STATUTORY INSTRUMENTS

2015 No. 599

LANDFILL TAX

The Devolution of Landfill Tax (Consequential, Transitional and Saving Provisions) Order 2015

Made - - - -	*9th March 2015*
Laid before the House of Commons - - - -	*10th March 2015*
Coming into force - -	*31st March 2015*

The Treasury makes the following Order in exercise of the powers conferred by sections 42(3), 42(4) and 42(5) of the Scotland Act 2012(**1**).

Citation and interpretation

1.—(1) This Order may be cited as the Devolution of Landfill Tax (Consequential, Transitional and Saving Provisions) Order 2015.

(2) In this Order—

"FA 1996" means the Finance Act 1996(**2**);

"LFTR 1996" means the Landfill Tax Regulations 1996(**3**);

"the transitional period" means a period which commences on the day on which the amendments made by sections 30 and 31 of the Scotland Act 2012 come into force and which ends at the expiry of 2 years.

(3) Save for where an alternative meaning is given, expressions used in this Order and in LFTR 1996 have the same meaning in this Order as they have in LFTR 1996.

Amendments to Part 7 of LFTR 1996

2. LFTR1996 are amended as follows.

3. In regulation 33 (bodies eligible for approval) after paragraph (10) insert—

(**1**) 2012 c.11
(**2**) 1996 c.8
(**3**) SI 1996/1527; regulation 33 has been amended by SI 1999/3270, SSI 2000/323, SI 2003/46, SI 2003/605, SI 2003/2313, SI 2006/1054, SI 2007/1898, SI 2007/3538, SI 2009/1890, SI 2010/675, SI 2012/360 and SI 2013/658; regulation 36 has been amended by SI 1999/2370; there are other amendments to SI 1996/1527 but they are not relevant to this Order.

"(11) An object shall only be regarded as falling within paragraph (2) above if the work involved is carried out in England, Wales, or Northern Ireland.

(12) For the purposes of paragraph (11) work is to be regarded as being carried out either—

(a) in the place where, (as the case may be), the land, water, public park or public amenity or building or other structure referred to in sub-paragraphs (2)(a)-(f) is located,

(b) in the case of land, water, a public park or public amenity which comprises an area of which a proportion is located in England, Wales or Northern Ireland, the place where the largest proportion of that area is located, or

(c) in the case of a building or other structure of which a proportion is located in England, Wales, or Northern Ireland, the place where the largest proportion of that building or other structure is located.".

Credit: Bodies Concerned with the Environment-Transitional Provisions

4.—(1) This article applies where—

(a) a payment is a qualifying contribution at the time it is made, and

(b) as a result of the amendments made by article 3 of this Order ("the relevant amendments") the payment would not be a qualifying contribution if it were to be accounted for in a return for an accounting period beginning on or after the day on which the transitional period commences.

(2) Where this article applies the relevant amendments shall be disregarded provided that the payment is spent during the transitional period, but this is subject to paragraphs (3) and (4) below.

(3) Any payment to which this article applies that has not been spent during the transitional period ("residual funding") and is not being held after the end of that period for an object which is an approved object shall continue to be treated as a qualifying contribution to the extent that—

(a) the residual funding is to be used to pay that approved body's running costs,

(b) the proportion of residual funding to be used for that purpose does not exceed the proportion of that body's total running costs that is, on a just and equitable basis, attributable to its carrying out of approved objects, and

(c) the total amount of qualifying contributions, including any residual funding, to be used for that purpose, does not exceed the amount given by regulation 33(8) LFTR 1996.

(4) For the purpose of paragraph (3)—

(a) "approved object" means any object that is an approved object on the day that the transitional period ends in respect of any payment to which this article does not apply, and

(b) the proportion of the body's total running costs that is attributable to its carrying out of approved objects is to be determined on the day that the transitional period ends.

(5) A qualifying contribution is spent for the purposes of this article if—

(a) during the transitional period, one of the requirements specified in regulation 30(2) LFTR1996 has been satisfied, and

(b) in a case where regulation 30(2)(a) LFTR1996 applies, the condition to which that sub-paragraph refers was imposed at a time prior to the making of this Order.

5.—(1) In respect of a contribution to which article 4 applies, LFTR 1996 are modified as follows.

(2) In regulation 36 (repayment of credit) in paragraph (1)(a)(i) and (ii) after "has been" insert "or will be".