

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Value Added Tax Act 1994, Part 4. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 3B

[^{F1}ELECTRONIC, TELECOMMUNICATION AND BROADCASTING SERVICES: NON-UNION SCHEME]

Textual Amendments

- F1** Sch. 3B inserted (with effect in accordance with s. 23(2) of the amending Act) by [Finance Act 2003 \(c. 14\)](#), [Sch. 2 para. 4](#)
- F1** Sch. 3B title substituted (with effect in accordance with Sch. 22 paras. 23, 25 of the amending Act) by [Finance Act 2014 \(c. 26\)](#), [Sch. 22 para. 5](#)

PART 4

[^{F2}OTHER PROVISIONS ABOUT SPECIAL SCHEMES]

Textual Amendments

- F2** Sch. 3B Pt. 4 title substituted (with effect in accordance with Sch. 22 paras. 23, 25 of the amending Act) by [Finance Act 2014 \(c. 26\)](#), [Sch. 22 para. 9\(8\)](#)

Registration under this Act

- 17 [Notwithstanding any provision in this Act to the contrary, a participant in the special ^{F3}(1) scheme is not required to be registered under this Act by virtue of making qualifying supplies.

[Where a participant in the special scheme (“the scheme participant”) makes relevant ^{F4}(2) supplies, it is to be assumed for all purposes of this Act relating to the determination of—

- (a) whether or not VAT is chargeable under this Act on those supplies,
- (b) how much VAT is chargeable under this Act on those supplies,
- (c) the time at which those supplies are treated as taking place, and
- (d) any other matter that the Commissioners may specify by regulations,

that the scheme participant is registered under this Act.

(3) Supplies of scheme services made by the scheme participant are “relevant supplies” if—

- (a) the value of the supplies must be accounted for in a special scheme return, and
- (b) the supplies are treated as made in the United Kingdom.]

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Value Added Tax Act 1994, Part 4. (See end of Document for details)

[References in this Schedule to a person being registered under this Act do not include ^{F5}(4) a reference to that person being registered under this Schedule.]

Textual Amendments

- F3** Sch. 3B para. 17 renumbered as Sch. 3B para. 17(1) (with effect in accordance with Sch. 22 paras. 23, 25 of the amending Act) by [Finance Act 2014 \(c. 26\)](#), [Sch. 22 para. 9\(2\)](#)
- F4** Sch. 3B para. 17(2)(3) inserted (with effect in accordance with Sch. 22 paras. 23, 25 of the amending Act) by [Finance Act 2014 \(c. 26\)](#), [Sch. 22 para. 9\(3\)](#)
- F5** Sch. 3B para. 17(4) inserted (with effect in relation to supplies made on or after 1.1.2019) by [The Value Added Tax \(Special Accounting Schemes\) \(Supplies of Electronic, Telecommunication and Broadcasting Services\) Order 2018 \(S.I. 2018/1197\)](#), arts. 1(2), [4\(a\)](#)

De-registration

18 Where a person who is registered under Schedule 1 [^{F6}or 1A [^{F7}solely by virtue of the fact he makes or intends to make qualifying supplies]] satisfies the Commissioners that he intends to apply for—

- (a) registration under this Schedule, or
- (b) identification under any provision of the law of another member State which implements [^{F8}Section 2 of Chapter 6 of Title XII of the VAT Directive,]

they may, if he so requests, cancel his registration under Schedule 1 [^{F9}or, as the case may be, 1A] with effect from the day on which the request is made or from such later date as may be agreed between him and the Commissioners.

