

STATUTORY INSTRUMENTS

1995 No. 2518

The Value Added Tax Regulations 1995

[^{F1}PART VA **U.K.**

REIMBURSEMENT ARRANGEMENTS

Textual Amendments

- F1** Pt. 5A inserted (11.2.1998) by [The Value Added Tax \(Amendment\) Regulations 1998 \(S.I. 1998/59\)](#), regs. 1, 2

Interpretation of Part VA **U.K.**

[^{F2}43A]. In this Part—

[^{F3}“claim” means—

- (a) a claim made under section 80 of the Act for credit of an amount accounted for to the Commissioners or assessed by them as output tax which was not output tax due to them;
^{F4} ...
- (b) ^{F4} ...

and “claimed” and “claimant” are to be construed accordingly;]

“reimbursement arrangements” means any arrangements (whether made before, on or after 30th January 1998) for the purposes of a claim which—

- (a) are made by a claimant for the purpose of securing that he is not unjustly enriched by the [^{F5}repayment][^{F5}crediting] of any amount in pursuance of the claim; and
- (b) provide for the reimbursement of persons (consumers) who have, for practical purposes, borne the whole or any part of the [^{F6}cost of the original payment of that amount to the Commissioners][^{F6}original amount brought into account as output tax that was not output tax due];

“relevant amount” means that part (which may be the whole) of the amount of a claim which the claimant has reimbursed or intends to reimburse to consumers.

Textual Amendments

- F2** Regs. 37A-37H renumbered as regs. 43A-43H (1.4.1999) by [The Value Added Tax \(Amendment\) Regulations 1999 \(S.I. 1999/438\)](#), regs. 1, 3
- F3** Words in reg. 43A substituted (1.1.2015) by [The Value Added Tax \(Amendment\) \(No.3\) Regulations 2014 \(S.I. 2014/2430\)](#), regs. 1(3), 3
- F4** Words in reg. 43A omitted (31.12.2020) by virtue of [The Value Added Tax \(Miscellaneous Amendments and Revocations\) \(EU Exit\) Regulations 2019 \(S.I. 2019/59\)](#), regs. 1, 40; S.I. 2020/1641, reg. 2, Sch.

- F5** Word in reg. 43A substituted (1.9.2005 in relation to claims made under 1994 c. 23, s. 80 on or after that date) by [The Value Added Tax \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2231\)](#), regs. 1(2), 3(b)(i)
- F6** Words in reg. 43A substituted (1.9.2005 in relation to claims made under 1994 c. 23, s. 80 on or after that date) by [The Value Added Tax \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2231\)](#), regs. 1(2), 3(b)(ii)

Modifications etc. (not altering text)

- C1** [Reg. 43A](#) modified (10.6.2021 for specified purposes, 1.7.2021 in so far as not already in force) by 1994 c. 23, Sch. 9ZF para. 15 (as inserted by [Finance Act 2021 \(c. 26\)](#), s. 95(6)(a), [Sch. 18 para. 6](#); S.I. 2021/770, regs. 3, 4 (with regs. 5-7))

Reimbursement arrangements—general **U.K.**

[^{F2}43B]. Without prejudice to [^{F7}regulation 43H] below, for the purposes of section 80(3) of the Act (defence by the Commissioners that [^{F8}repayment][^{F8}crediting] by them of an amount claimed would unjustly enrich the claimant) reimbursement arrangements made by a claimant shall be disregarded except where they—

- (a) include the provisions described in [^{F9}regulation 43C] below; and
- (b) are supported by the undertakings described in [^{F10}regulation 43G] below.

