1965 No. 93

CUSTOMS AND EXCISE

The Export Rebates (Ships and Aircraft) Order 1965

Made - - - -	25*th January* 1965
Laid before the House of Commons - -	29*th January* 1965
Coming into Operation	30*th January* 1965

The Lords Commissioners of Her Majesty's Treasury, in exercise of the powers conferred on them by section 7 of the Finance (No. 2) Act 1964(a), hereby make the following Order:—

Citation and commencement

1.—(1) This Order may be cited as the Export Rebates (Ships and Aircraft) Order 1965.

(2) This Order shall come into operation on 30th January 1965.

Conditions for payment of rebate on ships

2.—(1) The payment of rebate on an application made by virtue of subsection (6)(*a*) of section 7 of the Finance (No. 2) Act 1964(a) in respect of a ship shall be subject to the conditions prescribed by this paragraph.

(2) Where the person buying or hiring, or contracting to buy or hire, the ship under the transaction in respect of which the application is made does so in the course of or for the purposes of a trade or business, no rebate shall be payable unless the applicant satisfies the Commissioners that that person has his principal place of business outside the United Kingdom and was not, at the time of the transaction, associated with the applicant.

(3) Where the application is made in respect of the hiring out, or a contract for the hiring out, of the ship, no rebate shall be payable unless the applicant satisfies the Commissioners that the hiring out is or will be by way of demise of the ship.

Conditions for payment of rebate on aircraft

3.—(1) The payment of rebate on an application made by virtue of the said subsection (6)(*a*) in respect of an aircraft shall be subject to the conditions prescribed by this paragraph.

(2) No rebate shall be payable unless the applicant satisfies the Commissioners that the exportation of the aircraft from the United Kingdom did not contravene the provisions of any order for the time being in force under section 1 of the Import, Export and Customs Powers (Defence) Act 1939(b).

(3) Where the application is made in respect of a sale, or contract of sale, of the aircraft to any person other than a government or public authority, no rebate shall be payable unless the applicant satisfies the Commissioners—

(*a*) that the aircraft is registered outside the United Kingdom ; or

(*b*) that the aircraft cannot be so registered because that person is resident or incorporated in, or a national of, a country or territory outside the United Kingdom for which no register of aircraft (or no register separate from that maintained in the United Kingdom) exists.

(a) 1964 c. 92. (b) 2 & 3 Geo. 6. c. 69.

(4) Where an applicant satisfies the Commissioners as to the matters mentioned in sub-paragraph (3)(*b*) above and the person buying, or contracting to buy, the aircraft under the transaction in respect of which the application is made does so in the course of or for the purposes of a trade or business, no rebate shall be payable unless the applicant further satisfies the Commissioners that that person has his principal place of business outside the United Kingdom and was not, at the time of the transaction, associated with the applicant.

(5) Where the application is made in respect of the hiring out, or a contract for the hiring out, of the aircraft, no rebate shall be payable unless the applicant satisfies the Commissioners—

(*a*) that the hiring out is or will be by way of demise of the aircraft ; and

(*b*) where the person hiring, or contracting to hire, the aircraft under the transaction in respect of which the application is made does so in the course of or for the purposes of a trade or business, that that person has his principal place of business outside the United Kingdom and was not, at the time of the transaction, associated with the applicant.

Interpretation

4.—(1) The Interpretation Act 1889(a) applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(2) For the purposes of this Order a person shall be treated as associated with the applicant if that person is a body of persons over whom the applicant has control, or the applicant is a body of persons over whom that person has control, or both the applicant and that person are bodies of persons and some other person has control over both of them.

In this sub-paragraph " body of persons " includes a partnership and " control " has the same meaning as in section 333(1) of the Income Tax Act 1952(b).

Harriet Slater,
G. H. R. Rogers,
Two of the Lords Commissioners of Her Majesty's Treasury.

25th January 1965.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order lays down special conditions which must be satisfied before export rebate is payable under section 7 of the Finance (No. 2) Act 1964 on ships and aircraft.

(a) 52 & 53 Vict. c. 63. (b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 10.