
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in consequence of, or otherwise in connection with, the withdrawal of the United Kingdom from the EU.

Regulation 1 provides that the Regulations are to come into force on such day or days as the Treasury may appoint.

Regulation 2 makes consequential amendments to Group 5 of Schedule 9 to the Value Added Tax Act 1994 (c. 23) as a consequence of amendments made by other exit legislation affecting collective investment schemes, including the Collective Investment Schemes (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/325) and the Financial Services (Gibraltar) (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/589).

Regulation 3 omits regulation 6 and Part 3 from the Value Added Tax (Miscellaneous Amendments, Revocation and Transitional Provisions) (EU Exit) Regulations 2019 (“S.I. 2019/513”).

Regulation 4 makes transitional provision in relation to the VAT MOSS (mini one stop shop) system to allow Her Majesty’s Revenue and Customs to prescribe the form or manner for making claims and corrections in respect of supplies that took place before exit day, so that such claims and corrections can continue to be made in the event that there is no longer access to the MOSS system.

Regulation 5 makes transitional provision in relation to Part 20 of the Value Added Tax Regulations 1995 (S.I. 1995/2518) (repayments to Community traders).

In the event the UK leaves the EU without a deal, the notices referred to in regulations 4 and 5, will be available from <https://www.gov.uk/government/collections/customs-vat-and-excise-regulations-leaving-the-eu-with-no-deal>. Free of charge hard copies will be available on request from the HMRC helpline on 0300 200 3700 (+44 2920 501 261 for outside the UK enquiries) or by writing to HM Revenue and Customs - VAT Written Enquiries Team, Portcullis House, 21 India Street, Glasgow, G2 4PZ, United Kingdom. Part 5 (regulations 6 to 15) makes consequential amendments to the Fulfilment Businesses Regulations 2018 (S.I. 2018/326) (“the 2018 Regulations”) in line with changes made by the Taxation (Cross-border Trade) Act 2018 (c. 22) to Part 3 of the Finance (No. 2) Act 2017 (c. 32). It also makes transitional provisions in relation to secondary and primary legislation relating to fulfilment businesses.

This instrument will be covered by an overarching HMRC impact assessment (third edition) which will be published and available on the website at <https://www.gov.uk/government/collections/customs-vat-and-excise-regulations-leaving-the-eu-with-no-deal>.