



Finance Act 2001

2001 CHAPTER 9

PART 4

OTHER TAXES

Value added tax

98 VAT: museums and galleries

- (1) The Value Added Tax Act 1994 (c. 23) is amended as follows.
- (2) After section 33 insert—

“33A Refunds of VAT to museums and galleries

- (1) Subsections (2) to (5) below apply where—
 - (a) VAT is chargeable on—
 - (i) the supply of goods or services to a body to which this section applies,
 - (ii) the acquisition of any goods by such a body from another member State, or
 - (iii) the importation of any goods by such a body from a place outside the member States,
 - (b) the supply, acquisition or importation is attributable to the provision by the body of free rights of admission to a relevant museum or gallery, and
 - (c) the supply is made, or the acquisition or importation takes place, on or after 1st April 2001.
- (2) The Commissioners shall, on a claim made by the body in such form and manner as the Commissioners may determine, refund to the body the amount of VAT so chargeable.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2001, Section 98. (See end of Document for details)

- (3) The claim must be made before the end of the claim period.
- (4) Subject to subsection (5) below, “the claim period” is the period of 3 years beginning with the day on which the supply is made or the acquisition or importation takes place.
- (5) If the Commissioners so determine, the claim period is such shorter period beginning with that day as the Commissioners may determine.
- (6) Subsection (7) below applies where goods or services supplied to, or acquired or imported by, a body to which this section applies that are attributable to free admissions cannot conveniently be distinguished from goods or services supplied to, or acquired or imported by, the body that are not attributable to free admissions.
- (7) The amount to be refunded on a claim by the body under this section shall be such amount as remains after deducting from the VAT related to the claim such proportion of that VAT as appears to the Commissioners to be attributable otherwise than to free admissions.
- (8) For the purposes of subsections (6) and (7) above—
 - (a) goods or services are, and VAT is, attributable to free admissions if they are, or it is, attributable to the provision by the body of free rights of admission to a relevant museum or gallery;
 - (b) the VAT related to a claim is the whole of the VAT chargeable on—
 - (i) the supplies to the body, and
 - (ii) the acquisitions and importations by the body, to which the claim relates.
- (9) The Treasury may by order—
 - (a) specify a body as being a body to which this section applies;
 - (b) when specifying a body under paragraph (a), specify any museum or gallery that, for the purposes of this section, is a “relevant” museum or gallery in relation to the body;
 - (c) specify an additional museum or gallery as being, for the purposes of this section, a “relevant” museum or gallery in relation to a body to which this section applies;
 - (d) when specifying a museum or gallery under paragraph (b) or (c), provide that this section shall have effect in the case of the museum or gallery as if in subsection (1)(c) there were substituted for 1st April 2001 a later date specified in the order.
- (10) References in this section to VAT do not include any VAT which, by virtue of any order under section 25(7), is excluded from credit under that section.”

^{F1}(3)

(4) Section 79 (repayment supplements) is amended in accordance with subsections (5) to (7).

(5) In subsection (1) (entitlement to supplement), after paragraph (b) insert—

“, or

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- (c) a body which is registered and to which section 33A applies is entitled to a refund under that section.”.
- (6) In subsection (5) (how supplement to be treated), after paragraph (b) insert—
- “, and
- (c) a supplement paid to any body under subsection (1)(c) shall be treated as an amount due to it by way of refund under section 33A.”
- (7) In subsection (6)(b) (meaning of “requisite return or claim”), after “section 33” insert “ or (as the case may be) the Commissioners’ determination under, and the provisions of, section 33A. ”.
- (8) In section 90(3) (VAT not to be refunded if it is repayable under the Provisional Collection of Taxes Act 1968 (c. 2)), after “section 33,” insert “ 33A, ”.
- (9) In Note (9) of Group 14 of Schedule 9 (no entitlement to both exemption and refund), after “33,” insert “ 33A, ”.
- (10) Subject to subsection (11), this section comes into force on 1st September 2001.
- (11) For the purpose only of the exercise of the power to make orders under the section 33A(9) inserted by this section, this section comes into force on the day on which this Act is passed.

Textual Amendments

F1 S. 98(3) repealed (19.7.2007) by [Finance Act 2007 \(c. 11\)](#), [Sch. 27 Pt. 5\(5\)](#)

Commencement Information

I1 S. 98 wholly in force; s. 98 in force at Royal Assent for specified purposes, otherwise in force at 01.09.2001, see s. 98(10)

Changes to legislation:

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