Textual Amendments

- F2** Regs. 37A-37H renumbered as regs. 43A-43H (1.4.1999) by [The Value Added Tax \(Amendment\) Regulations 1999 \(S.I. 1999/438\)](#), regs. 1, 3
- F7** Words in reg. 43B substituted (1.4.1999) by [The Value Added Tax \(Amendment\) Regulations 1999 \(S.I. 1999/438\)](#), regs. 1, 4(a)
- F8** Word in reg. 43B substituted (1.9.2005 in relation to claims made under 1994 c. 23, s. 80 on or after that date) by [The Value Added Tax \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2231\)](#), regs. 1(2), 4
- F9** Words in reg. 43B(a) substituted (1.4.1999) by [The Value Added Tax \(Amendment\) Regulations 1999 \(S.I. 1999/438\)](#), regs. 1, 4(b)
- F10** Words in reg. 43B(b) substituted (1.4.1999) by [The Value Added Tax \(Amendment\) Regulations 1999 \(S.I. 1999/438\)](#), regs. 1, 4(c)

Reimbursement arrangements—provisions to be included **U.K.**

[^{F2}43C]. The provisions referred to in [^{F11}regulation 43B(a)] above are that—

- (a) reimbursement for which the arrangements provide will be completed by no later than 90 days after the [^{F12}repayment][^{F12}crediting of the amount] to which it relates;
- (b) no deduction will be made from the relevant amount by way of fee or charge (howsoever expressed or effected);
- (c) reimbursement will be made only in cash or by cheque;
- [any part of the relevant amount credited to the claimant that is not reimbursed by the time
- ^{F13}(d) mentioned in paragraph (a) above will be notified by the claimant to the Commissioners;]
- (da) any part of the relevant amount paid (or repaid) to the claimant that is not reimbursed by the time mentioned in paragraph (a) above will be repaid by the claimant to the Commissioners;

- (e) any interest paid by the Commissioners on any relevant amount [^{F14}repaid][^{F14}paid (or repaid)] by them will also be treated by the claimant in the same way as the relevant amount falls to be treated under paragraphs (a) and (b) above; and
- (f) the records described in [^{F15}regulation 43E] below will be kept by the claimant and produced by him to the Commissioners, or to an officer of theirs in accordance with [^{F16}regulation 43F] below.

Textual Amendments

- F2** Regs. 37A-37H renumbered as regs. 43A-43H (1.4.1999) by [The Value Added Tax \(Amendment\) Regulations 1999 \(S.I. 1999/438\)](#), regs. 1, **3**
- F11** Words in [reg. 43C](#) substituted (1.4.1999) by [The Value Added Tax \(Amendment\) Regulations 1999 \(S.I. 1999/438\)](#), regs. 1, **5(a)**
- F12** Words in [reg. 43C\(a\)](#) substituted (1.9.2005 in relation to claims made under 1994 c. 23, s. 80 on or after that date) by [The Value Added Tax \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2231\)](#), regs. 1(2), **5(a)**
- F13** [Reg. 43C\(d\)\(da\)](#) substituted for [reg. 43C\(d\)](#) (1.9.2005 in relation to claims made under 1994 c. 23, s. 80 on or after that date) by [The Value Added Tax \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2231\)](#), regs. 1(2), **5(b)**
- F14** Words in [reg. 43C\(e\)](#) substituted (1.9.2005 in relation to claims made under 1994 c. 23, s. 80 on or after that date) by [The Value Added Tax \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2231\)](#), regs. 1(2), **5(c)**
- F15** Words in [reg. 43C\(f\)](#) substituted (1.4.1999) by [The Value Added Tax \(Amendment\) Regulations 1999 \(S.I. 1999/438\)](#), regs. 1, **5(b)**
- F16** Words in [reg. 43C\(f\)](#) substituted (1.4.1999) by [The Value Added Tax \(Amendment\) Regulations 1999 \(S.I. 1999/438\)](#), regs. 1, **5(c)**

[^{F17}Repayments to the Commissioners]Notifications and repayments to the Commissioners **U.K.**

[^{F17}The claimant shall give any notification to the Commissioners that he is required to give by virtue of regulation 43C(d) above and, without any prior demand, make any repayment to the Commissioners that he is required to make by virtue of regulation 43C(da) and (e) above within 14 days of the expiration of the 90 days referred to in regulation 43C(a) above.]]

