STATUTORY INSTRUMENTS

# 1995 No. 2518

# VALUE ADDED TAX

The Value Added Tax Regulations 1995

Made - - - -Laid before the House of Commons - -Coming into force 27th September 1995 28th September 1995 20th October 1995

# THE VALUE ADDED TAX REGULATIONS 1995

## PART I

# PRELIMINARY

- 1. Citation and commencement
- 2. Interpretation—general
- 3. Revocations and savings
- 4. Requirement, direction, demand or permission

## PART II

#### REGISTRATION AND PROVISIONS FOR SPECIAL CASES

- 5. Registration and notification
- 6. Transfer of a going concern
- 7. Notice by partnership
- 8. Representation of club, association or organisation
- 9. Death, bankruptcy or incapacity of taxable person
- 10. VAT representatives
- 11. Notification of intended section 14(1) supplies by intermediate suppliers
- 12. Notification of intended section 14(2) supplies by persons belonging in other member States

#### PART III

#### VAT INVOICES AND OTHER INVOICING REQUIREMENTS

- A13 Interpretation of Part 3
- 13. Obligation to provide a VAT invoice
- 13A Electronic invoicing
- 13B Where a VAT invoice or part of a VAT invoice...

- 14. Contents of VAT invoice
- 15. Change of rate, credit notes
- 16. Retailers' invoices
- 17. Section 14(6) supplies to persons belonging in other member States
- 18. Section 14(1) supplies by intermediate suppliers
- 19. Section 14(2) supplies by persons belonging in other member States
- 20. General

#### PART IV

# EC SALES STATEMENTS

- 21. Interpretation of Part IV
- 22. Submission of statements
- 23. Final statements

#### PART 4A

# **REVERSE CHARGE SALES STATEMENTS**

- 23A Interpretation of Part 4A
- 23B Notification of first relevant supply
- 23C Submission of Statements
- 23D Notification of cessation and recommencement of relevant supplies

## PART 4B

#### PROVISION OF INFORMATION RELATING TO ARRIVALS AND DISPATCHES

#### Interpretation of Part 4B

- 23E (1) In this Part— " establishing Regulation " means the...
- 23F (1) A responsible party shall provide the information in paragraph...

#### PART V

#### ACCOUNTING, PAYMENT AND RECORDS

- 24. Interpretation of Part V
- 25. Making of returns
- 26. Accounting for VAT on an acquisition by reference to the value shown on an invoice
- 27. Supplies under Schedule 4, paragraph 7
- 28. Estimation of output tax
- 29. Claims for input tax
- 30. Persons acting in a representative capacity
- 31. Records
- 31A (1) This regulation applies where a person—
- 31B Where a person receives a supply of a description falling...
- 31C Paragraph 10(2) of Schedule 11 to the Act shall apply...
- 32. The VAT account
- 33. The register of temporary movement of goods to and from other member States
- 33A A person making supplies of a description falling within article...
- 33B Where a person of a description in article 6 of...
- 34. Correction of errors
- 35. Where a taxable person has made an error—

- 36. Notification of acquisition of goods subject to excise duty by non-taxable persons and payment of VAT
- 37. Claims for credit for, or repayment of, overstated or overpaid VAT
- 38. Adjustments in the course of business
- 38A Adjustments where a supply becomes, or ceases to be, a supply to which section 55A(6) of the Act applies (customers to account for tax on supplies of goods of a kind used in missing trader intra-community fraud)
- 39. Calculation of returns
- 40. VAT to be accounted for on returns and payment of VAT
- 40A Where the Commissioners in exercise of their power under section...
- 41. Accounting etc. by reference to the duty point, and prescribed accounting period in which VAT on certain supplies is to be treated as being chargeable
- 42. Accounting for VAT on the removal of goods
- 43. Goods removed from warehousing regime

