EXPLANATORY MEMORANDUM TO

THE AGGREGATES LEVY (REGISTRATION AND MISCELLANEOUS PROVISIONS) (AMENDMENT) REGULATIONS 2007

2007 No. 2168

1. This explanatory memorandum has been prepared by HM Revenue & Customs and is laid before the House of Commons by Command of Her Majesty.

2. Description

2.1 The instrument exempts a person commercially exploiting railways aggregate from the requirement of registration by HM Revenue & Customs for aggregates levy.

2.2 The material in question is aggregate removed from the ground along the line and in the course of improving, maintaining or constructing railways, tramways or monorails.

3. Matters of special interest to the Select Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 A person commercially exploiting only exempt aggregate is exempt from the requirement of registration by HM Revenue & Customs for aggregates levy.

(Regulations 3(1) and 3(2) of the Aggregates Levy (Registration and Miscellaneous Provisions) Regulations 2001 (S.I. 2001/4027), as inserted by S.I. 2003/465.)

4.2 Aggregate removed from the ground along the line and in the course of improving, maintaining or constructing railways, tramways or monorails became so exempt on 1 August 2007.

(Section 22(3) of the Finance Act 2007 (c. 11) and S.I. 2007/2118 (C. 79).)

4.3 So the instrument incorporates such aggregate into the registration exemption (by appropriately amending regulation 3(2) of S.I. 2001/4027 with effect from 16 August 2007).

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 A person who only commercially exploits exempt aggregate has never had to be registered by HM Revenue & Customs.

7.2 The instrument continues that practice in relation to railways aggregate.

8. Impact

8.1 An Impact Assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

8.2 The impact on the public sector is negligible.

9. Contact

David Fitzgerald at HM Revenue & Customs Tel: 020 7147 0251 or e-mail: dave.fitzgerald@hmrc.gsi.gov.uk can answer any queries regarding the instrument.