

*Status: Point in time view as at 11/05/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Value Added Tax Act 1994, SCHEDULE A1. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE A1 U.K.]

#### CHARGE AT REDUCED RATE]

##### Textual Amendments

**F1** Sch. A1 inserted (1.5.1995 with application as mentioned in s. 21(6) of the amending Act) by 1995 c. 4, s. 21(3)

#### *The supplies*

- 1 [<sup>F2</sup>(1) Subject to the following provisions of this Schedule, the supplies falling within this paragraph are—
- (a) supplies for qualifying use of—
    - (i) coal, coke, or other solid substances held out for sale solely as fuel;
    - (ii) coal gas, water gas, producer gases or similar gases;
    - (iii) petroleum gases, or other gaseous hydrocarbons, whether in a gaseous or liquid state;
    - (iv) fuel oil, gas oil or kerosene; or
    - (v) electricity, heat or air-conditioning;
  - [<sup>F3</sup>(aa) supplies of services of installing List A energy-saving materials in residential accommodation or in a building intended for use solely for a relevant charitable purpose;
  - (ab) supplies of List A energy-saving materials by a person who installs those materials in residential accommodation or a building intended for use solely for a relevant charitable purpose;]
  - (b) supplies to a qualifying person of any services of installing [<sup>F4</sup>List B] energy-saving materials in the qualifying person's sole or main residence; <sup>F5</sup> . . .
  - (c) supplies of [<sup>F4</sup>List B] energy-saving materials made to a qualifying person by a person who installs those materials in the qualifying person's sole or main residence.
  - [<sup>F6</sup>(d) supplies to a qualifying person of services of connecting, or reconnecting, a mains gas supply to the qualifying person's sole or main residence;
  - (e) supplies of goods made to a qualifying person by a person connecting, or reconnecting, a mains gas supply to the qualifying person's sole or main residence, being goods whose installation is necessary for the connection, or reconnection, of the mains gas supply;
  - (f) supplies to a qualifying person of services of installing, maintaining or repairing a central heating system in the qualifying person's sole or main residence;

*Status: Point in time view as at 11/05/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Value Added Tax Act 1994, SCHEDULE A1. (See end of Document for details)*

- (g) supplies of goods made to a qualifying person by a person installing, maintaining or repairing a central heating system in the qualifying person's sole or main residence, being goods whose installation is necessary for the installation, maintenance or repair of the central heating system;
- (h) supplies consisting in the leasing of goods that form the whole or part of a central heating system installed in the sole or main residence of a qualifying person;
- (i) supplies of goods that form the whole or part of a central heating system installed in a qualifying person's sole or main residence and that, immediately before being supplied, were goods leased under arrangements such that the consideration for the supplies consisting in the leasing of the goods was, in whole or in part, funded by a grant made under a relevant scheme;
- (j) supplies to a qualifying person of services of installing qualifying security goods in the qualifying person's sole or main residence; and
- (k) supplies of qualifying security goods made to a qualifying person by a person who installs those goods in the qualifying person's sole or main residence.]

[ A supply to which any of paragraphs (b) to (k) of sub-paragraph (1) above applies is <sup>F7</sup>(1A) a supply falling within this paragraph only to the extent that the consideration for it—

- (a) is, or is to be, funded by a grant made under a relevant scheme; or
- (b) in the case of a supply to which paragraph (i) of that sub-paragraph applies—
  - (i) is, or is to be, funded by such a grant, or
  - (ii) is a payment becoming due only by reason of the termination (whether by the passage of time or otherwise) of the leasing of the goods in question.]

(1B) Where a grant is made under a relevant scheme in order to fund a supply of a description falling within [<sup>F8</sup>any of paragraphs (b) to (k) of sub-paragraph (1)] above (“the relevant supply”) and also to fund a supply to which [<sup>F9</sup>none of those paragraphs] applies (“the non-relevant supply”) then the proportion of the grant that is to be attributed, for the purposes of sub-paragraph (1A) above, to the relevant supply shall be the same proportion as the consideration reasonably attributable to that supply bears to the consideration for that supply and for the non-relevant supply.]

- (2) In this paragraph “qualifying use” means—
  - (a) domestic use; or
  - (b) use by a charity otherwise than in the course or furtherance of a business.
- (3) Where there is a supply of goods partly for qualifying use and partly not—
  - (a) if at least 60 per cent. of the goods are supplied for qualifying use, the whole supply shall be treated as a supply for qualifying use; and
  - (b) in any other case, an apportionment shall be made to determine the extent to which the supply is a supply for qualifying use.

[<sup>F10</sup>(4) The supplies falling within this paragraph also include supplies of women's sanitary protection products.]

[<sup>F11</sup>(5) The supplies falling within this paragraph also include supplies of children's car seats.]