#### PART VA

## REIMBURSEMENT ARRANGEMENTS

- 43A Interpretation of Part VA
- 43B Reimbursement arrangements—general
- 43C Reimbursement arrangements—provisions to be included
- 43D Notifications and repayments to the Commissioners
- 43E Records
- 43F Production of records
- 43G Undertakings
- 43H Reimbursement arrangements made before 11th February 1998

#### PART VI

## PAYMENTS ON ACCOUNT

- 44. Interpretation of Part VI
- 45. Payments on Account
- 46. Save in a case to which regulation 48 applies, if...
- 46A (1) A payment on account and a payment in respect...
- 47. Where a taxable person fails to make a payment on...
- 48. -(1) The Commissioners shall notify a relevant division in...

## PART VII

## ANNUAL ACCOUNTING

- 49. Interpretation of Part VII
- 50. Annual accounting scheme
- 51. An authorised person shall, where in any given case the...
- 52. Admission to the scheme
- 53. (1) An authorised person shall continue to account for VAT...
- 54. (1) The Commissioners may terminate an authorisation in any case...
- 55. (1) The date from which an authorised person ceases to...

#### PART VIIA

# FLAT-RATE SCHEME FOR SMALL BUSINESSES

- 55A Interpretation of Part VIIA
- 55B Flat-rate scheme for small businesses

- 55C Relevant supplies and purchases
- 55D Method of accounting
- 55E Input tax
- 55F Exceptional claims for VAT relief
- 55G Determining relevant turnover
- 55H Appropriate percentage
- 55JB Reduced appropriate percentage for newly registered period
- 55K Category of business
- 55L Admission to scheme
- 55M Withdrawal from the scheme
- 55N Notification
- 55P Termination by the Commissioners
- 55Q Date of withdrawal from the scheme
- 55R Self-supply on withdrawal from scheme
- 55S Adjustments in respect of stock on hand at withdrawal from scheme
- 55T Amendment by notice
- 55U Reverse charges
- 55V Bad debt relief

# PART VIII

#### CASH ACCOUNTING

- 56. Interpretation of Part VIII
- 57. Cash accounting scheme
- 57A (1) A person shall not account for VAT in accordance...
- 58. Admission to the scheme
- 59. Without prejudice to the right of a person to withdraw...
- 60. (1) Without prejudice to regulation 64 below, a person shall...
- 61. (1) Subject to paragraph (2), a person who ceases to...
- 62. Where a person operating the scheme becomes insolvent he shall...
- 63. -(1) Where a person operating the scheme ceases business...
- 64. Withdrawal from the scheme
- 64A Bad debt relief
- 65. Accounting

#### PART IX

#### SUPPLIES BY RETAILERS

- 66. Interpretation of Part IX
- 67. Retail schemes
- 68. The Commissioners may refuse to permit the value of taxable...
- 69. No retailer may at any time use more than one...
- 69A No retailer may use a scheme at any time for...
- 70. Notification of use of a scheme
- 71. Changing schemes
- 72. Ceasing to use a scheme
- 73. Supplies under Schedule 8, Group 1
- 74. Supplies under Schedule 8, Group 12
- 75. Change in VAT

#### PART X

#### TRADING STAMPS

- 76. Interpretation of Part X
- 77. Trading stamp scheme
- 78. ....
- 79. ....

#### PART XI

#### TIME OF SUPPLY AND TIME OF ACQUISITION

- 81. Goods for private use and free supplies of services
- 82. Services from outside the United Kingdom
- 82A Goods supplied by persons outside the United Kingdom
- 83. Time of acquisition
- 84. Supplies of land—special cases
- 85. Leases treated as supplies of goods
- 86. Supplies of water, gas or any form of power, heat, refrigeration or ventilation
- 87. Acquisitions of water, gas or any form of power, heat, refrigeration or ventilation
- 88. Supplier's goods in possession of buyer
- 89. Retention payments
- 90. Continuous supplies of services
- 90A Where— (a) relevant services are supplied for a period for...
- 90B Where relevant services are treated as supplied on or after...
- 91. Royalties and similar payments
- 92. Supplies of services by barristers and advocates
- 93. Supplies in the construction industry
- 94. General
- 94A In this Part a reference to receipt of payment (however...
- 94B (1) This regulation applies in relation to the following supplies...
- 95. Supplies spanning change of rate etc.

