



## CUSTOMS AND EXCISE ACTS 1986

### HYDROCARBON OIL (REGISTERED DEALERS IN CONTROLLED OIL) REGULATIONS 2003

*Laid before Tynwald*

*18<sup>th</sup> March 2003*

*Coming into operation*

*1 February 2003*

In exercise of the powers conferred on the Treasury by section 107A and 107B of the Customs and Excise Management Act 1986<sup>(a)</sup>, sections 26B and 27AA of the Hydrocarbon Oil Duties Act 1986<sup>(b)</sup>, and of all other powers enabling it in that behalf, the following Regulations are hereby made:-

#### **Citation and commencement**

1. These Regulations may be cited as the Hydrocarbon Oil (Registered Dealers in Controlled Oil) Regulations 2003 and come into operation on 1<sup>st</sup> February 2003.

#### **Interpretation**

2. In these Regulations -

“the Management Act” means the Customs and Excise Management Act 1986;

“the Oil Act” means the Hydrocarbon Oil Duties Act 1986;

“prescribe” means prescribe in a notice published by the Treasury and not withdrawn by another notice;

“registered dealer in controlled oil” has the meaning given in regulation 4.

#### **Unregulated controlled oil**

3. (1) Section 26A(1) and (4) of the Oil Act (regulation of traders in controlled oil) does not apply to controlled oil that is contained in a small pre-packaged container.

(2) In this regulation, “small pre-packaged container” means a closed container that contains not more than 20 litres of controlled oil.

---

<sup>(a)</sup> 1986 c.34.

<sup>(b)</sup> 1986 c.38.

## **Registered dealers in controlled oil**

4. (1) For the purposes of section 107A of the Management Act, the Treasury may approve any person who intends to buy, sell, or deal in controlled oil and register him as a registered excise dealer and shipper in accordance with section 107A(2) of that Act.

(2) A person who has been so approved and registered shall be known as a registered dealer in controlled oil.

## **Conditions of approval and registration**

5. (1) A registered dealer in controlled oil must give notice to the Treasury of any change, or prospective change, in the information that he was required to furnish in his application for registration.

(2) A notice given under paragraph (1) must be given -

(a) without delay, but in any event within 30 days of the change, and

(b) in such form and manner as the Treasury may require.

(3) The approval and registration of registered dealers in controlled oil shall, in addition to any conditions or restrictions imposed on them by the Treasury under section 107A(4) of the Management Act, be subject to such conditions as the Treasury may prescribe.

## **Cessation of trade**

6. (1) A registered dealer in controlled oil who intends to cease the buying, selling, or dealing in controlled oil must notify the Treasury without delay.

(2) A registered dealer in controlled oil who intends to cease the buying, selling, or dealing in controlled oil or who has ceased to be a registered dealer in controlled oil must dispose of his stock of controlled oil in such manner as the Treasury allows.

(3) Section 26A(1) and (4) of the Oil Act (regulation of traders in controlled oil) does not apply to controlled oil in the possession of a person who has ceased to be a registered dealer in controlled oil if that oil is, within 30 days of that cessation, disposed of in such manner as the Treasury allows in accordance with paragraph (2).

(4) Without prejudice to paragraph (1), a registered dealer in controlled oil who has ceased to buy, sell, or deal in controlled oil must notify the Treasury that he has so ceased within 7 days of cessation.

## **Security**

7. The Treasury may require any registered dealer in controlled oil to give such security for amounts that may become due from him by way of repayment of rebate by such means as it prescribes.

## **Privileges, conditions and restrictions**

8. (1) A registered dealer in controlled oil is entitled to carry on a trade or business that consists of or includes the dealing in, buying or selling of controlled oil to which section 26A(1) of the Oil Act applies.

(2) When buying, selling, loading, unloading, delivering, moving or holding controlled oil a registered dealer in controlled oil must comply with any conditions or restrictions that the Treasury may prescribe.

### Returns and information

9. (1) Registered dealers in controlled oil must make returns concerning their dealing in, buying and selling of controlled oil, at such time, in such form and manner, and containing such particulars as the Treasury prescribes.

(2) When such information as the Treasury, for this purpose, prescribe comes to his attention, a registered dealer in controlled oil must, without delay, notify it of that information in such form and manner as it prescribes.

### Guidance

10. For the purpose of determining whether a registered dealer in controlled oil has -

- (a) contravened any provision of these Regulations, or
- (b) failed to comply with any condition, restriction, or requirement prescribed by the Treasury under these Regulations,

the extent to which he has followed any current guidance issued by the Treasury must be taken into account.

Made this

29<sup>th</sup>

day of

January

2003



Minister for the Treasury

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations come into operation on 1<sup>st</sup> February 2003.

Provisions in the Hydrocarbon Oil Duties Act 1986 and the Customs and Excise Management Act 1986 provide for the purpose of regulating dealers in controlled oil. These Regulations provide the machinery for administering the scheme, in particular:

- by defining a “registered dealer in controlled oil” and the privileges to which he is entitled;
- by specifying conditions and restrictions, including obligations of a registered dealer in controlled oil, in relation to approval, registration and cessation of trade;
- by providing the Treasury with the power to require security for amounts that may become due by way of repayment of rebate;
- by requiring returns and notification to the Treasury of certain information; and
- by requiring that guidance the Treasury issues be taken into account in determining whether a registered dealer in controlled oil has contravened any provision or failed to comply with any condition, restriction or requirement imposed by or under these Regulations.