



Finance (No. 2) Act 2023

2023 CHAPTER 30

PART 7

MISCELLANEOUS AND FINAL

Administration

334 Late payment interest on value added tax

- (1) In the Finance Act 2009, Sections 101 and 102 (Value Added Tax) (Late Payment Interest and Repayment Interest) (Exceptions and Consequential Amendments) Order 2022 ([S.I. 2022/1298](#)), in Part 2 (exceptions), before article 2 insert—

“1A Exception from section 101 of the Finance Act 2009 - late payment interest

- (1) Section 101 of the Finance Act 2009 (late payment interest on sums due to HMRC) does not apply to annual accounting scheme instalments.
- (2) In paragraph (1) “annual accounting scheme instalment” means an amount payable to HMRC by virtue of regulation 50(2)(a) of the VAT Regulations.”
- (2) In Part 2 of Schedule 53 to FA 2009 (late payment interest start date), after paragraph 11 insert—

“VAT due after excess payment or credit from HMRC

- 11ZA (1) This paragraph applies to any amount of value added tax which is due and recoverable from a person by virtue of—
- (a) section 73(9) of VATA 1994, in relation to an amount assessed and notified to the person under subsection (2) of that section, or
 - (b) section 80C(1) of that Act.

Status: This is the original version (as it was originally enacted).

- (2) The late payment interest start date in respect of that amount is the date on which HMRC paid or credited that amount to the person.”
- (3) Where, ignoring this subsection, the late payment interest start date in respect of an amount would, by virtue of paragraph 11ZA of Schedule 53 to FA 2009 (inserted by subsection (2)), be a date before 15 March 2023, the late payment interest start date in respect of that amount is instead 15 March 2023.
- (4) The amendment made by subsection (1) is treated as having been made under section 101(2)(c) of FA 2009 (power to specify descriptions of amounts payable to HMRC that are not subject to late payment interest).
- (5) This section is treated as having come into force on 15 March 2023.