for the purposes of the Consular Relations Act 1968(c),
 - (iv) a representative or a person recognised as holding a rank equivalent to a diplomatic agent for the purposes of the International Organisations Act 1968(d), or
- (b) any person enjoying, under or by virtue of section 2 of the European Communities Act 1972(e), any privilege or immunity similar to those enjoyed under or by virtue of the enactments referred to in paragraph (a) by the persons therein specified,

who is neither a United Kingdom national nor a permanent resident of the Isle of Man or the United Kingdom.

15. Where any tobacco product or beverage containing alcohol is removed from warehouse in the course of its being supplied to an entitled person, payment of any duty or tax chargeable in respect of the removal from warehouse or supply shall not be required.

16. (1) Subject to the following provisions of this article, where an entitled person purchases a motor vehicle which has been manufactured in a country, other than the Isle of Man and the United Kingdom, which is -

-
- (a) 1964 c.81 (of Parliament).
 - (b) 1966 c.10 (of Parliament).
 - (c) 1968 c.18 (of Parliament).
 - (d) 1968 c.48 (of Parliament).
 - (e) 1972 c.68 (of Parliament).

(a) a member State; or

(b) a member of the European Free Trade Association,

payment of any tax chargeable in respect of the supply shall not be required.

(2) No relief shall be afforded under paragraph (1) if the entitled person has previously been afforded relief in respect of any other motor vehicle, whether under paragraph (1) or otherwise, unless he has disposed of all previous motor vehicles in respect of which relief has been so afforded and paid any duty or tax which was required to be paid under article 10(2).

(3) Where the spouse of the entitled person is present in the Isle of Man or the United Kingdom, paragraph (2) shall apply as if the words "(or all but one)" were inserted after the words "motor vehicles".

17. Nothing in this Part of this Order shall be taken as conferring relief in respect of any duty or tax which is subject to remission or refund by or under any of the enactments referred to in article 14.

PART VII

VISITING FORCES AND HEADQUARTERS

18. In this Part -

"entitled person" means a person who is -

(a) for the purposes of any provision of the Visiting Forces Act 1952(a), a serving member of a visiting force of a country, other than the United Kingdom, which is a party to the North Atlantic Treaty, or a person recognised by the Secretary of State as a member of a civilian component of such a force, or

(b) a person who is a military or civilian member of a headquarters or organisation designated for the purposes of any provision of the International Headquarters and Defence Organisations Act 1964(b),

who is neither a United Kingdom national nor a permanent resident of the Isle of Man or the United Kingdom.

19. Subject to article 22, where an entitled person purchases a motor vehicle which has been manufactured in the Isle of Man or a country which is -

(a) a member State; or

(b) a member of the European Free Trade Association,

payment of any tax in respect of the supply shall not be required.

(a) 1952 c.67 (of Parliament). (b) 1964 c.5 (of Parliament).

20. Subject to article 22, where an entitled person imports, acquires or removes from warehouse any goods, payment of any duty or tax chargeable in respect of the importation, acquisition or removal from warehouse shall not be required.

21. Subject to article 22, where a gift of goods, other than tobacco products or beverages containing alcohol, is made to an entitled person by dispatching them to him from a place outside the Isle of Man and the United Kingdom, payment of any duty or tax chargeable in respect of their acquisition or importation shall not be required.

22. (1) No relief shall be afforded under this Part of this Order in respect of a motor vehicle if the entitled person has previously been afforded relief under this Order in respect of any other motor vehicle, unless he has disposed of all previous motor vehicles in respect of which relief has been so afforded and paid any duty or tax which was required to be paid under article 10(2).

(2) Where the spouse of the entitled person is present in the Isle of Man or the United Kingdom, paragraph (1) shall apply as if the words "(or all but one)" were inserted after the words "motor vehicles".

SCHEDULE

FORM 1

Article 4

Certificate for use in Connection with the Purchase of an EC (not UK) or EFTA Origin Vehicle free of Value Added Tax

Part A: To be completed by entitled person		
Surname	Forenames	Rank or status
Embassy/High Commission/International Organisation		
Signature of entitled person		Date
<div style="background-color: black; width: 100px; height: 15px; display: inline-block;"></div>		
Signature		Official Stamp
Name		
(BLOCK LETTERS)		
<div style="background-color: black; width: 100%; height: 15px;"></div>		
This is to certify that the above named is entitled to purchase an EC or EFTA origin vehicle at a VAT exclusive price.		
Signature		Department Date
<div style="background-color: black; width: 100%; height: 15px;"></div>		
Make and model	Engine number	Chassis number
Vehicle registration mark	Year of manufacture	
Name of supplier		
Signature of supplier		Date

Visiting Forces' Certificate of Entitlement to Relief from Duty and Value Added Tax on the purchase of a Motor Vehicle

Please complete all five copies.

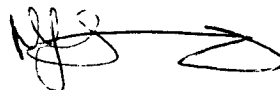
[Redacted]		
Surname	Forenames	Grade and Service No.
Base in the UK to which assigned		
Private address in the UK		
Particulars of vehicle	Engine number	
Make & Model	Chassis number	
Vehicle registration mark	Year of manufacture	
Name of Supplier		
Declaration		
I declare that:- I am a member of/ the civilian component of/ the visiting forces and that the details given above are true and complete.		
Signature of entitled person. Date		
[Redacted]		
I certify that is a member of/ the civilian component of/ the Visiting Forces serving in the United Kingdom.		
Signature Date		
Part C: For Official use		
		Date stamp

Visiting Forces' Certificate of Entitlement to Relief from Duty and Value Added Tax on the Import/Withdrawal from Warehouse of a Motor Vehicle

Please complete all four copies.

Surname	Forenames	Grade and Service No.
Base in the UK to which assigned		
Private address in the UK		
Particulars of vehicle		
Make and model	Engine number	Chassis number
Vehicle registration mark	Year of manufacture	
Declaration		
I declare that:- I am a member of/ the civilian component of/ the visiting forces and that the details given above are true and complete.		
Signature of entitled person. Date		
Part B Certificate by Visiting Force		
I certify that is a member of/the civilian component of/the Visiting Forces serving in the United Kingdom.		
Signature Date		
For Official Use		Date stamp

Made this 24th day of February 1993



Minister for the Treasury

EXPLANATORY NOTE
(This note is not part of the Order)

This Order brings into force on 1st January 1993 certain reliefs for diplomats, members of international organisations and visiting forces and other persons which are currently allowed by extra-statutory concession. It also incorporates certain statutory reliefs for visiting forces which have been provided by Part XIII of the Customs and Excise Duties (Personal Reliefs for Goods Permanently Imported) Order 1983, and which are to be revoked by a 1993 Order of the same title. The Order implements Articles 14(1)(g), 15(10) and 28cB of Council Directive 77/388/EEC (OJ L145, 13.6.77, p.1), as amended by Council Directive 91/680/EEC (OJ L376, 31.12.91, p.1).

Part III of the Order provides for the completion of a certain form as a condition of the relief on the purchase by diplomats etc of cars manufactured within another member State of the European Community or within a country which is a member of the European Free Trade Association.

Part IV lays down similar requirements in relation to the reliefs on cars purchased or imported by members of visiting forces.

Part V imposes a number of conditions to which all the reliefs are subject.

Part VI sets out the reliefs to which certain diplomats and persons of similar status are entitled.

Part VII sets out the reliefs to which members of NATO visiting forces and headquarters organisations are entitled.