#### PART XII

#### VALUATION OF ACQUISITIONS

- 96. Interpretation of Part XII
- 97. Valuation of acquisitions

#### PART XIII

#### PLACE OF SUPPLY

98. Distance sales from the United Kingdom

### PART XIV

### INPUT TAX AND PARTIAL EXEMPTION

- 99. Interpretation of Part XIV and longer periods
- 100. Nothing in this Part shall be construed as allowing a...
- 101. Attribution of input tax to taxable supplies

- 102. Use of other methods
- 102A (1) Notwithstanding the Commissioners' powers to serve a notice under...
- 102B (1) Where this regulation applies, a taxable person shall calculate...
- 102C (1) Subject to regulation 102A, where a taxable person—
- 103. Attribution of input tax to foreign and specified supplies
- 103A Attribution of input tax to investment gold
- 103B Attribution of input tax incurred on services and related goods used to make financial supplies
- 104. Attribution of input tax on self-supplies
- 105. Treatment of input tax attributable to exempt supplies as being attributable to taxable supplies
- 106. (1) Subject to regulation 106A, where relevant input tax—
- 106A (1) This regulation applies where regulation 107A applies.
- 107. Adjustment of attribution
- 107A (1) This regulation applies where a taxable person has made...
- 107B (1) Other than where input tax falls to be attributed...
- 107C For the purposes of regulations 107A and 107B, a difference...
- 107D For the purposes of regulations 107A and 107B a person...
- 107E (1) Regulations 107A and 107B shall not apply where the...
- 107F The references in regulations 107C and 107E to an apportionment...
- 108. -(1) This regulation applies where a taxable person has...
- 109. -(1) This regulation applies where a taxable person has...
- 110. (1) Subject to paragraph (2) below, in this regulation, in...
- 111. Exceptional claims for VAT relief

#### PART XV

#### ADJUSTMENTS TO THE DEDUCTION OF INPUT TAXON CAPITAL ITEMS

- 112. Interpretation of Part XV
- 113. Capital items to which this Part applies
- 114. Period of adjustment
- 115. Method of adjustment
- 116. Ascertainment of taxable use of a capital item

#### PART 15A

#### GOODS USED FOR NON-BUSINESS PURPOSES DURING THEIR ECONOMIC LIFE

- 116A Application
- 116B Interpretation of this Part
- 116C Economic life of goods
- 116D Where the economic life of the interest of a person,...
- 116E Value of a relevant supply
- 116F Where a prescribed accounting period in which a relevant supply...
- 116G Later increase in the full cost of goods
- 116H Value of relevant supplies made during a new economic life
- 116I Value of relevant supplies of goods which have two or more economic lives
- 116J Transitional provisions
- 116K The person referred to in regulation 116J(b) is the person...
- 116L An economic life of goods to which this regulation applies...
- 116M The period referred to in regulation 116L is the period...
- 116N Where a person has claimed deduction of input tax on...

