

SCHEDULES

SCHEDULE 22

SUPPLIES OF ELECTRONIC, BROADCASTING AND TELECOMMUNICATION SERVICES: SPECIAL ACCOUNTING SCHEMES

PART 3

OTHER AMENDMENTS: UNION AND NON-UNION SCHEMES

- 11 VATA 1994 is amended in accordance with paragraphs 12 to 16.
- 12 (1) Section 3A (supply of electronic services in member States: special accounting scheme) is amended as follows.
- (2) In subsection (1), after “services” insert “, telecommunication services or broadcasting services”.
- (3) After subsection (1) insert—
- “(1A) Schedule 3BA—
- (a) establishes a special accounting scheme for use by persons established in the UK and supplying electronically supplied services, telecommunication services or broadcasting services in other member States, and
- (b) makes provision about corresponding schemes in other member States.”
- (4) For the heading substitute “**Supplies of electronic, telecommunication and broadcasting services: special accounting schemes.**”
- 13 In section 76 (assessment of amounts due by way of penalty, interest or surcharge)
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- (a) in subsection (1)(a), for “or 59A,” substitute “, section 59A, paragraph 16F of Schedule 3B or paragraph 26 of Schedule 3BA,”;
- (b) after subsection (3) insert—
- “(3A) In the case of a surcharge under paragraph 16F of Schedule 3B or paragraph 26 of Schedule 3BA, the assessment under this section is of an amount due in respect of “the relevant period”, that is to say, the tax period (see section 76A) in respect of which the person is in default and in respect of which the surcharge arises.”;
- (c) in subsection (5), after each “(3)” insert “or (3A)”.
- 14 After section 76 insert—

“76A Section 76: cases involving special accounting schemes

- (1) References in section 76 to a prescribed accounting period are to be read as including a tax period so far as that is necessary for the purposes of the references in section 76(1)(a) to paragraph 16F of Schedule 3B and paragraph 26 of Schedule 3BA (assessment of surcharge in certain cases involving special accounting schemes).
 - (2) References in section 77 to a prescribed accounting period are to be read accordingly.
 - (3) In this section and section 76 “tax period” means a tax period as defined in paragraph 23(1) of Schedule 3B or paragraph 38(1) of Schedule 3BA, as the case requires.”
- 15 In section 77 (assessment: time limits and supplementary assessments)—
- (a) in subsection (2), after “subsection (3)” insert “or (3A)”;
 - (b) in subsection (3) after “subsection (3)” insert “or (3A)”.
- 16 In section 80 (repayment of overpaid VAT etc), in subsection (7), after “this section” insert “(and paragraph 16I of Schedule 3B and paragraph 29 of Schedule 3BA)”.
- 17 In section 84(6) (appeals: variation of amounts assessed by way of surcharge etc), after “70,” insert “or (as the case requires) paragraph 26 of Schedule 3BA or paragraph 16F of Schedule 3B”.
- 18 In paragraph 12 of Schedule 1A to VATA 1994 (cancellation of registration under that Schedule)—
- (a) after “Schedule 3B” insert “and paragraph 16 of Schedule 3BA”;
 - (b) for “that Schedule etc” substitute “the Schedule concerned”.
- 19 (1) Paragraph 1 of Schedule 24 to FA 2007 (penalties for errors) is amended as follows.
- (2) In the Table, after the second entry relating to VAT insert—

“VAT

Return under a special scheme.”

- (3) Before sub-paragraph (5) insert—

- “(4A) In this paragraph “return under a special scheme” means any of the following, so far as relating to supplies of services treated as made in the United Kingdom—
- (a) a special accounting return under paragraph 11 of Schedule 3B;
 - (b) a value added tax return submitted under any provision of the law of a member State other than the United Kingdom which implements Article 364 of the VAT Directive (as substituted by Article 5(11) of the Amending Directive);
 - (c) a value added tax return submitted under any provision of the law of a member State other than the United Kingdom which implements Article 369f of the VAT Directive (as inserted by Article 5(15) of the Amending Directive).
- (4B) A value added tax return mentioned in paragraph (b) or (c) of sub-paragraph (4A) is regarded for the purposes of sub-paragraph (1) as given

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to HMRC when it is submitted to the authority to whom it is required to be submitted.

