

1972 No. 1971

VALUE ADDED TAX

**The Value Added Tax (Works of Art, Antiques
and Scientific Collections) Order 1972**

Made - - - - 15th December 1972

*Laid before the
House of Commons 21st December 1972*

Coming into Operation 1st April 1973

The Treasury, in exercise of the powers conferred on them by sections 3(6) and 14 of the Finance Act 1972(a) hereby make the following Order:—

Citation and commencement

1. This Order may be cited as the Value Added Tax (Works of Art, Antiques and Scientific Collections) Order 1972 and shall come into operation on 1st April 1973.

Interpretation

2.—(1) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(2) In this Order “input tax”, “tax”, “taxable person” and “the Commissioners” have the same meanings as in Part I of the Finance Act 1972.

Relief for works of art, antiques and collectors’ pieces

3.—(1) This Article applies to the following goods—

- (a) paintings, drawings and pastels, executed by hand;
- (b) original engravings, prints and lithographs;
- (c) original sculptures and statuary, in any material;
- (d) antiques, of an age exceeding one hundred years, except pearls and loose gem stones;
- (e) collections and collectors’ pieces of zoological, botanical, mineralogical, anatomical, historical, archaeological, paleontological or ethnographic interest.

(2) Where goods to which this Article applies are supplied by a taxable person, and either—

- (a) he has acquired them under a supply on which no tax was chargeable or on which tax was chargeable in accordance with Article 4 of this Order; or
- (b) he has imported them in circumstances in which (whether by virtue of this Order or otherwise) no tax was chargeable on the importation;

Article 4 of this Order shall apply to the supply, except as otherwise provided by the following paragraphs of this Article.

(3) Article 4 does not apply to a supply which is a letting on hire.

(4) Article 4 does not apply to a supply if an invoice or similar document showing an amount as being tax or as being attributable to tax is issued in respect of the supply.

(5) Article 4 does not apply to any supply by a person unless he keeps such records and accounts as the Commissioners may specify in a notice published by them for the purposes of this Order or may recognise as sufficient for those purposes.

4.—(1) Where this Article applies to a supply of goods by any person, tax shall be chargeable as if the supply were for a consideration equal to the excess of—

(a) the consideration for which the goods are supplied by him; over

(b) the consideration for which the goods were acquired by him;

and accordingly shall not be charged unless there is such an excess.

(2) Where this Article applies to the supply by a person of goods which were imported by him, the consideration for which they were acquired by him shall be taken to include the amount of any customs duty or purchase tax that was charged on the goods on their importation.

Disallowance of input tax

5. Where Article 4 of this Order applies to a supply, tax on the supply shall not be deducted as input tax under section 3 of the Finance Act 1972.

Relief from tax on importation

6.—(1) This Article applies to—

(a) any goods mentioned in paragraph (a), (b) or (c) of Article 3(1) of this Order which were acquired by any person (otherwise than by his producing them or by succession on the death of the person producing them) before 1st April 1973; and

(b) any goods mentioned in paragraph (d) or (e) of Article 3(1) of this Order.

(2) Tax shall not be chargeable on the importation of any goods to which this Article applies.

Tim Fortescue,

Hugh Rossi,

Two of the Lords Commissioners
of Her Majesty's Treasury.

15th December 1972.

EXPLANATORY NOTE

(This Note is not part of the Order)

This Order provides, subject to specified conditions, for the tax chargeable on the supply (otherwise than by hiring) of certain works of art, antiques and scientific collections by a taxable person to be charged only on the excess, if any, of the price which that person obtains for any item over the price which he gave for it.

The Order applies only to items which have been sold at least once before 1st April 1973 or have been sold at least once after that date by a seller who did not charge value added tax.

The Order also relieves from the tax imports of such items, provided, in the case of the works of art, that they have been acquired from the artist or his estate before 1st April 1973.

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