

Statutory Document No. 2015/0191



Customs and Excise Act 1993

CUSTOMS AND EXCISE ACTS (APPLICATION) (AMENDMENT) ORDER 2015

Approved by Tynwald: 16 June 2015

Coming into operation in accordance with article 2

The Treasury makes the following Order under sections 1, 2¹ and 3² of the Customs and Excise Act 1993.

1 Title

This Order is the Customs and Excise Acts (Application) (Amendment) Order 2015.

2 Commencement

- (1) This Order comes into operation when it is approved.
- (2) However, when it is approved it shall be deemed to have come into operation —
 - (a) on 1 May 2015; and
 - (b) in relation to the carriage of passengers on or after 1 May 2015.

3 Amendment of the Customs and Excise Acts (Application) Order 1979

- (1) The Customs and Excise Acts (Application) Order 1979³ is amended as follows.

¹ Section 2 provides that the Treasury may amend by order any enactment concerned with any duty of customs or excise, or any restriction on the import or removal of goods into or from the Island in such manner as may appear to it expedient for the purpose of making such duties and restrictions, and any provision relating thereto, in the Island correspond to those in force in the United Kingdom.

² Section 3(2) provides that an Order made under sections 1 or 2 may be made retrospective and be deemed to have come into operation on a day or days not earlier than the day on which the corresponding provision had effect in the United Kingdom.

³ GC 38/79.

- (2) In Schedule 15 (exceptions, adaptations and modifications subject to which the Finance Act 1994⁴ shall have effect in the Island)⁵ –
- (a) in the entry relating to section 13A (meaning of “relevant decision”)⁶, in the third column, in subsection (2) after paragraph (e), insert –
- ~~66~~(ea) any decision by the Treasury that a person is liable to a penalty, or as to the amount of the person’s liability, under –
- (i) regulations under section 71E of the Alcoholic Liquor Duties Act 1986; or
- (ii) Schedule 2B to that Act;~~27~~
- (b) in the entry relating to section 31 (air passenger duty: exceptions), in the third column, after paragraph (a) insert –
- ~~66~~(aa) After subsection (4) insert –
- “(4ZA) A child who has not attained the age of 12 years is not a chargeable passenger in relation to a flight if the child’s agreement for carriage –
- (a) is evidenced by a ticket; and
- (b) provides for standard class travel in relation to every flight on the child’s journey,
- where the carriage of the child as a passenger begins on or after 1 May 2015 and before 1 March 2016.
- (4ZB) A child who has not attained the age of 16 years is not a chargeable passenger in relation to a flight if the child’s agreement for carriage –
- (a) is evidenced by a ticket; and
- (b) provides for standard class travel in relation to every flight on the child’s journey,
- where the carriage of the child as a passenger begins on or after 1 March 2016.
- (4ZC) Subsections (10) to (12) of section 30⁸ (meaning of “standard class travel”) apply for the purposes of subsections 4ZA and 4ZB as they apply for the purposes of that section.~~28~~

⁴ 1994 c.9 (of Parliament).

⁵ Schedule 15 was inserted into GC 38/79 by means of SD 275/94.

⁶ The entry relating to section 13A was inserted by SD 217/09.

⁷ Section 71E and Schedule 2B were inserted into the Alcoholic Liquor Duties Act 1986 by means of SD 2015/0162.

⁸ The entry relating to Section 30 was amended by SD 2014/0272.

- (c) in the entry relating to paragraph 2 (the Management Act) of Schedule 5 (decisions subject to review and appeal)⁹, in the third column, after paragraph (c) insert –
- ☞(ca) after sub-paragraph (3) insert –
- “(3A) Any decision which is made under or for the purpose of any regulations made under section 61A of the Management Act¹⁰ (power to make regulations about stores) and is a decision about granting or withdrawing authorisation for goods to be shipped or carried as stores without payment of duty or on drawback. ☞; and
- (d) in the entry relating to paragraph 3¹¹ (Alcoholic Liquor Duties Act 1986) of Schedule 5 (decisions subject to review and appeal), in the third column, after paragraph (b)(xv) insert –
- ☞(xvi) after paragraph (o) insert –
- (p) any decision for the purposes of Part VIA (wholesaling of controlled liquor)¹² as to whether or not, and in which respects, any person is to be, or to continue to be, approved and registered or as to the conditions or restrictions subject to which any person is approved and registered. ☞.

