



## CUSTOMS AND EXCISE ACT 1993

### INTEREST ON REPAYMENT OF CUSTOMS DUTY (APPLICATION) ORDER 2000

*Approved by Tynwald*

16 May 2000

*Coming into operation*

1 April 2000

In exercise of the powers conferred on the Treasury by section 127(9) of the Finance Act 1999<sup>(a)</sup>, and of all other powers enabling it in that behalf, the following Order is hereby made:-

#### **Citation and commencement**

1. (1) This Order may be cited as the Interest on Repayments of Customs Duty (Application) Order 2000 and shall be construed as one with the Customs and Excise Acts (Application) Order 1979<sup>(b)</sup>.

(2) This Order shall, subject to the approval of Tynwald, be deemed to have come into operation on 1<sup>st</sup> April 2000.

#### **Interpretation**

2. In this Order, "the applied legislation" means the Interest on Repayments of Customs Duty (Applicable Period) Order 2000<sup>(c)</sup>.

#### **Application**

3. The applied legislation shall apply to the Island, as part of the law of the Island, subject to the exceptions, adaptations and modifications in the Schedule.

<sup>(a)</sup> 1999 c.16 (of Parliament), applied in the Island by S.D. No. 507/99.

<sup>(b)</sup> G.C. No. 38/79.

<sup>(c)</sup> S.I. 2000 No. 633.

## SCHEDULE

**Exceptions, adaptations and modifications subject to which the Interest on Repayments of Customs Duty (Applicable Period) Order 2000 (S.I. 2000 No. 633) shall have effect in the Island**

<u>Regulation</u>	<u>Exceptions, adaptations or modifications</u>
1.	Omit the words from "and shall" onwards.
2.	(a) For "Commissioners" substitute "Treasury", and (b) For "1882" substitute "1883".

Made this

5<sup>th</sup> day of

April

2000



Minister for the Treasury

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### EXPLANATORY NOTE

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

This Order applies in Island law an order which amends section 127(3) of the Finance Act 1999. Sections 127 to 130 of the Finance Act 1999 (applied in Island law by virtue of S.D. No. 507/99) provided for interest to be payable on customs debts and repayments of customs duty.

The effect of the Order is to provide for interest payable by the Treasury on repayments of customs duty (or amounts paid by way of customs duty) to run for a period beginning with the thirty-first working day after the making of the claim for repayment.

The period ends on the date on which the Treasury issues the repayment of the amount and is to be determined in accordance with section 128 of the Act.

Section 127(3) originally provided that the period should begin with the sixty-first day (n.b. not "working day") after the making of the claim. However, section 129(9) contained a power whereby the length of the period could be reduced by order. This is what the applied Order does, inserting a definition of "working day" for the purpose.

# STATUTORY INSTRUMENTS

2000 No. 633

## CUSTOMS AND EXCISE

### The Interest on Repayments of Customs Duty (Applicable Period) Order 2000

<i>Made</i>	<i>8<sup>th</sup> March 2000</i>
<i>Laid before the House of Commons</i>	<i>9<sup>th</sup> March 2000</i>
<i>Coming into force</i>	<i>1<sup>st</sup> April 2000</i>

The Commissioners of Customs and Excise, in exercise of the powers conferred on them by section 127(9) of the Finance Act 1999<sup>(a)</sup>, hereby make the following Order -

1. This Order may be cited as the Interest on Repayments of Customs Duty (Applicable Period) Order 2000 ~~and shall come into force on 1<sup>st</sup> April 2000.~~

2. For subsection (3) of section 127 of the Finance Act 1999 there shall be substituted -

“(3) Subject to section 128 below, in relation to any amount that carries interest under subsection (1) above, the applicable period for the purposes of this section is the period which -

- (a) begins with the thirty-first working day after the making of the claim for repayment of that amount; and
- (b) ends with the date on which the ~~Commissioners~~ Treasury issue the repayment of that amount,

and in paragraph (a) above “working day” means any day other than a non-business day within the meaning of section 92 of the Bills of Exchange Act ~~1882~~ 1883<sup>(b)</sup>.”

New King’s Beam House,  
22 Upper Ground  
London SE1 9PJ

8<sup>th</sup> March 2000

A R Rowsthorne  
Commissioners of Customs and Excise

<sup>(a)</sup> 1999 c.16.

<sup>(b)</sup> Vol. V, p310.

## EXPLANATORY NOTE

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

This Order, which comes into force on 1<sup>st</sup> April 2000, modifies section 127(3)(a) of the Finance Act 1999 ("the Act") by providing for interest payable by the Commissioners of Customs and Excise on repayments of customs duty or amounts paid by way of customs duty, to run for a period beginning with the thirty-first working day after the making of a claim for repayment.

The period beginning on this day ends, in accordance with section 127(3)(b), on the date on which the Commissioners issue the repayment of that amount and is to be determined in accordance with section 128 of the Act. Section 127(3) originally provided that the period should begin with the sixty-first day (not "working" day) after the making of a claim, but section 127(9) provided the Commissioners with a power to reduce the length of the period by statutory instrument. This is what this Order does, inserting a definition of "working day" for the purpose.