
STATUTORY INSTRUMENTS

1995 No. 3038

VALUE ADDED TAX

The Value Added Tax (Place of Supply of Services) (Amendment) Order 1995

Made - - - - 28th November 1995
Laid before the House of Commons - - - - 28th November 1995
Coming into force - - 1st January 1996

The Treasury, in exercise of the powers conferred on them by section 7(11) of the Value Added Tax Act 1994⁽¹⁾ and of all other powers conferred on them in that behalf, hereby make the following Order:

1. This Order may be cited as the Value Added Tax (Place of Supply of Services) (Amendment) Order 1995 and shall come into force on 1st January 1996.

2. The Value Added Tax (Place of Supply of Services) Order 1992⁽²⁾ shall be amended in accordance with the following provisions of this Order.

3. In Article 2 for “Value Added Tax Act 1983”⁽³⁾ there shall be substituted “Value Added Tax Act 1994”.

4. In Article 14—

(a) at the end of paragraph (a) “or” shall be deleted;

(b) after paragraph (a) there shall be inserted—

“(aa) consists of the valuation of, or work carried out on, any goods, provided the goods do not thereafter remain in the United Kingdom; or”.

5. In Article 15(d) after the words “any goods,” there shall be inserted “save as provided by Article 14 above,”.

6. In Article 16—

(a) for “paragraphs 1 to 7 of Schedule 3” there shall be substituted “paragraphs 1 to 8 of Schedule 5”; and

(b) for paragraph (b) there shall be substituted—

(1) 1994 c. 23.
(2) S.I.1992/3121.
(3) 1983 c. 55.

Status: This is the original version (as it was originally made).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

- “(b) is a person who belongs in a member State, but in a country other than that in which the supplier belongs, and who—
- (i) receives the supply for the purpose of a business carried on by him; and
 - (ii) is not treated as having himself supplied the services by virtue of section 8 of the Act,
- it shall be treated as made where the recipient belongs.”.

28th November 1995

Derek Conway
Simon Burns
Two of the Lords Commissioners of Her
Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends, with effect from 1st January 1996, the Value Added Tax (Place of Supply of Services) Order 1992 (“the principal Order”).

Articles 4 and 5 amend the principal Order as a consequence of the amendment of Article 28(b) of Council Directive [77/388/EEC](#) (OJNo. L145, 13.6.1977, p.1) (“the Sixth VAT Directive”) by Council Directive [95/7/EC](#) (OJ No. L102, 5.5.1995, p.18) (“the Second VAT Simplification Directive”). The effect of this is to move in certain circumstances the place of supply of valuations of, or work on, goods, from the place where the services are physically performed to the customer’s member State.

Article 6 removes the requirement in Article 16(b)(ii) of the principal Order, that business customers belonging in another member State must have a VAT registration number in that member State before certain services listed in Schedule 5 to the Value Added Tax Act 1994 are treated as supplied where the customer belongs.

In addition, the opportunity has been taken to substitute references to the provisions of the Value Added Tax Act 1994 for references to the Value Added Tax Act 1983.