(Draft Regulations laid before Parliament under paragraph 146(3) of Schedule 6 to the Finance Act 2000, for approval by resolution of the House of Commons.)

DRAFT STATUTORY INSTRUMENTS

2001 No.

CLIMATE CHANGE LEVY

The Climate Change Levy (Solid Fuel) Regulations 2001

Made - - - -	*2001*
Coming into force - -	*1st April 2001*

The Treasury, in exercise of the powers conferred on them by section 30 of and paragraphs 3(3), 146(1) and 146(7) of Schedule 6 to the Finance Act 2000(**1**), and of all other powers enabling them in that behalf, hereby make the following Regulations, a draft of which has, in accordance with paragraph 146(3) of that Schedule, been laid before Parliament and approved by a resolution of the House of Commons:

1. These Regulations may be cited as the Climate Change Levy (Solid Fuel) Regulations 2001 and shall come into force on 1st April 2001.

2.—(1) Solid fuel is not a taxable commodity for the purposes of Schedule 6 to the Finance Act 2000 if—

(a) a supply of that solid fuel would otherwise be chargeable with CCL, but

(b) at the time when that supply would be treated as taking place the solid fuel in question has an open market value not exceeding £15 per tonne.

(2) In this regulation—

"CCL" refers to climate change levy;

"solid fuel" refers only to coal and lignite; coke, and semi-coke, of coal or lignite; petroleum coke;

"time when the supply would be treated as taking place" refers to the time of supply determined by or under paragraphs 25 to 39 of Schedule 6 to the Finance Act 2000;

"open market value" refers to the amount that would, by virtue of sections 19(2) and 19(5) of the Value Added Tax Act 1994(**2**) and on the basis that no CCL is chargeable, fall to be taken as the value of a supply of that solid fuel for the purposes of value added tax if the supply were for such consideration in money as would be payable by a person standing in no such relationship with any person as would affect that consideration.

(**1**) 2000 c. 17.
(**2**) 1994 c. 23.