
STATUTORY INSTRUMENTS

1995 No. 279

The Value Added Tax (Buildings and Land) Order 1995

4. In paragraph 3—

(a) In sub-paragraph (3) for the words “parades, precincts and complexes divided into separate units” there shall be substituted “complexes consisting of a number of units grouped around a fully enclosed concourse”;

(b) for sub-paragraphs (4), (5) and (6) there shall be substituted the following—

“(4) Subject to sub-paragraph (5) below, an election under paragraph 2 above shall be irrevocable.

(5) Where—

(a) the time that has elapsed since the day on which an election had effect is—

(i) less than 3 months; or

(ii) more than 20 years;

(b) in a case to which paragraph (a)(i) above applies—

(i) no tax has become chargeable and no credit for input tax has been claimed by virtue of the election; and

(ii) no grant in relation to the land which is the subject of the election has been made which, by virtue of being a supply of the assets of a business to a person to whom the business (or part of it) is being transferred as a going concern, has been treated as neither a supply of goods nor a supply of services; and

(c) the person making the election obtains the written consent of the Commissioners;

the election shall be revoked, in a case to which paragraph (a)(i) above applies, from the date on which it was made, and in a case to which paragraph (a)(ii) above applies, from the date on which the written consent of the Commissioners is given or such later date as they may specify in their written consent.

(6) An election under paragraph 2 above shall have effect after 1st March 1995 only if—

(a) in the case of an election made before that date—

(i) it also had effect before that date; or

(ii) written notification of the election is given to the Commissioners not later than the end of the period of 30 days beginning with the day on which the election was made, or not later than the end of such longer period beginning with that day as the Commissioners may in any particular case allow, together with such information as the Commissioners may require;

(b) in the case of an election made on or after that date—

(i) written notification of the election is given to the Commissioners not later than the end of the period of 30 days beginning with the day on which the election is made, or not later than the end of such longer period beginning

Status: This is the original version (as it was originally made).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

with that day as the Commissioners may in any particular case allow, together with such information as the Commissioners may require; and

- (ii) in a case in which sub-paragraph (9) below requires the prior written permission of the Commissioners to be obtained, that permission has been given.”;
- (c) after sub-paragraph (7) there shall be inserted—
 - “(7A) In paragraph 2 above—
 - (a) “houseboat” means a houseboat within the meaning of Group 9 of Schedule 8; and
 - (b) a houseboat is not a residential houseboat if residence in it throughout the year is prevented by the terms of a covenant, statutory planning consent or similar permission.”;
- (d) in sub-paragraph (9) after the word “unless” there shall be inserted “the conditions for automatic permission specified in a notice published by the Commissioners are met or”.