STATUTORY INSTRUMENTS

2018 No. 264

SOFT DRINKS INDUSTRY LEVY

The Soft Drinks Industry Levy (Enforcement) Regulations 2018

Made - - - - 27th February 2018

Coming into force - - 6th April 2018

In accordance with section 60(3) of the Finance Act 2017(**1**), a draft of this instrument was laid before the House of Commons and approved by a resolution of that House.

The Commissioners for Her Majesty's Revenue and Customs, in exercise of the powers conferred by section 54 of that Act, make the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Soft Drinks Industry Levy (Enforcement) Regulations 2018 and come into force on 6th April 2018.

(2) In these Regulations, "CEMA 1979" means the Customs and Excise Management Act 1979(**2**).

Enforcement and application of provisions of the Customs and Excise Management Act 1979

2.—(1) The provisions of CEMA 1979 listed in the table in the Schedule apply for the purposes of enforcement of soft drinks industry levy(**3**).

(2) Regulations 3 to 5 apply in respect of the application of those provisions for those purposes.

Treatment of Part 2 of the Finance Act 2017, soft drinks industry levy and chargeable soft drinks for the purposes of CEMA 1979

3.—(1) Part 2 of the Finance Act 2017 is to be treated as an enactment relating to customs or excise for the purposes of "the customs and excise Acts" in section 1 of CEMA 1979.

(2) Soft drinks industry levy is to be treated as a duty of excise on goods for the purposes of "the revenue trade provisions of the customs and excise Acts" in section 1 of CEMA 1979.

(3) Chargeable soft drinks(**4**) are to be treated as goods of a class or description which is subject to a duty of excise for the purposes of "revenue trader" in section 1 of CEMA 1979(**5**).

(**1**) 2017 c. 10.
(**2**) 1979 c. 2.
(**3**) Soft drinks industry levy is defined in section 25(1) of the Finance Act 2017.
(**4**) Chargeable soft drinks are defined in section 28 of the Finance Act 2017.

Fraudulent evasion of soft drinks industry levy treated as a "fraud offence"

4. An offence under section 50 (fraudulent evasion) of the Finance Act 2017 is to be treated as a "fraud offence" for the purposes of section 118C(3) and (4) of CEMA 1979(**6**).

Chargeable soft drinks liable to forfeiture

5.—(1) For the purposes of the listed provisions, chargeable soft drinks are to be treated as if they were things liable to forfeiture under the customs and excise Acts where in respect of the drinks—

(a) a person is in contravention of section 35 (liability to pay the levy);

(b) a person has committed an offence under section 50 (fraudulent evasion); or

(c) a person has, contrary to regulations(**7**) made under section 52 (payment, collection and recovery)—

(i) failed to make a return; or

(ii) made a return which is incomplete or inaccurate.

(2) References to sections in paragraph (1) are to those sections of the Finance Act 2017.

(3) In paragraph (1), "the listed provisions" means the following provisions of CEMA 1979—

(a) section 139;

(b) sections 144 to 156;

(c) section 159; and

(d) Schedules 2A and 3.

Angela MacDonald
Jim Harra
Two of the Commissioners for Her Majesty's Revenue and Customs

27th February 2018

(**5**) Paragraph (a)(i) in section 1 of CEMA 1979 is amended by section 11(2) of the Finance Act 1991 (c. 31) and Part 1 of Schedule 23 to the Finance Act 1993 (c. 34).

(**6**) Section 118C was inserted by Schedule 5 to the Finance Act 1991. It is amended by paragraph 18(3) of Schedule 4 to the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40); paragraphs 3 and 5 of Part 2 of Schedule 22 and Part 5(1) of Schedule 27 to the Finance Act 2007 (c. 11) and paragraphs 9 and 13 of Part 3 of Schedule 13 to the Finance (No. 3) Act 2010 (c. 33).

(**7**) The Soft Drinks Industry Levy Regulations 2018 include regulations made under section 52.