



Value Added Tax Act 1994

1994 CHAPTER 23

PART I

THE CHARGE TO TAX

Determination of value

21 Value of imported goods.

- (1) For the purposes of this Act, the value of goods imported from a place outside the member States shall (subject to subsections (2) [^{F1}to (4)] below) be determined according to the rules applicable in the case of [^{F2}EU] customs duties, whether or not the goods in question are subject to any such duties.
- (2) For the purposes of this Act the value of any goods imported from a place outside the member States shall [^{F3}(subject to subsection (2A) below)] be taken to include the following so far as they are not already included in that value in accordance with the rules mentioned in subsection (1) above, that is to say—
 - (a) all taxes, duties and other charges levied either outside or, by reason of importation, within the United Kingdom (except VAT); ^{F4} . . .
 - [^{F5}(b) all incidental expenses, such as commission, packing, transport and insurance costs, up to the goods' first destination in the United Kingdom; and
 - (c) if at the time of the importation of the goods from a place outside the member States a further destination for the goods is known, and that destination is within the United Kingdom or another member State, all such incidental expenses in so far as they result from the transport of the goods to that other destination;

and in this subsection “the goods’ first destination” means the place mentioned on the consignment note or any other document by means of which the goods are imported into the United Kingdom, or in the absence of such documentation it means the place of the first transfer of cargo in the United Kingdom.]

[^{F6}(2A) Where—

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- (a) any goods falling within subsection (5) below are sold by auction at a time when they are subject to the procedure specified in subsection (2B) below, and
- (b) arrangements made by or on behalf of the purchaser of the goods following the sale by auction result in the importation of the goods from a place outside the member States,

the value of the goods shall not be taken for the purposes of this Act to include, in relation to that importation, any commission or premium payable to the auctioneer in connection with the sale of the goods.

(2B) That procedure is the customs procedure for temporary importation with total relief from import duties provided for in Articles 137 to 141 of Council Regulation 2913/92/EEC establishing the Community Customs Code.]

(3) Subject to subsection (2) above, where—

- (a) goods are imported from a place outside the member States for a consideration which is or includes a price in money payable as on the transfer of property;
- (b) the terms on which those goods are so imported allow a discount for prompt payment of that price;
- (c) those terms do not include provision for payment of that price by instalments; and
- (d) payment of that price is made in accordance with those terms so that the discount falls to be allowed,

the value of the goods shall be taken for the purposes of this Act to be reduced by the amount of the discount.

[^{F7}(4) [^{F8}Subject to subsection (6D) below,] For the purposes of this Act, the value of any goods falling within subsection (5) below which are imported from a place outside the member States shall be taken to be an amount equal to [^{F9}25 per cent] of the amount which, apart from this subsection, would be their value for those purposes.

^{F10}] The goods that fall within this subsection are—

- (5) (a) any work of art;
- (b) any antique, not falling within paragraph (a) above or (c) below, that is more than one hundred years old;
- (c) any collection or collector's piece that is of zoological, botanical, mineralogical, anatomical, historical, archaeological, palaeontological, ethnographic, numismatic or philatelic interest.

(6) In this section “work of art” means, subject to subsections (6A) and (6B) below—

- (a) any mounted or unmounted painting, drawing, collage, decorative plaque or similar picture that was executed by hand;
- (b) any original engraving, lithograph or other print which—
 - (i) was produced from one or more plates executed by hand by an individual who executed them without using any mechanical or photomechanical process; and
 - (ii) either is the only one produced from the plate or plates or is comprised in a limited edition;
- (c) any original sculpture or statuary, in any material;
- (d) any sculpture cast which—