[<sup>F12</sup>(6) The supplies falling within this paragraph also include—

*Status: Point in time view as at 11/05/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Value Added Tax Act 1994, SCHEDULE A1. (See end of Document for details)*

- (a) the supply, in the course of a qualifying conversion, of qualifying services related to the conversion;
  - (b) the supply of building materials if—
    - (i) the materials are supplied by a person who, in the course of a qualifying conversion, is supplying qualifying services related to the conversion, and
    - (ii) those services include the incorporation of the materials in the building concerned or its immediate site.
- (7) The supplies falling within this paragraph also include—
- (a) the supply, in the course of the renovation or alteration of a single household dwelling, of qualifying services related to the renovation or alteration;
  - (b) the supply of building materials if—
    - (i) the materials are supplied by a person who, in the course of the renovation or alteration of a single household dwelling, is supplying qualifying services related to the renovation or alteration, and
    - (ii) those services include the incorporation of the materials in the dwelling concerned or its immediate site.
- (8) Sub-paragraph (9) below applies where a supply of services is only in part a supply to which sub-paragraph (6)(a) or (7)(a) above applies.
- (9) The supply, to the extent that it is one to which paragraph (a) of sub-paragraph (6) or (7) above applies, is to be taken to be a supply to which that paragraph applies; and an apportionment may be made to determine that extent.]

#### Textual Amendments

- F2** Sch. A1 para. 1(1)(1A)(1B) substituted (1.7.1998) for sub-para. (1) by S.I. 1998/1375, arts. 1, 3
- F3** Sch. A1 para. 1(1)(aa)(ab) inserted (28.7.2000) by 2000 c. 17, s. 135, Sch. 35 para. 2(2)
- F4** Words in Sch. A1 para. 1(1)(b)(c) inserted (28.7.2000) by 2000 c. 17, s. 135, Sch. 35 para. 2(3)
- F5** Word in Sch. A1 para. 1(1)(b) repealed (28.7.2000) by 2000 c. 17, s. 156, Sch. 40 Pt. IV
- F6** Sch. A1 para. 1(1)(d)-(k) inserted (28.7.2000) by 2000 c. 17, s. 135, Sch. 35 para. 2(4)
- F7** Sch. A1 para. 1(1A) substituted (28.7.2000) by 2000 c. 17, s. 135, Sch. 35 para. 3
- F8** Words in Sch. A1 para. 1(1B) substituted (28.7.2000) by 2000 c. 17, s. 135, Sch. 35 para. 4(a)
- F9** Words in Sch. A1 para. 1(1B) substituted (28.7.2000) by 2000 c. 17, s. 135, Sch. 35 para. 4(b)
- F10** Sch. A1 para. 1(4) inserted (1.1.2001) by S.I. 2000/2954, art. 3
- F11** Sch. A1 para. 1(5) inserted (11.5.2001 with effect as mentioned in s. 96(3) of the amending Act) by 2001 c. 9, s. 96(1)
- F12** Sch. A1 para. 1(6)-(9) inserted (11.5.2001 with effect as mentioned in s. 97(3) of the amending Act) by 2001 c. 9, s. 97(1)

#### Interpretation

- 2 For the purposes of this Schedule the following supplies are always for domestic use—
- (a) a supply of not more than one tonne of coal or coke held out for sale as domestic fuel;
  - (b) a supply of wood, peat or charcoal not intended for sale by the recipient;

*Status: Point in time view as at 11/05/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Value Added Tax Act 1994, SCHEDULE A1. (See end of Document for details)*

- (c) a supply to a person at any premises of piped gas (that is, gas within <sup>F13</sup>paragraph 1(1)(a)(ii)] above, or petroleum gas in a gaseous state, provided through pipes) where the gas (together with any other piped gas provided to him at the premises by the same supplier) was not provided at a rate exceeding 150 therms a month or, if the supplier charges for the gas by reference to the number of kilowatt hours supplied, 4397 kilowatt hours a month;
- (d) a supply of petroleum gas in a liquid state where the gas is supplied in cylinders the net weight of each of which is less than 50 kilogrammes and either the number of cylinders supplied is 20 or fewer or the gas is not intended for sale by the recipient;
- (e) a supply of petroleum gas in a liquid state, otherwise than in cylinders, to a person at any premises at which he is not able to store more than two tonnes of such gas;
- (f) a supply of not more than 2,300 litres of fuel oil, gas oil or kerosene;
- (g) a supply of electricity to a person at any premises where the electricity (together with any other electricity provided to him at the premises by the same supplier) was not provided at a rate exceeding 1000 kilowatt hours a month.

#### Textual Amendments

**F13** Words in [Sch. A1 para. 2\(c\)](#) substituted (1.7.1998) by [S.I. 1998/1375](#), [arts. 1, 4](#)

- 3 (1) For the purposes of this Schedule supplies not within paragraph 2 above are for domestic use if and only if the goods supplied are for use in—
- (a) a building, or part of a building, which consists of a dwelling or number of dwellings;
  - (b) a building, or part of a building, used for a relevant residential purpose;
  - (c) self-catering holiday accommodation;
  - (d) a caravan; or
  - (e) a houseboat.
- (2) For the purposes of this Schedule use for a relevant residential purpose means use as—
- (a) a home or other institution providing residential accommodation for children;
  - (b) a home or other institution providing residential accommodation with personal care for persons in need of personal care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder;
  - (c) a hospice;
  - (d) residential accommodation for students or school pupils;
  - (e) residential accommodation for members of any of the armed forces;
  - (f) a monastery, nunnery or similar establishment; or
  - (g) an institution which is the sole or main residence of at least 90 per cent. of its residents,

*Status: Point in time view as at 11/05/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Value Added Tax Act 1994, SCHEDULE A1. (See end of Document for details)*

except use as a hospital, a prison or similar institution or an hotel or inn or similar establishment.