Textual Amendments

- F2** Regs. 37A-37H renumbered as regs. 43A-43H (1.4.1999) by [The Value Added Tax \(Amendment\) Regulations 1999 \(S.I. 1999/438\)](#), regs. 1, **3**
- F17** [Reg. 43D](#) substituted (1.9.2005 in relation to claims made under 1994 c. 23, s. 80 on or after that date) by [The Value Added Tax \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2231\)](#), regs. 1(2), **6**
- F18** Words in [reg. 43D](#) substituted (1.4.1999) by [The Value Added Tax \(Amendment\) Regulations 1999 \(S.I. 1999/438\)](#), regs. 1, **6(a)**
- F19** Words in [reg. 43D](#) substituted (1.4.1999) by [The Value Added Tax \(Amendment\) Regulations 1999 \(S.I. 1999/438\)](#), regs. 1, **6(b)**

Records **U.K.**

[^{F2}43E]. The claimant shall keep records of the following matters—

- (a) the names and addresses of those consumers whom he has reimbursed or whom he intends to reimburse;
- (b) the total amount reimbursed to each such consumer;
- (c) the amount of interest included in each total amount reimbursed to each consumer;
- (d) the date that each reimbursement is made.

Textual Amendments

F2 Regs. 37A-37H renumbered as regs. 43A-43H (1.4.1999) by [The Value Added Tax \(Amendment\) Regulations 1999 \(S.I. 1999/438\)](#), regs. 1, 3

Production of records **U.K.**

[^{F2}43F].—(1) Where a claimant is given notice in accordance with paragraph (2) below, he shall, in accordance with such notice produce to the Commissioners, or to an officer of theirs, the records that he is required to keep pursuant to [^{F20}regulation 43E] above.

(2) A notice given for the purposes of paragraph (1) above shall—

- (a) be in writing;
- (b) state the place and time at which, and the date on which the records are to be produced; and
- (c) be signed and dated by the Commissioners, or by an officer of theirs,

and may be given before or after, or both before and after the Commissioners have [^{F21}paid][^{F21}credited] the relevant amount to the claimant.

Textual Amendments

F2 Regs. 37A-37H renumbered as regs. 43A-43H (1.4.1999) by [The Value Added Tax \(Amendment\) Regulations 1999 \(S.I. 1999/438\)](#), regs. 1, 3

F20 Words in reg. 43F(1) substituted (1.4.1999) by [The Value Added Tax \(Amendment\) Regulations 1999 \(S.I. 1999/438\)](#), regs. 1, 7

F21 Word in reg. 43F(2) substituted (1.9.2005 in relation to claims made under 1994 c. 23, s. 80 on or after that date) by [The Value Added Tax \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2231\)](#), regs. 1(2), 7

Undertakings **U.K.**

[^{F2}43G].—(1) Without prejudice to [^{F22}regulation 43H(b)] below, the undertakings referred to in [^{F23}regulation 43B(b)] above shall be given to the Commissioners by the claimant no later than the time at which he makes the claim for which the reimbursement arrangements have been made.

(2) The undertakings shall be in writing, shall be signed and dated by the claimant, and shall be to the effect that—

- (a) at the date of the undertakings he is able to identify the names and addresses of those consumers whom he has reimbursed or whom he intends to reimburse;
- (b) he will apply the whole of the relevant amount [^{F24}repaid][^{F24}credited] to him, without any deduction by way of fee or charge or otherwise, to the reimbursement in cash or by cheque, of such consumers by no later than 90 days after his receipt of that amount (except insofar as he has already so reimbursed them);

- (c) he will apply any interest paid to him on the relevant amount [^{F25}repaid][^{F25}paid (or repaid)] to him wholly to the reimbursement of such consumers by no later than 90 days after his receipt of that interest;
- (d) [^{F26}he will notify the Commissioners of the whole or such part of the relevant amount credited to him as he fails to apply in accordance with the undertakings mentioned in sub-paragraphs (b) and (c) above;
- (da) he will repay to the Commissioners without demand the whole or such part of the relevant amount paid (or repaid) to him or of any interest paid to him as he fails to apply in accordance with the undertakings mentioned in sub-paragraphs (b) and (c) above;]
- (e) he will keep the records described in [^{F27}regulation 43E] above; and
- (f) he will comply with any notice given to him in accordance with [^{F28}regulation 43F] above concerning the production of such records.