Textual Amendments

- F6** Words in Sch. 3B para. 18 inserted (with effect in accordance with [Sch. 28 para. 19](#) of the amending Act) by [Finance Act 2012 \(c. 14\)](#), [Sch. 28 para. 17\(a\)](#)
- F7** Words in Sch. 3B para. 18 inserted (with effect in relation to supplies made on or after 1.1.2019) by [The Value Added Tax \(Special Accounting Schemes\) \(Supplies of Electronic, Telecommunication and Broadcasting Services\) Order 2018 \(S.I. 2018/1197\)](#), arts. 1(2), [4\(b\)](#)
- F8** Words in Sch. 3B para. 18(b) substituted (with effect in accordance with Sch. 22 paras. 23, 25 of the amending Act) by [Finance Act 2014 \(c. 26\)](#), [Sch. 22 para. 9\(4\)](#)
- F9** Words in Sch. 3B para. 18 inserted (with effect in accordance with [Sch. 28 para. 19](#) of the amending Act) by [Finance Act 2012 \(c. 14\)](#), [Sch. 28 para. 17\(b\)](#)

[^{F10}Scheme participants who are also registered under this Act

Textual Amendments

- F10** Sch. 3B para. 18ZA inserted (with effect in relation to supplies made on or after 1.1.2019) by [The Value Added Tax \(Special Accounting Schemes\) \(Supplies of Electronic, Telecommunication and Broadcasting Services\) Order 2018 \(S.I. 2018/1197\)](#), arts. 1(2), [4\(c\)](#)

18ZA (1) A person who—

- (a) is a participant in a special scheme, and

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Value Added Tax Act 1994, Part 4. (See end of Document for details)

- (b) is also registered, or required to be registered, under this Act, is not required to discharge any obligation placed on the person as a taxable person, so far as the obligation relates to relevant supplies unless the obligation is an input tax obligation.
- (2) The reference in sub-paragraph (1) to an obligation placed on the person as a taxable person is to an obligation—
- (a) to which the person is subject under or by virtue of this Act, and
 - (b) to which the person would not be subject if the person were neither registered nor required to be registered under this Act.
- (3) A supply made by a participant in a special scheme is a “relevant supply” if—
- (a) the value of the supply must be accounted for in a return required to be made by the participant under the special scheme, and
 - (b) the supply is treated as made in the United Kingdom.
- (4) In section 25(2) (deduction of input tax from output tax by a taxable person) the reference to output tax that is due from the taxable person does not include any VAT that the taxable person is liable under a special scheme to pay to the tax authorities for the administering member State.
- (5) In this paragraph, “input tax obligation” means an obligation imposed on a taxable person relating to a claim to deduct under section 25(2) or to the payment of a VAT credit.]

[^{F11}Value of supplies to connected persons

Textual Amendments

F11 Sch. 3B para. 18A and cross-heading inserted (with effect in accordance with Sch. 22 paras. 23, 25 of the amending Act) by [Finance Act 2014 \(c. 26\)](#), [Sch. 22 para. 9\(5\)](#)

- 18A In paragraph 1 of Schedule 6 (valuation: supply to connected person at less than market value) the reference to a supply made by a taxable person is to be read as including a supply of scheme services that is made by a participant in the special scheme (and is treated as made in the United Kingdom).]

VAT representatives

- 19 Section 48 [^{F12}(1ZA)] (VAT representatives) does not permit the Commissioners to direct a participant in the special scheme to appoint a VAT representative.

Textual Amendments

F12 Word in Sch. 3B para. 19 substituted (15.9.2016) by [Finance Act 2016 \(c. 24\)](#), [s. 123\(12\)](#)

Appeals

- 20 (1) An appeal shall lie to a tribunal with respect to any of the following—
- (a) the registration or cancellation of the registration of any person under this Schedule;

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Value Added Tax Act 1994, Part 4. (See end of Document for details)

- [^{F13}(b) a refusal to make a repayment under paragraph 16I (overpayments), or a decision by the Commissioners as to the amount of the repayment due under that provision;
- (c) a refusal to make a repayment under paragraph 16K(4) (decrease in consideration);
- (d) any liability to a surcharge under paragraph 16F (default surcharge).]
- [^{F14}(2) Part 5 (appeals), and any order or regulations under that Part, have effect as if an appeal under this paragraph were an appeal which lies to the tribunal under section 83(1) (but not under any particular paragraph of that subsection).]
- [Where the Commissioners have made an assessment under section 73 in reliance on ^{F15}(3) paragraph 16 or 16A—
- (a) section 83(1)(p)(i): (appeals against assessments under section 73(1) etc) applies as if the relevant special scheme return were a return under this Act, and
- (b) the references in section 84(3) and (5) to the matters mentioned in section 83(1)(p) are to be read accordingly.]