4 Amendment of the Customs and Excise Acts (Application) Order 2011

- (1) The Customs and Excise Acts (Application) Order 2011¹³ is amended as follows.
- (2) In Schedule 1 (exceptions, adaptations and modifications subject to which Schedule 55 (penalty for failure to make returns etc) to the Finance Act 2009¹⁴ shall have effect in the Island), in the entry relating to paragraph 1 (penalty for failure to make returns etc), in the third column, in paragraph (3) for the entry relating to two items 11 (online gambling duty and gambling duty respectively), substitute –
- | | | |
|------|---------------|--|
| ☞ 11 | Gambling duty | Return under regulations under section 15 (returns) of the Gambling Duty Act 2012. |
| 12 | Excise duties | Return under regulations under section 61A of the Customs and |

⁹ The provisions in Schedule 5, which relate to reviews and appeals, were applied in the Island by means of SD 369/94.

¹⁰ Section 61A was inserted by SD 2014/0364.

¹¹ The entry relating to paragraph 3 has previously been amended by SD 638/08 and SD 0579/12.

¹² Part VIA was inserted into the Alcoholic Liquor Duties Act 1986 by SD 2015/0162.

¹³ SD 0186/11; which has been amended by SD 0665/12 and SD 0301/13.

¹⁴ 2009 c.10 (of Parliament).

Excise Management Act 1986. **22**.

- (3) In Schedule 2 (exceptions, adaptations and modifications subject to which Schedule 56 (penalty for failure to make payments on time) to the Finance Act 2009 shall have effect in the Island), in the entry relating to paragraph 1 (penalty for failure to pay tax), in the third column, in the Table inserted by paragraph (3), after Item 10 insert –

22 10A	Excise duties	Amount payable under regulations under section 61A of the Customs and Excise Management Act 1986.	The date determined by or under regulations under section 61A of the Customs and Excise Management Act 1986 as the date by which the amount must be paid. 22 .
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MADE 20TH MAY 2015

W E TEARE
Minister for the Treasury

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

This Order amends —

- a) Schedule 15 to the Customs and Excise Acts (Application) Order 1979¹⁵, which Schedule applies provisions contained in the Finance Act 1994¹⁶ (an Act of Parliament), in the Island; and
- b) Schedules 1 and 2 to the Customs and Excise Acts (Application) Order 2011¹⁷, which are concerned with the application of Schedules 55 and 56 to the Finance Act 2009¹⁸ in the Island.

The amendments made by article 3(2)(a) and (c) of this Order correspond to those made to the equivalent United Kingdom legislation by means of the Finance Act 2015¹⁹ (an Act of Parliament) and relate to the introduction of the Alcoholic Warehousing Registration Scheme (AWRS) from October 2015. The amendments ensure that decisions made by the Treasury in relation to AWRS are open to review and appeal in the same way as other decisions affecting excise traders.

The amendments made by article 3(2)(b) of this Order amend section 31 of the Finance Act 1994 (an Act of Parliament), as it has effect in the Island, to provide for making exempt from air passenger duty the carriage of children under 12 years of age with effect from 1 May 2015, and the carriage of children under 16 years of age with effect from 1 March 2016.

Article 4 amends Schedules 1 and 2 to the Customs and Excise Acts (Application) Order 2011 to provide for penalties for failure to submit returns on time, or make payments on time, in relation to regulations made under section 61A²⁰ of the Customs and Excise Management Act 1986 concerning the shipment and carrying of ship's or aircraft stores.

¹⁵ GC 38/79.

¹⁶ 1994 c.9 (of Parliament).

¹⁷ SD 0186/11; which has been amended by SD 0665/12 and SD 0301/13.

¹⁸ 2009 c.10 (of Parliament).

¹⁹ 2015 c.11 (of Parliament).

²⁰ Section 61A was inserted into the Act by means of SD 2014/0364.