(4C) In sub-paragraph (4A)—

“the VAT Directive” means Directive 2006/112/EC;

“the Amending Directive” means Council Directive 2008/8/EC.”

20 (1) FA 2009 is amended as follows.

(2) In section 101 (late payment interest on sums due to HMRC), after subsection (9) insert—

“(10) The reference in subsection (1) to amounts payable to HMRC includes—

(a) amounts of UK VAT payable under a non-UK special scheme;

(b) amounts of UK VAT payable under a special scheme;

and references in Schedule 53 to amounts due or payable to HMRC are to be read accordingly.

(11) In subsection (10)—

(a) expressions used in paragraph (a) have the meaning given by paragraph 23(1) of Schedule 3B to VATA 1994 (non-Union scheme);

(b) expressions used in paragraph (b) have the meaning given by paragraph 38(1) of Schedule 3BA to VATA 1994 (Union scheme).”

(3) In section 108 (suspension of penalties during currency of agreement for deferred payment), in the Table in subsection (5), in the entry relating to value added tax, in the second column, after “1994” insert, “or under paragraph 16F of Schedule 3B, or paragraph 26 of Schedule 3BA, to that Act”.

21 (1) Schedule 10 to F(No.3)A 2010 (which prospectively amends Schedule 55 to FA 2009, which provides for penalties for failure to make returns) is amended as follows.

(2) In paragraph 2—

(a) after sub-paragraph (2) insert—

“(2A) In sub-paragraph (4), in the definition of “filing date”, at the end insert “(or, in the case of a return mentioned in item 7AA or 7AB of the Table, to the tax authorities to whom the return is required to be delivered)”.”;

(b) in the words inserted by sub-paragraph (4), after item 7A, insert—

“7AA	Value added tax	Relevant non-UK return (as defined in paragraph 20(3) of Schedule 3BA to VATA 1994)
7AB	Value added tax	Relevant special scheme return (as defined in paragraph 16(3) of Schedule 3B to VATA 1994)”.

(3) In paragraph 7, in the inserted paragraph 13A(1), for “7A, 7B” substitute “7A to 7B”.

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22 (1) Schedule 11 to F(No.3)A 2010 (which prospectively amends Schedule 56 to FA 2009, which provides for penalties for failure to make payments) is amended as follows.

(2) In paragraph 2(7), in the inserted words, after item 6B insert—

“6BA	Value added tax	Amount payable under relevant special scheme return (as defined in paragraph 16(3) of the law of the member State Schedule 3B to VATA 1994) (except an amount falling within item 13A, 13AA, 13AB, 23 or 24)	The date by which the amount must be paid under special scheme
6BB	Value added tax	Amount payable under relevant non-UK return (as defined in paragraph 20(3) of the law of the member State Schedule 3BA to VATA 1994) (except an amount falling within item 13A, 13AA, 13AB, 23 or 24)	The date by which the amount must be paid under non-UK special scheme”

(3) In paragraph 2(9), in the inserted words, after item 13A insert—

“13AA	Value added tax	Amount assessed under section 73(1) of VATA 1994, by virtue of paragraph 16 of Schedule 3B to that Act, in the absence of a value added tax return (as defined in paragraph 23(1) of that Schedule)	The date by which the amount would have been required to be paid under the law of the member State under whose law the return was required
13AB	Value added tax	Amount assessed under section 73(1) of VATA 1994, by virtue of paragraph 20 of Schedule 3BA to that Act, in the absence of a relevant non-UK return (as defined in paragraph 38(1) of that Schedule)	The date by which the amount would have been required to be paid under the law of the member State under whose law the return was required”

(4) In paragraph 2(13)(a), in the substituted words, after “6A,” insert “6BA, 6BB,”.

(5) In paragraph 2(14)(a), in the substituted words, after “6A,” insert “6BA, 6BB,”.

(6) In paragraph 7, in the inserted paragraph 8A(1), after “6A,” insert “6BA, 6BB,”.