- (3) For the purposes of this Schedule self-catering holiday accommodation includes any accommodation advertised or held out as such.
  - (4) In this Schedule “houseboat” means a boat or other floating decked structure designed or adapted for use solely as a place of permanent habitation and not having means of, or capable of being readily adapted for, self-propulsion.
- 4
- (1) Paragraph 1(1)(a) [F14(i)] above shall be deemed to include combustible materials put up for sale for kindling fires but shall not include matches.
  - (2) [F15 Paragraph 1(1)(a)(ii) and (iii)] above shall not include any road fuel gas (within the meaning of the <sup>M1</sup>Hydrocarbon Oil Duties Act 1979) on which a duty of excise has been charged or is chargeable.
  - (3) [F16 Paragraph 1(1)(a)(iv)] above shall not include hydrocarbon oil on which a duty of excise has been or is to be charged without relief from, or rebate of, such duty by virtue of the provisions of the Hydrocarbon Oil Duties Act 1979.
  - (4) In this Schedule “fuel oil” means heavy oil which contains in solution an amount of asphaltenes of not less than 0.5 per cent. or which contains less than 0.5 per cent. but not less than 0.1 per cent. of asphaltenes and has a closed flash point not exceeding 150°C.
  - (5) In this Schedule “gas oil” means heavy oil of which not more than 50 per cent. by volume distils at a temperature not exceeding 240°C and of which more than 50 per cent. by volume distils at a temperature not exceeding 340°C.
  - (6) In this Schedule “kerosene” means heavy oil of which more than 50 per cent. by volume distils at a temperature not exceeding 240°C.
  - (7) In this Schedule “heavy oil” shall have the same meaning as in the Hydrocarbon Oil Duties Act 1979.

#### Textual Amendments

**F14** Word in *Sch. A1 para. 4(1)* inserted (1.7.1998) by *S.I. 1998/1375, arts. 1, 5(a)*

**F15** Words in *Sch. A1 para. 4(2)* substituted (1.7.1998) by *S.I. 1998/1375, arts. 1, 5(b)*

**F16** Words in *Sch. A1 para. 4(3)* substituted (1.7.1998) by *S.I. 1998/1375, arts. 1, 5(c)*

#### Marginal Citations

**M1** 1979 c. 5.

- [F175 (1) For the purposes of this paragraph—
- (a) “the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992 <sup>F18</sup>; and
  - (b) “the Northern Ireland Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992 <sup>F19</sup>.

*Status: Point in time view as at 11/05/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Value Added Tax Act 1994, SCHEDULE A1. (See end of Document for details)*

- (2) For the purposes of paragraph 1(1) above a person to whom a supply is made is “a qualifying person” if at the time of the supply he—
- (a) is aged 60 or over; or
  - (b) is in receipt of one or more of the benefits mentioned in sub-paragraph (3) below.
- (3) The benefits referred to in sub-paragraph (2) above are as follows—
- (a) council tax benefit under Part VII of the Contributions and Benefits Act;
  - (b) disability living allowance under Part III of the Contributions and Benefits Act or Part III of the Northern Ireland Act;
  - (c) [<sup>F20</sup>disabled person’s tax credit] under Part VII of the Contributions and Benefits Act or Part VII of the Northern Ireland Act;
  - (d) [<sup>F21</sup>working families’ tax credit] under Part VII of the Contributions and Benefits Act or Part VII of the Northern Ireland Act;
  - (e) housing benefit under Part VII of the Contributions and Benefits Act or Part VII of the Northern Ireland Act;
  - (f) an income-based jobseeker’s allowance within the meaning of section 1(4) of the Jobseekers Act 1995 <sup>F22</sup> or Article 3(4) of the Jobseekers (Northern Ireland) Order 1995 <sup>F23</sup>;
  - (g) income support under Part VII of the Contributions and Benefits Act or Part VII of the Northern Ireland Act;
  - (h) disablement pension under Part V of the Contributions and Benefits Act or Part V of the Northern Ireland Act, which is payable at the increased rate provided for under section 104 (constant attendance allowance) of the Act concerned; and
  - (i) war disablement pension under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 1983 <sup>F24</sup>, which is payable at the increased rate provided for under article 14 (constant attendance allowance) or article 26A (mobility supplement) of that Order.