Textual Amendments

- F2** Regs. 37A-37H renumbered as regs. 43A-43H (1.4.1999) by [The Value Added Tax \(Amendment\) Regulations 1999 \(S.I. 1999/438\)](#), regs. 1, **3**
- F22** Words in [reg. 43G\(1\)](#) substituted (1.4.1999) by [The Value Added Tax \(Amendment\) Regulations 1999 \(S.I. 1999/438\)](#), regs. 1, **8(1)(a)**
- F23** Words in [reg. 43G\(1\)](#) substituted (1.4.1999) by [The Value Added Tax \(Amendment\) Regulations 1999 \(S.I. 1999/438\)](#), regs. 1, **8(1)(b)**
- F24** Word in [reg. 43G\(2\)\(b\)](#) substituted (1.9.2005 in relation to claims made under 1994 c. 23, s. 80 on or after that date) by [The Value Added Tax \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2231\)](#), regs. 1(2), **8(a)**
- F25** Words in [reg. 43G\(2\)\(c\)](#) substituted (1.9.2005 in relation to claims made under 1994 c. 23, s. 80 on or after that date) by [The Value Added Tax \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2231\)](#), regs. 1(2), **8(b)**
- F26** [Reg. 43G\(2\)\(d\)\(da\)](#) substituted for [reg. 43G\(2\)\(d\)](#) (1.9.2005 in relation to claims made under 1994 c. 23, s. 80 on or after that date) by [The Value Added Tax \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2231\)](#), regs. 1(2), **8(c)**
- F27** Words in [reg. 43G\(2\)\(e\)](#) substituted (1.4.1999) by [The Value Added Tax \(Amendment\) Regulations 1999 \(S.I. 1999/438\)](#), regs. 1, **8(2)(a)**
- F28** Words in [reg. 43G\(2\)\(f\)](#) substituted (1.4.1999) by [The Value Added Tax \(Amendment\) Regulations 1999 \(S.I. 1999/438\)](#), regs. 1, **8(2)(b)**

Reimbursement arrangements made before 11th February 1998 **U.K.**

[^{F243H}]. [^{F29}Reimbursement arrangements made by a claimant before 11th February 1998 shall not be disregarded for the purposes of section 80(3) of the Act if, not later than 11th March 1998—

- (a) he includes in those arrangements (if they are not already included) the provisions described in [^{F30}regulation 43C] above; and
- (b) gives the undertakings described in [^{F31}regulation 43G] above.]]

Textual Amendments

- F2** Regs. 37A-37H renumbered as regs. 43A-43H (1.4.1999) by [The Value Added Tax \(Amendment\) Regulations 1999 \(S.I. 1999/438\)](#), regs. 1, **3**
- F29** [Reg. 43H](#) omitted (1.9.2005 in relation to claims made under 1994 c. 23, s. 80 on or after that date) by virtue of [The Value Added Tax \(Amendment\) \(No. 2\) Regulations 2005 \(S.I. 2005/2231\)](#), regs. 1(2), **9**

Changes to legislation: There are currently no known outstanding effects for the
The Value Added Tax Regulations 1995, PART VA. (See end of Document for details)

- F30** Words in reg. 43H(a) substituted (1.4.1999) by The Value Added Tax (Amendment) Regulations 1999 (S.I. 1999/438), regs. 1, **9(a)**
- F31** Words in reg. 43H(b) substituted (1.4.1999) by The Value Added Tax (Amendment) Regulations 1999 (S.I. 1999/438), regs. 1, **9(b)**

Changes to legislation:

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