



HM Revenue  
& Customs

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**Our Ref**

**Your Ref**

### **Marine voyages - Fuel duty relief for dive club safety/rescue vessels**

Dear Sir or Madam

We are writing to all dive clubs to clarify when a **dive club safety/rescue vessel** will qualify for duty relief.

You can claim relief if you use the vessel solely as a safety or rescue vessel throughout the marine voyage, or if you combine the safety/rescue function with another, commercial, purpose.

You may not be able to claim relief if you use the vessel for pleasure at the same time as you are carrying out the safety/rescue function.

#### **Eligibility of the claimant**

The conditions of entitlement to claim are set out in regulation 2 of the Hydrocarbon Oil Duties (Marine Voyages Reliefs) Regulations 1996. This interpretation regulation includes a definition of "qualified claimant". Usually this is the owner of the vessel making the voyage so if the boats used are in **private ownership the club will not normally be a qualified claimant**.

#### **Eligibility of the voyage**

Regulation 3(2) of the above mentioned regulations states "no relief shall be allowed in the case of a ship that is a private pleasure craft". Article 14(c) of the Energy Products Directive (2003/96/EC) provides the definition of private pleasure craft which to paraphrase, are those used for other than commercial purposes and particularly not for carriage of paying passengers, or transporting goods/supplying services for a consideration, or used by public authorities. Generally, **boats used by clubs will be considered private pleasure craft as they are used by club members in pursuit of a hobby**.

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Information is available in large print, audio and Braille formats.  
Text Relay service prefix number – 18001



Paragraph 2.5 of Notice 263 details exceptions where marine voyage claims are allowed in respect of vessels used for pleasure purposes. The exceptions include voyages made by boats hired out for diving, fishing, water skiing, etc. **carrying paying passengers and/or appropriate equipment and/or providing specialised services.**

Club members normally pay a subscription which covers boat use and as the **club members are non-paying passengers the club cannot claim relief.**

**Where its members may make additional payments** for trips i.e. instead of, or over and above their subscriptions to cover fuel costs, etc. Our policy in relation to such cases is that the **members do not constitute paying passengers** in these circumstances as they are club members effectively using their own boat for pleasure purposes.

You would not be able to claim for a marine voyage where your vessel is acting as a 'safety vessel', but where you are also carrying non-paying spectators or passengers and **club members (who pay or do not pay an additional payment per voyage).**

**Club safety/rescue vessel scenarios when engaging on a marine voyage** subject to the conditions in paragraph 2.3 & 2.4 of Notice 263

**Eligible to claim:**

Carrying only safety personnel

Carrying safety personnel & paying passengers

**Not eligible to claim:**

Carrying safety personnel & non-paying passengers

Carrying safety personnel & club members paying an additional fee per voyage

Carrying safety personnel & club members not paying an additional fee per voyage

**Safety / Rescue situation**

The eligibility of a claim would not be affected if the **safety/rescue vessel** through its designated duty had taken on passengers for example in the process of a safety or rescue situation.

The rules on eligibility should not interfere with the **safety/rescue vessels** main task in any way.

**Additional Information**

Notice 263: marine voyages - relief from fuel duty can be found by visiting the [www.gov.uk](http://www.gov.uk) website and entering Notice 263 into the search facility.

If you have any queries regarding this letter or your eligibility to claim please contact:

Mineral Oil Reliefs Centre  
Building 4, BP4002  
Benton Park View  
Longbenton  
Newcastle upon Tyne  
NE98 1ZZ

Or email us directly at [MORCExciseEast@hmrc.gsi.gov.uk](mailto:MORCExciseEast@hmrc.gsi.gov.uk)

Yours faithfully

**Kristian Roberts**  
Officer

To find out what you can expect from us and what we expect from you go to **[www.gov.uk/hmrc/your-charter](http://www.gov.uk/hmrc/your-charter)** and have a look at 'Your Charter'.