[ For the purposes of paragraph 1(1)(aa) and (ab) above “residential accommodation” <sup>F25</sup>(3A) means—

- (a) a building, or part of a building, that consists of a dwelling or a number of dwellings;
  - (b) a building, or part of a building, used for a relevant residential purpose;
  - (c) a caravan used as a place of permanent habitation; or
  - (d) a houseboat.
- (3B) For the purposes of paragraph 1(1)(aa) and (ab) above “use for a relevant charitable purpose” means use by a charity in either or both of the following ways, namely—
- (a) otherwise than in the course or furtherance of a business;
  - (b) as a village hall or similarly in providing social or recreational facilities for a local community.]
- (4) [<sup>F26</sup>For the purposes of paragraph 1(1)(aa) and (ab) above “List A energy-saving materials” means] any of the following—
- (a) insulation for walls, floors, ceilings, roofs or lofts or for water tanks, pipes or other plumbing fittings;
  - (b) draught stripping for windows and doors;

*Status: Point in time view as at 11/05/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Value Added Tax Act 1994, SCHEDULE A1. (See end of Document for details)*

- (c) central heating system controls [<sup>F27</sup>(including thermostatic radiator valves);]
- (d) hot water system controls.
  - [ solar panels;]
- <sup>F28</sup>(e)
  - [ wind turbines;
- <sup>F29</sup>(f)
  - (g) water turbines.]

[ For the purposes of paragraph 1(1)(b) and (c) above “List B energy-saving materials”<sup>F30</sup>(4A) means any of the following—

- (a) gas-fired room heaters that are fitted with thermostatic controls;
- (b) electric storage heaters;
- (c) closed solid fuel fire cassettes;
- (d) electric dual immersion water heaters with foam-insulated hot water tanks;
- (e) gas-fired boilers;
- (f) oil-fired boilers;
- (g) radiators.

(4B) For the purposes of paragraph 1(1)(j) and (k) above, “qualifying security goods” means any of the following—

- (a) locks or bolts for windows;
- (b) locks, bolts or security chains for doors;
- (c) spy holes;
- (d) smoke alarms.]

(5) For the purposes of [<sup>F31</sup>paragraph 1] above a scheme is a “relevant scheme” if it is one which—

- (a) has as one of its objectives the funding of the installation of energy-saving materials in the homes of any persons who are qualifying persons, and
- (b) disburses, whether directly or indirectly, its grants in whole or in part out of funds made available to it in order to achieve that objective—
  - (i) by the Secretary of State,
  - (ii) by the European Community,
  - (iii) under an arrangement approved by the Director General of Electricity Supply, the Director General of Electricity Supply for Northern Ireland or the Director General of Gas Supply, or
  - (iv) by a local authority <sup>F32</sup>.]

#### Textual Amendments

- F17** Sch. A1 para. 5 inserted (1.7.1998) by S.I. 1998/1375, arts. 1, 6
- F18** 1992 c. 4.
- F19** 1992 c. 7.
- F20** Words in Sch. A1 para. 5(3)(c) substituted (28.7.2000) by 2000 c. 17, s. 135, Sch. 35 para. 5
- F21** Words in Sch. A1 para. 5(3)(d) substituted (28.7.2000) by 2000 c. 17, s. 135, Sch. 35 para. 6
- F22** 1995 c. 18.
- F23** S.I. 1995/2705 (N.I. 15).
- F24** S.I. 1983/883; relevant amending instruments are S.I. 1983/1116, 1983/1521, 1986/592, 1990/1308, 1991/766, 1992/710, 1995/766, 1997/286.

*Status: Point in time view as at 11/05/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Value Added Tax Act 1994, SCHEDULE A1. (See end of Document for details)*

- F25** Sch. A1 para. 5(3A)(3B) inserted (28.7.2000) by 2000 c. 17, s. 135, **Sch. 35 para. 7**
- F26** Words in Sch. A1 para. 5(4) substituted (28.7.2000) by 2000 c. 17, s. 135, **Sch. 35 para. 8(2)**
- F27** Words in Sch. A1 para. 5(4)(c) inserted (28.7.2000) by 2000 c. 17, s. 135, **Sch. 35 para. 8(3)**
- F28** Sch. A1 para. 5(4)(e) inserted (28.7.2000) by 2000 c. 17, s. 135, **Sch. 35 para. 8(4)**
- F29** Sch. A1 para. 5(4)(f)(g) inserted (28.7.2000) by 2000 c. 17, s. 135, **Sch. 35 para. 8(5)**
- F30** Sch. A1 para. 5(4A)(4B) inserted (28.7.2000) by 2000 c. 17, s. 135, **Sch. 35 para. 9**
- F31** Words in Sch. A1 para. 5(5) substituted (28.7.2000) by 2000 c. 17, s. 135, **Sch. 35 para. 10**
- F32** Local authority is defined in section 96(4) of the [Value Added Tax Act 1994 \(c. 23\)](#) (as amended by article 2 of [S.I. 1995/1510](#) and article 7(1) of, and paragraph 8 of Schedule 1 to, [S.I. 1996/739](#)) as the council of a county, county borough, district, London borough, parish or group of parishes (or in Wales, community or group of communities), the Common Council of the City of London, the Council of the Isles of Scilly, and any joint committee or joint board established by two or more of the foregoing and, in relation to Scotland, a council constituted under section 2 of the [Local Government \(Scotland\) Act 1994 \(c. 39\)](#), any two or more such councils and any joint committee or joint board within the meaning of section 235(1) of the [Local Government \(Scotland\) Act 1973 \(c. 65\)](#).

