
STATUTORY INSTRUMENTS

2004 No. 1929

VALUE ADDED TAX

**The Value Added Tax (Disclosure of
Avoidance Schemes) Regulations 2004**

<i>Made</i>	- - - -	<i>22nd July 2004</i>
<i>Laid before the House of Commons</i>	- - - -	<i>22nd July 2004</i>
<i>Coming into force</i>	- -	<i>1st August 2004</i>

The Commissioners of Customs and Excise, in exercise of the powers conferred on them by paragraphs 6(2) and (3), 9(1) and 13 of Schedule 11A to the Value Added Tax Act 1994⁽¹⁾ hereby make the following regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Value Added Tax (Disclosure of Avoidance Schemes) Regulations 2004 and come into force on 1st August 2004.

(2) In these Regulations “Schedule 11A” means Schedule 11A to the Value Added Tax Act 1994.

Time of notification

2.—(1) Where paragraph 6(1)(a) of Schedule 11A applies (VAT return affected by a notifiable scheme), the time prescribed for the purposes of paragraph 6(2) and (3) of that Schedule (duty to notify Commissioners) is the 30th day from the end of the last day specified by or under regulation 25 of the Value Added Tax Regulations 1995⁽²⁾ for making the return.

(2) Where paragraph 6(1)(b) of Schedule 11A applies (claim for repayment of output tax or an increase in credit for input tax based on a scheme), the time prescribed for the purposes of paragraph 6(2) and (3) of that Schedule is the 30th day from the end of the date the claim is made.

(3) Paragraph (1) does not apply where the beginning of the prescribed accounting period for which the VAT return is made is earlier than the date these Regulations come into force.

(4) Paragraph (2) does not apply where the beginning of any prescribed accounting period in respect of which the claim is made is earlier than the date these Regulations come into force.

(1) 1994 c. 23; Schedule 11A was inserted by the Finance Act 2004 (c. 12). See section 96 of the Act for the definitions of “prescribed” and “regulations”.
(2) S.I.1995/2518, relevant amending instruments are S.I. 2000/258 and S.I. 2000/794.

Form and manner of notification

3. Notification of a scheme pursuant to paragraph 6(2) or 6(3) of Schedule 11A shall be made in such form and manner as may be specified in a notice published by the Commissioners and not withdrawn by a further notice.

Information to be notified

4.—(1) For the purposes of paragraph 6(3) of Schedule 11A (duty to notify the Commissioners of a scheme other than a designated scheme) and paragraph 9(1) of that Schedule (voluntary notification of scheme) the following information is prescribed—

- (a) any provision designated in accordance with paragraph 4 of Schedule 11A (designation of provisions included in or associated with avoidance schemes) which is included in or associated with the scheme;
- (b) how the scheme gives rise to a tax advantage, including, insofar as material to the tax advantage—
 - (i) a description of each arrangement, transaction or series of transactions;
 - (ii) their sequence;
 - (iii) their timing, or the intervals between them; and
 - (iv) the goods or services involved;
- (c) how the involvement of any party to the scheme contributes to the obtaining of the tax advantage; and
- (d) any provision having the force of law in the United Kingdom or elsewhere relied upon as giving rise to the tax advantage.

(2) A tax advantage is considered to have been obtained or to be obtained and any arrangement, transaction or series of transactions is considered to have taken place or to take place provided a taxable person has treated or intends to treat it as having been obtained or taken place for the purposes of—

- (a) a return required under the Value Added Tax Act 1994; or
- (b) a claim for repayment of output tax or an increase in credit for input tax.

New King's Beam House 22 Upper Ground
London SE1 9PJ
22nd July 2004

T D Byrne
Commissioner of Customs and Excise

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 1st August 2004, prescribe the time within which information concerning VAT avoidance schemes which are notifiable under Schedule 11A of the Value Added Tax Act 1994 must be provided to the Commissioners of Customs and Excise; they make provision for the form and manner of notification to be specified in a public notice published by the Commissioners; and they prescribe the information to be provided in respect both of schemes which must be notified and also of schemes which are voluntarily notified under Schedule 11A.

Regulation 2, which prescribes when information concerning notifiable schemes must be provided to the Commissioners, does not apply where the claimed tax advantage arising from a scheme relates to a prescribed accounting period which begins before the coming into force of these Regulations.