



Finance Act 1982

1982 CHAPTER 39

PART II

VALUE ADDED TAX AND CAR TAX

13 Registration

- (1) In paragraph 1 of Schedule 1 to the Finance Act 1972 (liability to be registered)—
 - (a) for " £5,000 " there shall be substituted " £6,000 " , and
 - (b) for " £15,000 " , in each place, there shall be substituted " £17,000 " ;and in section 20(1) of that Act (registration of local authorities) for the words following " one year " there shall be substituted the words " does not exceed the sum for the time being specified in paragraph 1(a)(ii) of that Schedule, as if that value exceeded that sum " .
- (2) In paragraph 2 of that Schedule (termination of liability to be registered)—
 - (a) for " £15,000 " , in both places, there shall be substituted " £17,000 " , and
 - (b) for " £14,000 " there shall be substituted " £16,000 " .
- (3) After paragraph 11 of that Schedule there shall be inserted—

“11A The Treasury may by order substitute for any of the sums for the time being specified in paragraphs 1 and 2 of this Schedule such greater sums as they think fit.”.
- (4) Subsection (1) above shall be deemed to have come into force on 10th March 1982 and subsection (2) on 1st June 1982.

14 Input tax

- (1) In subsection (5) of section 3 of the Finance Act 1972 (payment of excess credit for input tax against output tax by Commissioners) after the words " the amount of the excess shall" there shall be inserted the words " subject to subsection (6A) below " , and after subsection (6) of that section there shall be inserted the following subsection—

Status: This is the original version (as it was originally enacted).

“(6A) Where at the end of any period an amount is due under subsection (5) above to a taxable person who has failed to submit returns or to pay tax for any earlier period as required by this Part of this Act, the Commissioners may withhold payment of that amount until he has complied with that requirement.”

- (2) In subsection (8)(b) of that section (power to enable taxable persons to count tax on the supply or importation of goods as their input tax) for the words " supply to him, or paid by him on the importation, of goods " there shall be substituted the words " supply to him of goods or services or paid by him on the importation of goods ".

15 Supplies spanning change of rate etc.

- (1) This section applies where there is a change in the rate of value added tax in force under section 9 of the Finance Act 1972, or in the descriptions of exempt or zero-rated supplies.
- (2) Where
- (a) a supply affected by the change would, apart from subsections (4) to (6A) of section 7 of that Act (time of supply), be treated under subsection (2) or (3) of that section as made wholly or partly at a time when it would not have been affected by the change, or
 - (b) a supply not so affected would apart from subsections (4) to (6A) be treated under subsection (2) or (3) of that section as made wholly or partly at a time when it would have been so affected,
- the rate at which tax is chargeable on the supply, or any question whether it is zero-rated or exempt, shall if the person making it so elects be determined without regard to subsections (4) to (6A).
- (3) Any power to make regulations under Part I of the Finance Act 1972 with respect to the time when a supply is to be treated as taking place shall include power to provide for this section to apply as if the references in subsection (2) above to section 7(4) to (6A) included references to specified provisions of the regulations.
- (4) Regulations under section 30 of the Finance Act 1972 may make provision for the replacement or correction of any tax invoice which—
- (a) relates to a supply in respect of which an election is made under this section, but
 - (b) was issued before the election was made.
- (5) No election may be made under this section in respect of a supply to which paragraph 6 of Schedule 2 to the Finance Act 1972 (sales in satisfaction of debts) or section 19(4) of the Finance (No. 2) Act 1975 (invoice provided by recipient) applies.

16 Treatment of partnerships

- (1) In section 22 of the Finance Act 1972 (partnerships) in subsection (1) (registration of partners in the name of the firm and provisions as to changes of members of the partnership)—
- (a) after the words " in determining " there shall be inserted the words " for any purpose of this Part of this Act "; and
 - (b) the words from " or of a change " onwards shall be omitted.
- (2) After that subsection there shall be inserted the following subsections: —

Status: This is the original version (as it was originally enacted).

“(1A) Without prejudice to section 36 of the Partnership Act 1890 (rights of persons dealing with firm against apparent members of firm) until the date on which a change in the partnership is notified to the Commissioners, a person who has ceased to be a member of a partnership shall be regarded as continuing to be a partner for the purposes of this Part of this Act and, in particular, for the purpose of any liability for tax on the supply of goods or services by the partnership.

(1B) Where a person ceases to be a member of a partnership during a prescribed accounting period (or is treated as so doing by virtue of subsection (1A) above) any notice, whether of assessment or otherwise, which is served on the partnership and relates to, or to any matter arising in, that period or any earlier period during the whole or part of which he was a member of the partnership shall be treated as served also on him.

(1C) Without prejudice to section 16 of the Partnership Act 1890 (notice to acting partner to be notice to the firm) any notice, whether of assessment or otherwise, which is addressed to a partnership by the name in which it is registered by virtue of subsection (1) above and is served in accordance with this Part of this Act shall be treated for the purposes of this Part of this Act as served on the partnership and, accordingly, where subsection (1B) above applies, as served also on the former partner.”

(3) In subsection (2) of that section for " Subsection (1)" there shall be substituted " Subsections (1) and (1B) ".

17 Recovery of over-payment of value added tax etc.

(1) In section 31 of the Finance Act 1972 (assessment to tax) after subsection (1) there shall be inserted the following subsections: —

“(1A) In any case where—

- (a) an amount has been repaid to any person as being a repayment of tax, which ought not to have been repaid, or
- (b) an amount has been paid to any person as being due to him in accordance with section 3(5) of this Act, which ought not to have been paid to him,

the Commissioners may assess that amount as being tax due from him in the prescribed accounting period in which the amount was repaid or, as the case may be, paid and notify it to him accordingly.

(1B) Where a person is assessed under subsections (1) and (1A) above in respect of the same prescribed accounting period the assessments may be combined and notified to him as one assessment.”

(2) In subsections (2), (4) and (6) of that section after the words " subsection (1)" there shall be inserted the words " or subsection (1A) ".

(3) In section 40(1)(b)(i) of the Finance Act 1972 (appeals against assessments) after the words " subsection (1) " there shall be inserted the words " or (1A) ".

(4) The preceding provisions of this section shall not have effect in relation to any amounts repaid or paid to any person before the passing of this Act.

Status: This is the original version (as it was originally enacted).

18 Car tax: reduction for motor caravans

In subsection (2) of section 52 of the Finance Act 1972 (car tax) after the words " 10 per cent, of " there shall be inserted the words—

- “(a) in the case of a caravan, three-fifths of its wholesale value; and
- (b) in any other case”.

19 Car tax: transfer of liability on transfer of stocks

In paragraph 26 of Schedule 7 to the Finance Act 1972 (regulations relating to car tax) after paragraph (e) there shall be inserted the following paragraph—

- “(ee) for transferring liability for the tax in respect of any chargeable vehicles to a person to whom the property in the vehicles is transferred where the circumstances of the transfer are of a description specified in the regulations and are such that tax does not become due on or before the transfer, and for applying to the transferee, with or without modifications, provisions of this Schedule applicable to a person who is liable for tax as a person registered under this Schedule.”