- [<sup>F336</sup> (1) In paragraph 1(4) above “women’s sanitary protection products” means women’s sanitary protection products of any of the following descriptions—
- (a) subject to sub-paragraph (2) below, products that are designed, and marketed, as being solely for use for absorbing, or otherwise collecting, lochia or menstrual flow;
  - (b) panty liners, other than panty liners that are designed as being primarily for use as incontinence products;
  - (c) sanitary belts.
- (2) Sub-paragraph (1)(a) above does not include protective briefs or any other item of clothing.]

#### Textual Amendments

- F33** Sch. A1 para. 6 inserted (1.1.2001) by [S.I. 2000/2954](#), **art. 4**

#### Interpretation of paragraph 1(5)

- [<sup>F347</sup> (1) Paragraph 1(5) above is interpreted in accordance with the provisions of this paragraph.
- (2) The following are “children’s car seats”—
- (a) a safety seat;
  - (b) the combination of a safety seat and a related wheeled framework;
  - (c) a booster seat;
  - (d) a booster cushion.
- (3) In this paragraph “safety seat” means a seat—
- (a) designed to be sat in by a child in a road vehicle,
  - (b) designed so that, when in use in a road vehicle, it can be restrained—
    - (i) by a seat belt fitted in the vehicle, or
    - (ii) by belts, or anchorages, that form part of the seat being attached to the vehicle, or



*Status: Point in time view as at 11/05/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Value Added Tax Act 1994, SCHEDULE A1. (See end of Document for details)*

- (iii) in either of those ways, and
  - (c) incorporating an integral harness, or integral impact shield, for restraining a child seated in it.
- (4) For the purposes of this paragraph, a wheeled framework is “related” to a safety seat if the framework and the seat are each designed so that—
- (a) when the seat is not in use in a road vehicle it can be attached to the framework, and
  - (b) when the seat is so attached, the combination of the seat and the framework can be used as a child’s pushchair.
- (5) In this paragraph “booster seat” means a seat designed—
- (a) to be sat in by a child in a road vehicle, and
  - (b) so that, when in use in a road vehicle, it and a child seated in it can be restrained by a seat belt fitted in the vehicle.
- (6) In this paragraph “booster cushion” means a cushion designed—
- (a) to be sat on by a child in a road vehicle, and
  - (b) so that a child seated on it can be restrained by a seat belt fitted in the vehicle.
- (7) In this paragraph “child” means a person aged under 14 years.]

#### **Textual Amendments**

**F34** Sch. A1 para. 7 inserted (11.5.2001 with effect as mentioned in s. 96(3) of the amending Act) by 2001 c. 9, s. 96(2)

#### *Interpretation of paragraph 1(6): introductory*

- [<sup>F358</sup> (1) Paragraph 1(6) above is interpreted in accordance with paragraphs 9 to 17 and 22 below.
- (2) In paragraphs 10 to 14 below, “single household dwelling” means a dwelling—
- (a) that is designed for occupation by a single household, and
  - (b) in relation to which the conditions set out in sub-paragraph (4) below are satisfied.
- (3) In paragraphs 10 to 14 below “multiple occupancy dwelling” means a dwelling—
- (a) that is designed for occupation by persons not forming a single household, and
  - (b) in relation to which the conditions set out in sub-paragraph (4) below are satisfied.
- (4) The conditions are—
- (a) that the dwelling consists of self-contained living accommodation,
  - (b) that there is no provision for direct internal access from the dwelling to any other dwelling or part of a dwelling,
  - (c) that the separate use of the dwelling is not prohibited by the terms of any covenant, statutory planning consent or similar provision, and
  - (d) that the separate disposal of the dwelling is not prohibited by any such terms.

*Status: Point in time view as at 11/05/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Value Added Tax Act 1994, SCHEDULE A1. (See end of Document for details)*

- (5) For the purposes of this paragraph, a dwelling “is designed” for occupation of a particular kind if it is so designed—
- (a) as a result of having been originally constructed for occupation of that kind and not having been subsequently adapted for occupation of any other kind, or
  - (b) as a result of adaptation.]

#### Textual Amendments

**F35** Sch. A1 paras. 8-22 inserted (11.5.2001 with effect as mentioned in s. 97(3) of the amending Act) by 2001 c. 9, s. 97(2)

#### *Interpretation of paragraph 1(6): meaning of “qualifying conversion”*

- <sup>F36</sup>9 (1) A “qualifying conversion” means—
- (a) a changed number of dwellings conversion (see paragraph 10 below);
  - (b) house in multiple occupation conversion (see paragraph 11 below); or
  - (c) a special residential conversion (see paragraph 12 below).
- (2) Sub-paragraph (1) above is subject to paragraphs 14 and 15 below.

