

2010 No. 486

VALUE ADDED TAX

The Value Added Tax (Construction of Buildings) Order 2010

<i>Made</i> - - - -	<i>1st March 2010</i>
<i>Laid before the House of Commons</i>	<i>1st March 2010</i>
<i>Coming into force</i> - -	<i>1st April 2010</i>

The Treasury make the following order in exercise of the powers conferred by section 30(4) and 96(9) of the Value Added Tax Act 1994(a):

Citation and commencement

1. This Order may be cited as the Value Added Tax (Construction of Buildings) Order 2010 and shall come into force on 1st April 2010.

Amendment of Group 5 of Schedule 8 to the Value Added Tax Act 1994

2.—(1) In Note 21(b) of Group 5 of Schedule 8 to the Value Added Tax Act 1994 (construction of buildings, etc)—

(a) before paragraph (a) insert—

“(za) a private registered provider of social housing.”(c),

(b) in paragraph (a), after “1996” insert “(Welsh registered social landlords)”, and

(c) for paragraph (b) substitute—

“(b) a registered social landlord within the meaning of the Housing (Scotland) Act 2001 (asp 10) (Scottish registered social landlords), or”.

(2) Until the coming into force of provision defining “private registered provider of social housing” in enactments and instruments generally, that expression in Note 21 of Group 5 of Schedule 8 to the Value Added Tax Act 1994 means persons listed in the register of providers of social housing maintained under Chapter 3 of Part 2 of the Housing and Regeneration Act 2008(d) who are not local authorities within the meaning of the Housing Associations Act 1985(e).

(a) 1994 c. 23.

(b) Group 5 was substituted by S.I. 1995/280, and Note 21 was later substituted by S.I. 1997/50.

(c) It is anticipated that, with effect from 1 April 2010, provision to define “private registered provider of social housing” in enactments and instruments generally will be made by the Housing and Regeneration Act 2008 (c. 17) as amended by the Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (see paragraph 5 of Schedule 1 and paragraph 1 of Schedule 2 to that Order). Until the coming into force of such provision, the expression is defined by article 2(2).

(d) 2008 c. 17.

(e) 1985 c. 69.

*Dave Watts
Tony Cunningham*

1st March 2010

Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Note 21 of Group 5 of Schedule 8 to the Value Added Tax Act 1994 (c. 23), with effect from 1st April 2010.

By virtue of item 3 of Group 5, certain supplies to relevant housing associations (“RHAs”) are zero rated for the purposes of value added tax. The definition of RHAs, for the purposes of item 3, is in Note 21 of Group 5 and includes registered social landlords within the meaning of Part 1 of the Housing Act 1996 (c. 52). The system of registered social landlords under that Part was established in England and Wales. Part 2 of the Housing and Regeneration Act 2008 (c. 17) replaces the system in England and preserves it in Wales. Article 2(1)(a) inserts Note 21(za) so that the definition of RHAs includes private registered providers of social housing under the new system for England. Article 2(1)(b) of the Order amends Note 21(a) to indicate that the system under Part 1 of the Housing Act 1996 continues in Wales. In relation to Scotland, article 2(1)(c) amends Note 21(b) to refer to registered social landlords under the Housing (Scotland) Act 2001 (asp 10). Article 2(2) defines “private registered provider of social housing” until the coming into force of provision defining that expression in enactments and instruments generally.

A full Impact Assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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