
STATUTORY INSTRUMENTS

1993 No. 3027

VALUE ADDED TAX

**The Value Added Tax (General)
(Amendment) (No.7) Regulations 1993**

Made - - - - *6th December 1993*
Laid before the House of
Commons - - - - *7th December 1993*
Coming into force - - *1st January 1994*

The Commissioners of Customs and Excise, in exercise of the powers conferred on them by sections 24(1) and 46B(2), (3) and (4) of, and paragraph 6(4) and (9) of Schedule 7 to, the Value Added Tax Act 1983(1) and of all other powers enabling them in that behalf, hereby make the following Regulations:

1. These Regulations may be cited as the Value Added Tax (General) (Amendment) (No.7) Regulations 1993 and shall come into force on 1st January 1994.
2. The Value Added Tax (General) Regulations 1985(2) shall be amended as follows.
3. In regulation 40(3)–
 - (a) sub-paragraphs (a), (b), (c) and (e) of paragraph (1) and paragraph (4) shall be omitted;
 - (b) for paragraph (2) there shall be substituted the following–

“(2) The following Articles shall be excepted from the Community legislation which is to apply as mentioned in section 24(1) of the Act–

 - (a) in Council Regulation (EEC) No. 2913/92(4) establishing the Community Customs Code–
 - (i) Articles 126 to 128 (drawback system of inward processing)
 - (ii) Articles 130 to 136 (processing for free circulation),

(1) 1983 c. 55; section 24 was amended by section 14(2) of, and paragraph 25 of Schedule 3 to, the Finance (No.2) Act 1992 (c. 48); section 46B was inserted by paragraph 44 of that Schedule; section 48(1) defines “the Commissioners” as meaning the Commissioners of Customs and Excise and “regulations” as meaning regulations made by the Commissioners; paragraph 6(4) of Schedule 7 was amended by section 16(1) of the Finance Act 1984 (c. 43) and paragraph 6(9) of that Schedule was inserted by section 74(1) of, and paragraph 4 of Schedule 4 to, the Debtors (Scotland) Act 1987 (c. 18).

(2) S.I.1985/886.

(3) Regulation 40 was amended by S.I. 1992/3102.

(4) OJ No. L 302, 19.10.1992, p. 1.

- (iii) Article 137 so far as it relates to partial relief on temporary importation, and Article 142,
 - (iv) Articles 145 to 160 (outward processing),
 - (v) Articles 185 to 187 (returned goods),
 - (vi) Article 229(b) (interest payable on a customs debt);
 - (b) in Commission Regulation (EEC) No. 2454/93(5) which contains provisions implementing the Community Customs Code—
 - (i) Articles 624 to 647 (drawback system of inward processing)
 - (ii) Articles 650 to 669 (processing for free circulation),
 - (iii) Article 690 (partial relief on temporary importation),
 - (iv) Articles 748 to 787 (outward processing),
 - (v) Articles 844 to 856 and 882 (returned goods).”.
4. In regulation 57F(6)—
- (a) for “Council Regulation (EEC) No. 4151/88”(7) in paragraph (1) there shall be substituted “Council Regulation (EEC) No. 2913/92(8), Commission Regulation (EEC) No. 2454/93”(5);
 - (b) for the words after “contained in” in paragraph (2) there shall be substituted “Council Regulation (EEC) No. 2913/92(8) and Commission Regulation (EEC) No. 2454/93(5) shall be completed”.
5. In regulation 57G(9), for the words after “the internal Community transit procedure” there shall be substituted “described in Council Regulation (EEC) No. 2913/92(8) and Commission Regulation (EEC) No. 2454/93(5) shall apply”.
6. In regulation 57J(10), for the words after “the provisions” there shall be substituted “relating to the export of goods to a place outside the customs territory of the Community contained in Council Regulation (EEC) No. 2913/92(8) and Commission Regulation (EEC) No. 2454/93(5) shall apply for the purpose of ensuring the correct application of the zero-rate of tax to such goods”.
7. For regulation 65(11) there shall be substituted the following—
- “65.—(1) If upon written demand a person neglects or refuses to pay tax which he is required to pay under the Act or any order or any regulation made thereunder or to pay any amount recoverable as if it were tax, a Collector or an officer of rank not below that of Higher Executive Officer may distrain on the goods and chattels of that person and by warrant signed by him direct any authorised person to levy such distress, provided that where an amount of tax is due under paragraph 4(9) of Schedule 7 to the Act(12) (other

(5) OJ No. L 253, 11.10.1993, p. 1.