#### Textual Amendments

**F36** Sch. A1 paras. 8-22 inserted (11.5.2001 with effect as mentioned in s. 97(3) of the amending Act) by 2001 c. 9, s. 97(2)

#### *Interpretation of paragraph 1(6): meaning of “changed number of dwellings conversion”*

- <sup>F37</sup>10 (1) A “changed number of dwellings conversion” is—
- (a) a conversion of premises consisting of a building where the conditions specified in this paragraph are satisfied, or
  - (b) a conversion of premises consisting of a part of a building where those conditions are satisfied.
- (2) The first condition is that after the conversion the premises being converted contain a number of single household dwellings that is—
- (a) different from the number (if any) that the premises contain before the conversion, and
  - (b) greater than, or equal to, one.
- (3) The second condition is that there is no part of the premises being converted that is a part that after the conversion contains the same number of single household dwellings (whether zero, one or two or more) as before the conversion.

#### Textual Amendments

**F37** Sch. A1 paras. 8-22 inserted (11.5.2001 with effect as mentioned in s. 97(3) of the amending Act) by 2001 c. 9, s. 97(2)

*Status: Point in time view as at 11/05/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Value Added Tax Act 1994, SCHEDULE A1. (See end of Document for details)*

*Interpretation of paragraph 1(6): meaning of “house in multiple occupation conversion”*

- <sup>F38</sup><sub>11</sub> (1) A “house in multiple occupation conversion” is—
- (a) a conversion of premises consisting of a building where the condition specified in sub-paragraph (2) below is satisfied, or
  - (b) a conversion of premises consisting of a part of a building where that condition is satisfied.
- (2) The condition is that—
- (a) before the conversion the premises being converted contain only a single household dwelling or two or more such dwellings,
  - (b) after the conversion those premises contain only a multiple occupancy dwelling or two or more such dwellings, and
  - (c) the use to which those premises are intended to be put after the conversion is not to any extent use for a qualifying residential purpose (see paragraph 17 below).

**Textual Amendments**

**F38** Sch. A1 paras. 8-22 inserted (11.5.2001 with effect as mentioned in s. 97(3) of the amending Act) by 2001 c. 9, s. 97(2)

*Interpretation of paragraph 1(6): meaning of “special residential conversion”*

- <sup>F39</sup><sub>12</sub> (1) A “special residential conversion” is a conversion of premises consisting of—
- (a) a building or two or more buildings,
  - (b) a part of a building or two or more parts of buildings, or
  - (c) a combination of—
    - (i) a building or two or more buildings, and
    - (ii) a part of a building or two or more parts of buildings,where the conditions specified in this paragraph are satisfied.
- (2) The first condition is that, before the conversion, the premises being converted contain only—
- (a) a dwelling or two or more dwellings, or
  - (b) a dwelling, or two or more dwellings, and—
    - (i) an ancillary outbuilding occupied together with the dwelling or one or more of the dwellings, or
    - (ii) two or more ancillary outbuildings each occupied together with the dwelling or one or more of the dwellings.
- (3) In sub-paragraph (2) above “dwelling” means single household dwelling or multiple occupancy dwelling.
- (4) The second condition is that where before the conversion the premises being converted contain a multiple occupancy dwelling or two or more such dwellings, the use to which that dwelling, or any of those dwellings, was last put before the conversion was not to any extent use for a qualifying residential purpose (see paragraph 17 below).
- (5) The third condition is that the premises being converted must be intended to be used after the conversion solely for a qualifying residential purpose.

*Status: Point in time view as at 11/05/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Value Added Tax Act 1994, SCHEDULE A1. (See end of Document for details)*

- (6) The fourth condition is that, where the qualifying residential purpose is an institutional purpose, the premises being converted must be intended to form after the conversion the entirety of an institution used for that purpose.
- (7) In sub-paragraph (6) above “institutional purpose” means a purpose within paragraph 17(a) to (c), (f) or (g) below.

#### Textual Amendments

**F39** Sch. A1 paras. 8-22 inserted (11.5.2001 with effect as mentioned in s. 97(3) of the amending Act) by 2001 c. 9, s. 97(2)

*Special residential conversions: reduced rate only for supplies made to intended user of converted accommodation*

- <sup>F40</sup>13 (1) This paragraph applies where the qualifying conversion concerned is a special residential conversion.
- (2) Paragraph 1(6)(a) or (b) above does not apply to a supply unless—
- (a) it is made to a person who intends to use the premises being converted for the qualifying residential purpose, and
  - (b) before it is made, the person to whom it is made has given to the person making it a certificate that satisfies the requirements in sub-paragraph (3) below.
- (3) Those requirements are that the certificate—
- (a) is in such form as may be specified in a notice published by the Commissioners, and
  - (b) states that the conversion is a special residential conversion.
- (4) In sub-paragraph (2)(a) above “the qualifying residential purpose” means the purpose within paragraph 17 below for which the premises being converted are intended to be used after the conversion.