# PART XVI

## IMPORTATIONS, EXPORTATIONS AND REMOVALS

- 117. Interpretation of Part XVI
- 118. Enactments excepted
- 119. Regulations excepted
- 120. Community legislation excepted
- 121. Adaptations
- 121A (1) The application of the Customs Duties (Deferred Payment) Regulations...
- 121B (1) The application of Council Regulation (EEC) No...
- 121C (1) The application of Commission Regulation (EEC) No...
- 121D Adaptations and exceptions for the application of returned goods relief
- 122. Postal importations by registered persons in the course of business
- 123. Temporary importations
- 124. Reimportation of certain goods by non-taxable persons
- 125. Reimportation of certain goods by taxable persons
- 126. Reimportation of goods exported for treatment or process
- 127. Supplies to export houses
- 128. Export of freight containers
- 129. Supplies to overseas persons
- 130. Supplies to persons departing from the member States
- 131. -(1) Where the Commissioners are satisfied that-
- 132. The Commissioners may, on application by an overseas visitor who...
- 133. The Commissioners may, on application by any person who intends...
- 134. Supplies to persons taxable in another member State
- 135. Supplies of goods subject to excise duty to persons who are not taxable in another member State
- 136. Territories to be treated as excluded from or included in the territory of the Community and of the member States
- 137. For the purposes of the Act the following territories shall...
- 138. -(1) For the purposes of the Act the territory...
- 139. For the purposes of the Act the following territories shall...
- 140. Entry and exit formalities
- 141. Use of the internal Community transit procedure
- 142. Customs and excise legislation to be applied
- 143. Where goods are imported into the United Kingdom from the...
- 144. Where goods are exported from the United Kingdom to the...
- 145. -(1) Subject to paragraph (2) below, where goods are...

#### PART XVI(A)

# FISCAL AND OTHER WAREHOUSING REGIMES

- 145A Interpretation of Part XVI(A)
- 145B Fiscal warehousing certificates
- 145C Certificates connected with services in fiscal or other warehousing regimes
- 145D VAT invoices relating to services performed in fiscal or other warehousing regimes
- 145E Fiscal warehousing regimes
- 145F The fiscal warehousing record and stock control
- 145G Fiscal warehousing transfers in the United Kingdom
- 145H Removal of goods from a fiscal warehousing regime and transfers overseas

- 145I (1) A fiscal warehousekeeper shall not remove or allow the...
- 145J Payment on removal of goods from a fiscal warehousing regime
- 145K Place of supply of goods subject to warehousing regime

#### PART XVII

#### NEW MEANS OF TRANSPORT

- 146. Interpretation of Part XVII
- 147. First entry into service of a means of transport
- 148. Notification of acquisition of new means of transport by non-taxable persons and payment of VAT
- 149. Refunds in relation to new means of transport
- 150. The claim shall be made at, or sent to, any...
- 151. The claim shall contain the following information—
- 152. The claim shall be accompanied by the following documents—
- 153. The claim shall include a declaration, signed by the claimant...
- 154. The claim shall be completed by the submission to the...
- 155. Supplies of new means of transport to persons departing to another member State

#### PART XVIII

#### BAD DEBT RELIEF (THE OLD SCHEME)

- 156. Interpretation of Part XVIII
- 157. The making of a claim to the Commissioners
- 158. Evidence required of the claimant in support of the claim
- 160. Preservation of documents and records and duty to produce
- 161. Set-off of amounts between the claimant and the debtor
- 162. Determination of outstanding amount of consideration in money
- 163. Repayment of a refund
- 164. Proving in the insolvency in Scotland

#### PART XIX

### BAD DEBT RELIEF (THE NEW SCHEME)

- 165. Interpretation of Part XIX
- 165A Time within which a claim must be made
- 166. The making of a claim to the Commissioners
- 166A Notice to purchaser of claim
- 167. Evidence required of the claimant in support of the claim
- 168. Records required to be kept by the claimant
- 169. Preservation of documents and records and duty to produce
- 170. Attribution of payments
- 170A (1) This regulation applies where— (a) the claimant made a...
- 171. Repayment of a refund
- 172. Writing off debts
- 172A Writing off debts—margin schemes
- 172B Writing off debts-tour operators margin scheme

# PART XIXA

## REPAYMENT OF INPUT TAX WHERE CLAIM MADE UNDER PART XIX

- 172ZC Application
- 172C Interpretation of Part XIXA
- 172D Repayment of input tax
- 172E Restoration of an entitlement to credit for input tax