(6) Regulation 57F was inserted by S.I. 1992/3102.

(7) OJ No. L 367, 31.12.1988, p. 1.

(8) OJ No. L 302, 19.10.1992, p. 1.

(5) OJ No. L 253, 11.10.1993, p. 1.

(8) OJ No. L 302, 19.10.1992, p. 1.

(5) OJ No. L 253, 11.10.1993, p. 1.

(9) Regulation 57G was inserted by S.I. 1992/3102.

(8) OJ No. L 302, 19.10.1992, p. 1.

(5) OJ No. L 253, 11.10.1993, p. 1.

(10) Regulation 57J was inserted by S.I. 1992/3102.

(8) OJ No. L 302, 19.10.1992, p. 1.

(5) OJ No. L 253, 11.10.1993, p. 1.

(11) Regulation 65 was amended by S.I. 1985/1650, 1986/305, 1987/1916, 1992/2868.

(12) Paragraph 4(9) of Schedule 7 was amended by section 15 of the Finance Act 1988 (c. 39).

than an amount assessed as due under paragraph 4(1) of the said Schedule upon failure by a person to make a return) no distress shall be levied until thirty days after that amount became due.

(2) A levy shall be executed by or under the direction of, and in the presence of, the authorised person.

(3) A person in respect of whose goods and chattels a warrant has been signed shall be liable for all costs and charges in connection with anything done under this regulation.

(4) If the person aforesaid does not pay the sum due together with the costs and charges within five days of a levy, the distress shall be sold by the authorised person for payment of the sums due and all costs and charges; and costs and charges of taking, keeping and selling the distress shall be retained by the authorised person and any surplus remaining after the deduction of the costs and charges and of the sum due shall be restored to the owner of the goods distrained.”.

8. In regulation 66(a) and (b)(**13**), for the words “Senior Executive Officer” there shall be substituted the words “Higher Executive Officer”.

New King’s Beam House 22 Upper Ground
London SE1 9PJ
6th December 1993

E. Woods
Commissioner of Customs and Excise

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 1st January 1994, further amend the [Value Added Tax \(General\) Regulations 1985 \(No. 886\)](#) (the principal Regulations).

Regulation 3 amends regulation 40 of the principal Regulations which prescribes the Community legislation which is excepted from applying as mentioned in section 24(1) of the Value Added Tax Act 1983 (c. 55).

Regulations 4, 5 and 6 amend regulations 57F, 57G and 57J respectively of the principal Regulations. The effect of the amendments is to substitute for references to provisions of Community legislation which are to be repealed from 1st January 1994, corresponding provisions which are to come into effect from that date.

Regulation 7 substitutes a new regulation 65 in the principal Regulations in relation to distress. Distress may now be levied by an officer of rank not below that of Higher Executive Officer and he may also direct any authorised person to levy. Provision is made for the debtor to be liable for all costs and charges in connection with the distress, whether a levy is made or not. The requirement for independent appraisal of the goods and for sale only by public auction has been removed.

Regulation 8 amends regulation 66 of the principal Regulations in relation to diligence. In Scotland, an application by the Commissioners of Customs and Excise to the Sheriff for a warrant relating to diligence may now be made on their behalf by an officer of rank not below that of Higher Executive Officer and certain acts which the Commissioners are entitled to do as a creditor during the course of a pouding and sale may now be done on their behalf by such an officer.