Textual Amendments

- F13** Sch. 3B para. 20(1)(b)-(d) substituted for Sch. 3B para. 20(1)(b)(c) (with effect in accordance with Sch. 22 paras. 23, 25 of the amending Act) by [Finance Act 2014 \(c. 26\)](#), [Sch. 22 para. 9\(6\)\(a\)](#)
- F14** Sch. 3B para. 20(2) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), [Sch. 1 para. 227](#)
- F15** Sch. 3B para. 20(3) inserted (with effect in accordance with Sch. 22 paras. 23, 25 of the amending Act) by [Finance Act 2014 \(c. 26\)](#), [Sch. 22 para. 9\(6\)\(b\)](#)

F16 ...

Textual Amendments

- F16** Sch. 3B para. 21 and cross-heading omitted (with effect in accordance with Sch. 22 paras. 23, 25 of the amending Act) by virtue of [Finance Act 2014 \(c. 26\)](#), [Sch. 22 para. 9\(7\)](#)

^{F16}21

Refund of UKVAT

- 22 (1) The provisions which give effect to the 1986 VAT Refund Directive in the United Kingdom have effect in relation to a participant in the special scheme, but with the following modifications.
- (2) The provision which gives effect to Article 2(1) of the 1986 VAT Refund Directive (as at 9th April 2003, see regulation 186 of the Value Added Tax Regulations 1995) shall apply in relation to a participant in the special scheme, but only so as to entitle him to a refund of VAT charged on—
- (a) goods imported by him into the United Kingdom, and
- (b) supplies made to him in the United Kingdom,

Status: Point in time view as at 01/01/2019.

Changes to legislation: There are currently no known outstanding effects for the Value Added Tax Act 1994, Part 4. (See end of Document for details)

in connection with the making by him of qualifying supplies while he is a participant in the special scheme.

- (3) The following provisions shall be omitted.
- (4) The first provision is that which gives effect to Article 1(1) of the 1986 VAT Refund Directive, so far as it requires a member State to prevent a person who is deemed to have supplied services in that member State during a period from being granted a refund of VAT for that period (as at 9th April 2003, see regulation 188(2)(b) of the Value Added Tax Regulations 1995).
- (5) The second provision is that which gives effect to Article 2(2) of the 1986 VAT Refund Directive (which permits member States to make refunds conditional upon the granting by third States of comparable advantages regarding turnover taxes: as at 9th April 2003, see regulation 188(1) of the Value Added Tax Regulations 1995).
- (6) The third provision is that which gives effect to Article 2(3) of the 1986 VAT Refund Directive (which permits member States to require the appointment of a tax representative: as at 9th April 2003, see regulation 187 of the Value Added Tax Regulations 1995).
- (7) The fourth provision is that which gives effect to Article 4(2) of the 1986 VAT Refund Directive (which permits member States to provide for the exclusion of certain expenditure and to make refunds subject to additional conditions).
- (8) In this paragraph “ the 1986 VAT Refund Directive ” means the Thirteenth Council Directive of 17th November 1986 on the harmonisation of the laws of the member States relating to turnover taxes – arrangements for the refund of value added tax to taxable persons not established in Community territory ([86/560/EEC](#)).]

Status:

Point in time view as at 01/01/2019.

Changes to legislation:

There are currently no known outstanding effects for the Value Added Tax Act 1994, Part 4.