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- (i) was produced by or under the supervision of the individual who made the mould or became entitled to it by succession on the death of that individual; and
 - (ii) either is the only cast produced from the mould or is comprised in a limited edition;
 - (e) any tapestry or other hanging which—
 - (i) was made by hand from an original design; and
 - (ii) either is the only one made from the design or is comprised in a limited edition;
 - (f) any ceramic executed by an individual and signed by him;
 - (g) any enamel on copper which—
 - (i) was executed by hand;
 - (ii) is signed either by the person who executed it or by someone on behalf of the studio where it was executed;
 - (iii) either is the only one made from the design in question or is comprised in a limited edition; and
 - (iv) is not comprised in an article of jewellery or an article of a kind produced by goldsmiths or silversmiths;
 - (h) any mounted or unmounted photograph which—
 - (i) was printed by or under the supervision of the photographer;
 - (ii) is signed by him; and
 - (iii) either is the only print made from the exposure in question or is comprised in a limited edition;
- (6A) The following do not fall within subsection (5) above by virtue of subsection (6)(a) above, that is to say—
 - (a) any technical drawing, map or plan;
 - (b) any picture comprised in a manufactured article that has been hand-decorated; or
 - (c) anything in the nature of scenery, including a backcloth.
- (6B) An item comprised in a limited edition shall be taken to be so comprised for the purposes of subsection (6)(d) to (h) above only if—
 - (a) in the case of sculpture casts—
 - (i) the edition is limited so that the number produced from the same mould does not exceed eight; or
 - (ii) the edition comprises a limited edition of nine or more casts made before 1st January 1989 which the Commissioners have directed should be treated, in the exceptional circumstances of the case, as a limited edition for the purposes of subsection (6)(d) above;
 - (b) in the case of tapestries and hangings, the edition is limited so that the number produced from the same design does not exceed eight;
 - (c) in the case of enamels on copper—
 - (i) the edition is limited so that the number produced from the same design does not exceed eight; and
 - (ii) each of the enamels in the edition is numbered and is signed as mentioned in subsection (6)(g)(ii) above;
 - (d) in the case of photographs—

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- (i) the edition is limited so that the number produced from the same exposure does not exceed thirty; and
 - (ii) each of the prints in the edition is numbered and is signed as mentioned in subsection (6)(h)(ii) above.
- (6C) For the purposes of this section a collector's piece is of philatelic interest if—
- (a) it is a postage or revenue stamp, a postmark, a first-day cover or an item of pre-stamped stationery; and
 - (b) it is franked or (if unfranked) it is not legal tender and is not intended for use as such.
- (6D) Subsection (4) above does not apply in the case of any goods imported from outside the member States if—
- (a) the whole of the VAT chargeable on their importation falls to be relieved by virtue of an order under section 37(1); or
 - (b) they were exported from the United Kingdom during the period of twelve months ending with the date of their importation [^{F11}in circumstances where the exportation and subsequent importation were effected to obtain the benefit of that subsection].]
- (7) An order under section 2(2) may contain provision making such alteration of the percentage for the time being specified in subsection (4) above as the Treasury consider appropriate in consequence of any increase or decrease by that order of the rate of VAT.]

Textual Amendments

- F1** Words in s. 21(1) substituted (1.5.1995 with effect as mentioned in s. 22(2) of the amending Act) by 1995 c. 4, s. 22(1)
- F2** Word in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 6 (with arts. 3(2)(3), 4(2), 6(4)(5))
- F3** Words in s. 21(2) inserted (1.9.2006) by [Finance Act 2006 \(c. 25\)](#), s. 18(2)(4); S.I. 2006/2149, art. 2
- F4** Word in s. 21(2)(a) repealed (29.4.1996 with effect in relation to goods imported on or after 1.1.1996) by 1996 c. 8, ss. 27(2)(4), 205, [Sch. 41 Pt. IV\(3\)](#) Note
- F5** S. 21(2)(b)(c) substituted (29.4.1996 with effect in relation to goods imported on or after 1.1.1996) for s. 21(2)(b) by 1996 c. 8, s. 27(3)(4)
- F6** S. 21(2A)(2B) inserted (1.9.2006) by [Finance Act 2006 \(c. 25\)](#), s. 18(3)(4); S.I. 2006/2149, art. 2
- F7** S. 21(4)-(7) inserted (1.5.1995 with effect as mentioned in s. 22(2) of the amending Act) by 1995 c. 4, s. 22(1)
- F8** Words in s.21(4) inserted (27.7.1999 with effect as mentioned in s. 12(3) of the amending Act) by 1999 c. 16, s. 12(1)(a)
- F9** Words in s. 21(4) substituted (27.7.2010) by [Finance \(No. 2\) Act 2010 \(c. 31\)](#), s. 3(2)
- F10** S. 21(5)-(6D) substituted (27.7.1999 with effect as mentioned in s. 12(3) of the amending Act) for s. 21(5)(6) by 1999 c. 16, s. 12(2)
- F11** Words in s. 21(6D)(b) inserted (with effect in accordance with art. 17(2) of the amending S.I.) by [The Enactment of Extra-Statutory Concessions Order 2009 \(S.I. 2009/730\)](#), arts. 1(1), 17(1)

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