
STATUTORY INSTRUMENTS

2008 No. 1482

**The Value Added Tax, etc (Correction
of Errors, etc) Regulations 2008**

Citation and commencement

1. These Regulations may be cited as the Value Added Tax, etc (Correction of Errors, etc) Regulations 2008 and come into force on 1st July 2008.

Value added tax

2.—(1) In regulation 34(3) of the Value Added Tax Regulations 1995(1) (the VAT Regulations) for “£2,000” substitute “£50,000”, then after “regulation.” start a new line and continue—

“But if Box 6 of the taxable person’s return for the prescribed accounting period must contain a total less than £5,000,000, the difference must not for these purposes exceed 1% of that total unless the difference is less than £10,000.

(Box 6 must contain the total value of sales and all other outputs excluding any VAT – see regulation 25 and Schedule 1 Forms 4 and 5.)”.

(2) These amendments only have effect in relation to the overstatements or understatements of liability to VAT in regulation 34(3) of the VAT Regulations which taxable persons first discover during their prescribed accounting periods that begin on 1st July 2008 or later.

(See regulations 34(1) to 34(3) of the VAT Regulations for the meaning carried by “overstatements or understatements”; sections 96(1) and 3 of the Value Added Tax Act 1994(2) for, respectively, “VAT” and “taxable person”; regulations 2(1), 25 and 99(1) of the VAT Regulations for the meaning carried by “prescribed accounting period”.)

Insurance premium tax

3.—(1) In regulation 13(3) of the Insurance Premium Tax Regulations 1994(3) (the IPT Regulations)—

- (a) for each “£2,000”, substitute “£50,000”;
- (b) for “the box opposite the legend “Overdeclarations from previous periods””, substitute “Boxes 6 to 8 (overdeclarations), as appropriate,”;
- (c) for “the box opposite the legend “Underdeclarations from previous periods””, substitute “Boxes 3 and 4 (underdeclarations), as appropriate,”;
- (d) then, after “accordingly.”, start a new line and continue—

“But if Box 10 of the registrable person’s return for the accounting period requires an entry for net value of taxable premiums (excluding tax) that is less than £5,000,000 (see regulation 12 and Forms 4 and 5 in the Schedule), the total mentioned in sub-paragraph (a)

(1) S.I. 1995/2518; relevant amending instruments are S.I. 1997/1086, 2000/258, 2000/794, 2002/1074, 2004/1675, 2004/3140, 2007/768.
(2) 1994 c. 23; section 3 was amended by the Finance Act 2000 (c. 17) section 136(1).
(3) S.I. 1994/1774, amended by S.I. 1997/1157; there are other amending instruments but none is relevant.

or (b) must not for these purposes exceed 1% of that net value unless the respective total is less than £10,000.”.

(2) In regulation 13(4) of the IPT Regulations, omit in both places “not exceeding £2,000”.

(3) Substitute the forms in Schedule 1 as, respectively, Form 4 (IPT 100) and Form 5 (IPT 100L) in the Schedule to the IPT Regulations (insurance premium tax returns).

(4) The amendments in paragraphs (1) and (2) only have effect in relation to the overdeclarations or underdeclarations in regulation 13(3) of the IPT Regulations which registrable persons first discover in their accounting periods that begin on 1st July 2008 or later.

Those in paragraph (3) only have effect in respect of or as regards accounting periods that begin on 1st July 2008 or later.

(See regulation 13(1) of the IPT Regulations for the meaning of “overdeclaration” and “underdeclaration”; section 73(3A) of the Finance Act 1994⁽⁴⁾ for “registrable person”; regulation 2(1) of the IPT Regulations for the meaning of “accounting period”.)

Air passenger duty

4.—(1) Substitute the form in Schedule 2 for the one set out in Schedule 3 to the Air Passenger Duty Regulations 1994⁽⁵⁾ (the APD Regulations) (Form APD 2 – air passenger duty return).

(2) This amendment only has effect in relation to accounting periods that end on 31st July 2008 or later.

(See regulations 2(1) and 9(1) of the APD Regulations for the meaning carried by “accounting period”.)

Landfill tax, climate change levy, aggregates levy

5.—(1) Omit regulation 13(3) of the Landfill Tax Regulations 1996⁽⁶⁾ (the LT Regulations).

(2) Insert “overdeclarations or”—

(a) in regulation 13(4)(a) of the LT Regulations after “more”;

(b) in regulation 13(4)(b) of the LT Regulations, in each place, after “those”;

(c) in the full out words to regulation 13(4) of the LT Regulations after “enter the”.

(3) In regulation 13(4)(b) of the LT Regulations—

(a) for “of any overdeclarations”, substitute “respectively of any underdeclarations or overdeclarations”;

(b) for “£2,000”, substitute “£50,000”.

(4) In regulation 13(4) of the LT Regulations, for everything from “the box opposite” to “general notes)” substitute “Box 2 (underdeclarations) or Box 4 (overdeclarations), as appropriate (see Form 5 in the Schedule)”.

Then start a new line and continue—

“But if the registrable person’s VAT turnover is small, the total mentioned in sub-paragraph (b) must not for these purposes exceed 1% of that turnover unless the total is less than £10,000.

And if that person is not registered for VAT, the total mentioned in sub-paragraph (b) must not for these purposes exceed £10,000.”.