#### PART XIXB

#### REPAYMENT OF INPUT TAX WHERE CONSIDERATION NOT PAID

- 172F Application
- 172G Interpretation
- 172H Repayment of input tax
- 172I Restoration of an entitlement to credit for input tax
- 172J Attribution of payments

#### PART 19C

#### ADJUSTMENT OF OUTPUT TAX IN RESPECT OF SUPPLIES TO WHICH SECTION 55A (6) OF THE ACT APPLIES

- 172K This Part applies where a person is entitled, by virtue...
- 172L Adjustment of output tax
- 172M Readjustment of output tax
- 172N None of the circumstances to which this Part applies is...

## PART XX

## REPAYMENTS TO COMMUNITY TRADERS

- 173. Interpretation of Part XX
- 174. Repayment of VAT
- 175. Persons to whom this Part applies
- 176. Supplies and importations to which this Part applies
- 177. VAT which will not be repaid
- 178. Method of claiming
- 179. Time within which a claim must be made
- 180. Deduction of bank charges
- 181. Treatment of claim and repayment claimed
- 182. For the purpose of section 83(c) of the Act repayments...
- 183. False, altered or incorrect claims
- 184. Where any sum has been repaid to a claimant as...

#### PART XXI

#### REPAYMENTS TO THIRD COUNTRY TRADERS

- 185. Interpretation of Part XXI
- 186. Repayments of VAT
- 187. VAT representatives
- 188. Persons to whom this Part applies
- 189. Supplies and importations to which this Part applies
- 190. VAT which will not be repaid
- 191. Method of claiming

- 192. Time within which a claim must be made
- 193. Deduction of bank charges
- 194. Treatment of claim and repayment claimed
- 195. For the purpose of section 83(c) of the Act repayments...
- 196. False, altered or incorrect claims
- 197. Where any sum has been repaid to a claimant as...

#### PART XXII

#### REPAYMENT SUPPLEMENT

- 198. Computation of period
- 199. Duration of period

#### PART XXIII

#### **REFUNDS TO "DO-IT-YOURSELF" BUILDERS**

- 200. Interpretation of Part XXIII
- 201. Method and time for making claim

#### PART XXIV

#### FLAT-RATE SCHEME FOR FARMERS

- 202. Interpretation of Part XXIV
- 203. Flat-rate scheme
- 204. Admission to the scheme
- 205. Certification
- 206. Cancellation of certificates
- 207. Death, bankruptcy or incapacity of certified person
- 208. Further certification
- 209. Claims by taxable persons for amounts to be treated as credits for input tax
- 210. Duty to keep records
- 211. Production of records

#### PART XXV

#### DISTRESS AND DILIGENCE

- A212 In this Part— "Job Band" followed by a number between...
- 212. Distress
- 213. Diligence
  - Signature

#### SCHEDULE 1 —

Information to be indicated: declare that the goods shown below are subject to a... and that the following services are to be performed on... I certify that the supply of services is eligible to... (signature) (date) NOTE: You should be aware that there are severe penalties...

SCHEDULE 1A —

- 1. Goods in and out of a fiscal warehouse and its...
- 2. Specified services performed in a fiscal warehouse It shall accurately...
- 3. Documents relating to transfers and specified services
- 4. Procedures where transfers are not completed (a) It shall be...
- 5. Removals from a fiscal warehousing regime (a) It shall identify...
- 6. Miscellaneous (a) It shall incorporate any modifications to the features...

## SCHEDULE 2 — REVOCATIONS

TABLE OF — (This table is not part of the Regulations) DERIVATIONS

- 1. Notes:
- 2. The following abbreviations are used in the Table: AA =The...

Explanatory Note

# Status:

Point in time view as at 01/04/2009.

# Changes to legislation:

There are currently no known outstanding effects for the The Value Added Tax Regulations 1995.