#### Textual Amendments

**F40** Sch. A1 paras. 8-22 inserted (11.5.2001 with effect as mentioned in s. 97(3) of the amending Act) by 2001 c. 9, s. 97(2)

*Interpretation of paragraph 1(6): “qualifying conversion” includes related garage works*

- <sup>F41</sup>14 (1) A qualifying conversion includes any garage works related to the—
- (a) changed number of dwellings conversion,
  - (b) house in multiple occupation conversion, or
  - (c) special residential conversion,
- concerned.
- (2) In this paragraph “garage works” means—
- (a) the construction of a garage, or

*Status: Point in time view as at 11/05/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Value Added Tax Act 1994, SCHEDULE A1. (See end of Document for details)*

- (b) a conversion of a non-residential building, or of a non-residential part of a building, that results in a garage.
- (3) For the purposes of sub-paragraph (1) above, garage works are “related” to a conversion if—
- (a) they are carried out at the same time as the conversion, and
  - (b) the resulting garage is intended to be occupied with—
    - (i) where the conversion concerned is a changed number of dwellings conversion, a single household dwelling that will after the conversion be contained in the building, or part of a building, being converted,
    - (ii) where the conversion concerned is a house in multiple occupation conversion, a multiple occupancy dwelling that will after the conversion be contained in the building, or part of a building, being converted, or
    - (iii) where the conversion concerned is a special residential conversion, the institution or other accommodation resulting from the conversion.
- (4) In sub-paragraph (2) above “non-residential” means neither designed, nor adapted, for use—
- (a) as a dwelling or two or more dwellings, or
  - (b) for a qualifying residential purpose (see paragraph 17 below).

#### Textual Amendments

**F41** Sch. A1 paras. 8-22 inserted (11.5.2001 with effect as mentioned in s. 97(3) of the amending Act) by 2001 c. 9, s. 97(2)

*Interpretation of paragraph 1(6): conversion not “qualifying” if planning consent and building control approval not obtained*

- <sup>F42</sup>15 (1) A conversion is not a qualifying conversion if any statutory planning consent needed for the conversion has not been granted.
- (2) A conversion is not a qualifying conversion if any statutory building control approval needed for the conversion has not been granted.

#### Textual Amendments

**F42** Sch. A1 paras. 8-22 inserted (11.5.2001 with effect as mentioned in s. 97(3) of the amending Act) by 2001 c. 9, s. 97(2)

*Interpretation of paragraph 1(6): meaning of “supply of qualifying services”*

- <sup>F43</sup>16 (1) In the case of a conversion of a building, “supply of qualifying services” means a supply of services that consists in—
- (a) the carrying out of works to the fabric of the building, or
  - (b) the carrying out of works within the immediate site of the building that are in connection with—

*Status: Point in time view as at 11/05/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Value Added Tax Act 1994, SCHEDULE A1. (See end of Document for details)*

- (i) the means of providing water, power, heat or access to the building,
  - (ii) the means of providing drainage or security for the building, or
  - (iii) the provision of means of waste disposal for the building.
- (2) In the case of a conversion of part of a building, “supply of qualifying services” means a supply of services that consists in—
- (a) the carrying out of works to the fabric of the part, or
  - (b) the carrying out of works to the fabric of the building, or within the immediate site of the building, that are in connection with—
    - (i) the means of providing water, power, heat or access to the part,
    - (ii) the means of providing drainage or security for the part, or
    - (iii) the provision of means of waste disposal for the part.
- (3) In this paragraph—
- (a) references to the carrying out of works to the fabric of a building do not include the incorporation, or installation as fittings, in the building of any goods that are not building materials (see paragraph 22 below);
  - (b) references to the carrying out of works to the fabric of a part of a building do not include the incorporation, or installation as fittings, in the part of any goods that are not building materials.

#### Textual Amendments

**F43** Sch. A1 paras. 8-22 inserted (11.5.2001 with effect as mentioned in s. 97(3) of the amending Act) by 2001 c. 9, s. 97(2)

#### *Interpretation of paragraphs 11 to 14: meaning of “qualifying residential purpose”*

- <sup>F44</sup>17 For the purposes of paragraphs 11 to 14 above, “use for a qualifying residential purpose” means use as—
- (a) a home or other institution providing residential accommodation for children,
  - (b) a home or other institution providing residential accommodation with personal care for persons in need of personal care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder,
  - (c) a hospice,
  - (d) residential accommodation for students or school pupils,
  - (e) residential accommodation for members of any of the armed forces,
  - (f) a monastery, nunnery or similar establishment, or
  - (g) an institution which is the sole or main residence of at least 90 per cent. of its residents,
- except use as a hospital, prison or similar institution or an hotel, inn or similar establishment.