(4) 1994 c. 9; section 73(3A) was inserted by the Finance Act 1997 (c. 16) sections 27(1) and 27(10).

(5) S.I. 1994/1738; relevant amending instrument is S.I. 2001/836.

(6) S.I. 1996/1527, to which there are amendments not relevant to these Regulations.

(5) In regulation 13(5) of the LT Regulations, omit “(3) or”.

(6) Substitute the form in Schedule 3 as Form 5 in the Schedule to the LT Regulations (landfill tax return).

(7) The amendments in paragraphs (1) to (5) (and the related amendment in regulation 8) only have effect in relation to overdeclarations or underdeclarations in regulation 13 of the LT Regulations which registrable persons first discover in their accounting periods that begin on 1st July 2008 or later.

That in paragraph (6) only has effect in relation to returns that relate to periods that begin on 1st July 2008 or later.

(See regulation 13(1) of the LT Regulations for the meaning of “overdeclaration” and “underdeclaration”; section 47(10) of the Finance Act 1996(7) for “registrable person”; regulations 2(1) and 11 of the LT Regulations for the meaning carried by “accounting period” and “return”.)

6.—(1) In regulations 14(2)(b), 17(3)(b) and 28(4) of, and Schedule 1 paragraph 8(2)(b) to, the Climate Change Levy (General) Regulations 2001(8) (the CCL Regulations), for each “£2,000” substitute “£50,000”.

(2) After regulation 28(4) of the CCL Regulations, insert—

“(4A) But if the registrable person’s VAT turnover is small, each aggregate in paragraph (4) must not for those purposes exceed 1% of that turnover unless the aggregate is less than £10,000.

And if that person is not registered for VAT, each aggregate must not for those purposes exceed £10,000.”.

(3) In regulation 28(5) of the CCL Regulations, for “paragraph (4)” substitute “paragraphs (4) and (4A)”.

(4) These amendments (and the related amendment in regulation 8) only have effect in relation to under-calculations or over-calculations respectively in regulations 28(2) and 28(3) of the CCL Regulations which registrable persons first discover in their accounting periods that start on 1st July 2008 or later.

(See regulation 28(4) of the CCL Regulations for the meaning of “under-calculation” and “over-calculation”; regulation 2(1) of the CCL Regulations for the meaning of “registrable person”; regulation 3 of the CCL Regulations for the meaning carried by “accounting period”.)

7.—(1) In regulations 15(4)(b), 18(3)(b) and 29(6) of the Aggregates Levy (General) Regulations 2002(9) (the AL Regulations), for each “£2,000” substitute “£50,000”.

(2) Then, in regulation 29(6) of the AL Regulations, start a new line and continue—

“But if the registrable person’s VAT turnover is small, this total must not for these purposes exceed 1% of that turnover unless the total is less than £10,000.

And if that person is not registered for VAT, the total net amount must not for these purposes exceed £10,000.”.

(3) These amendments (and the related amendment in regulation 8) only have effect in relation to under-calculations or over-calculations respectively in regulations 29(2) and 29(3) of the AL Regulations which registrable persons first discover in their accounting periods that start on 1st July 2008 or later.

(7) 1996 c. 8.

(8) S.I. 2001/838; relevant amending instruments are S.I. 2003/604, 2005/1716.

(9) S.I. 2002/761, to which there are amendments not relevant to these Regulations.

(See regulation 29(4) of the AL Regulations for the meaning of “under-calculation” and “over-calculation”; regulation 2 of the AL Regulations for the meaning of “registrable person”; regulation 5 of the AL Regulations for the meaning carried by “accounting period”.)

8. In regulation 13(4) of the LT Regulations as amended by regulations 5(2) to 5(4), regulation 28(4A) of the CCL Regulations inserted by regulation 6(2), and regulation 29(6) of the AL Regulations as amended by regulations 7(1) and 7(2), in each case after “exceed £10,000.” start a new line and continue—

“The VAT turnover is small only if Box 6 of that person’s value added tax return for the prescribed accounting period in which the discovery is made must contain a total less than £5,000,000 (total value of sales and all other outputs excluding any value added tax).

(See sections 96(1) and 1 of the Value Added Tax Act 1994 for “VAT” and “value added tax”, and sections 96(2) and 3 of and Schedules 1 to 3A to that Act⁽¹⁰⁾ about being registered for VAT; regulations 2(1) and 25 of and Schedule 1 Forms 4 and 5 to the Value Added Tax Regulations 1995 for the meaning carried by “Box 6” and “return”; sections 96(1) and 25(1) of that Act and regulations 2(1), 25 and 99(1) of those Regulations for the meaning carried by “prescribed accounting period”; section 24(2) of that Act for “output tax”).”

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⁽¹⁰⁾ 1994 c. 23; section 3 was amended by the Finance Act 2000 (c. 17) section 136(1), and Schedule 3A was inserted by section 136(8) of and Schedule 36 to that Act. The Schedules have been amended by the Finance Act 1996 (c. 8) section 26 and Schedule 3 paragraphs 13 to 15, the Finance Act 1997 (c. 16) sections 31, 32 and 113 and Schedule 18 Part 4(1), the Finance Act 2000 section 136, the Finance Act 2003 (c. 14) section 23 and Schedule 2 paragraphs 1 and 3, the Finance Act 2007 (c. 11) section 100(8), and S.I. 2008/707.