#### Textual Amendments

**F44** Sch. A1 paras. 8-22 inserted (11.5.2001 with effect as mentioned in s. 97(3) of the amending Act) by 2001 c. 9, s. 97(2)

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*Changes to legislation: There are currently no known outstanding effects for the Value Added Tax Act 1994, SCHEDULE A1. (See end of Document for details)*

*Interpretation of paragraph 1(7): introductory*

- <sup>F45</sup>18 (1) Paragraph 1(7) above is interpreted in accordance with this paragraph and paragraphs 19 to 22 below.
- (2) For the purposes of paragraph 1(7) above (and paragraphs 19 to 21 below)—  
“alteration” includes extension;  
“single household dwelling” has the meaning given by paragraph 8(2), (4) and (5) above.

**Textual Amendments**

- F45** Sch. A1 paras. 8-22 inserted (11.5.2001 with effect as mentioned in s. 97(3) of the amending Act) by 2001 c. 9, s. 97(2)

*Paragraph 1(7) only applies where dwelling has been empty for at least 3 years*

- <sup>F46</sup>19 (1) Paragraph 1(7) above does not apply to a supply unless either of the empty home conditions is satisfied.
- (2) The first “empty home condition” is that the dwelling concerned has not been lived in during the period of 3 years ending with the commencement of the relevant works.
- (3) The second “empty home condition” is that—
- (a) the dwelling was not lived in during a period of at least 3 years;
  - (b) the person, or one of the persons, whose beginning to live in the dwelling brought that period to an end was a person who (whether alone or jointly with another or others) acquired the dwelling at a time—
    - (i) no later than the end of that period, and
    - (ii) when the dwelling had been not lived in for at least 3 years;
  - (c) no works by way of renovation or alteration were carried out to the dwelling during the period of 3 years ending with the acquisition;
  - (d) the supply is made to a person who is—
    - (i) the person, or one of the persons, whose beginning to live in the property brought to an end the period mentioned in paragraph (a) above, and
    - (ii) the person, or one of the persons, who acquired the dwelling as mentioned in paragraph (b) above; and
  - (e) the relevant works are carried out during the period of one year beginning with the day of the acquisition.
- (4) In this paragraph “the relevant works” means—
- (a) where the supply is of the description set out in paragraph 1(7)(a) above, the works that constitute the services supplied;
  - (b) where the supply is of the description set out in paragraph 1(7)(b) above, the works by which the materials concerned are incorporated in the dwelling concerned or its immediate site.
- (5) In sub-paragraph (3) above, references to a person acquiring a dwelling are to that person having a major interest in the dwelling granted, or assigned, to him for a consideration.



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*Changes to legislation: There are currently no known outstanding effects for the Value Added Tax Act 1994, SCHEDULE A1. (See end of Document for details)*

#### Textual Amendments

**F46** Sch. A1 paras. 8-22 inserted (11.5.2001 with effect as mentioned in s. 97(3) of the amending Act) by 2001 c. 9, s. 97(2)

*Paragraph 1(7) only applies if planning consent and building control approval obtained*

- <sup>F47</sup>20 (1) Paragraph 1(7) above does not apply to a supply unless any statutory planning consent needed for the renovation or alteration has been granted.
- (2) Paragraph 1(7) above does not apply to a supply unless any statutory building control approval needed for the renovation or alteration has been granted.

#### Textual Amendments

**F47** Sch. A1 paras. 8-22 inserted (11.5.2001 with effect as mentioned in s. 97(3) of the amending Act) by 2001 c. 9, s. 97(2)

*Interpretation of paragraph 1(7): meaning of “supply of qualifying services”*

- <sup>F48</sup>21 (1) “Supply of qualifying services” means a supply of services that consists in—
- (a) the carrying out of works to the fabric of the dwelling, or
  - (b) the carrying out of works within the immediate site of the dwelling that are in connection with—
    - (i) the means of providing water, power, heat or access to the dwelling,
    - (ii) the means of providing drainage or security for the dwelling, or
    - (iii) the provision of means of waste disposal for the dwelling.
- (2) In sub-paragraph (1)(a) above, the reference to the carrying out of works to the fabric of the dwelling does not include the incorporation, or installation as fittings, in the dwelling of any goods that are not building materials (see paragraph 22 below).

#### Textual Amendments

**F48** Sch. A1 paras. 8-22 inserted (11.5.2001 with effect as mentioned in s. 97(3) of the amending Act) by 2001 c. 9, s. 97(2)

*Interpretation of paragraph 1(6) and (7): meaning of “building materials”*

- <sup>F49</sup>22 “Building materials” has the meaning given by Notes (22) and (23) of Group 5 to Schedule 8 (zero-rating of construction and conversion of buildings).

#### Textual Amendments

**F49** Sch. A1 paras. 8-22 inserted (11.5.2001 with effect as mentioned in s. 97(3) of the amending Act) by 2001 c. 9, s. 97(2)



**Status:**

Point in time view as at 11/05/2001.

**Changes to legislation:**

There are currently no known outstanding effects for the Value Added Tax Act 1994, SCHEDULE A1.