

2019 No. 397

EXITING THE EUROPEAN UNION

VALUE ADDED TAX

**The Finance Act 2011, Schedule 23 (Data-gathering Powers)
(Amendment) (EU Exit) Regulations 2019**

Approved by the House of Commons

Made - - - - 28th February 2019

Laid before the House of Commons 1st March 2019

Coming into force in accordance with regulation 1(2)

The Treasury make these Regulations in exercise of the powers conferred by sections 51(1)(a) and section 52(2) of the Taxation (Cross-border Trade) Act 2018(a) (“the Act”).

In accordance with section 51(1)(a) of the Act, the Treasury consider it appropriate in consequence of, or otherwise in connection with, the withdrawal of the United Kingdom from the EU, to make the following provision in relation to value added tax.

In accordance with section 52(2) of the Act, the Treasury consider it appropriate in consequence of, or otherwise in connection with, the withdrawal of the United Kingdom from the EU, for the following Regulations to come into force on such day or days as the Treasury may by regulations under that section appoint.

Citation and Commencement

1.—(1) These Regulations may be cited as the Finance Act 2011, Schedule 23 (Data-gathering Powers) (Amendment) (EU Exit) Regulations 2019.

(2) These Regulations come into force on such day as the Treasury may by regulations under section 52(2) of the Taxation (Cross-border Trade) Act 2018 appoint.

Amendment of Schedule 23 to the Finance Act 2011

2.—(1) Schedule 23 to the Finance Act 2011(b) is amended as follows.

(2) In paragraph 2, after sub-paragraph (1) insert—

(a) 2018 c. 22; section 51(1)(a) permits “the appropriate Minister” to make provision relating to value added tax and under section 51(4)(b) “the appropriate Minister” means the Treasury.

(b) 2011 c. 11.

“(1A) But, in the case of a person who is a relevant data-holder solely as a result of falling within paragraph 15A (postal operators), it may be used only in relation to the discharge of HMRC’s tax functions relating to value added tax.”

(3) After paragraph 15 insert—

“Postal Operators

15A.—(1) A postal operator is a relevant data-holder.

(2) “Postal operator” has the same meaning as in the Value Added Tax (Postal Packets and Amendment) (EU Exit) Regulations 2018(a).”

Rebecca Harris

Jeremy Quin

28th February 2019

Two of the Lords Commissioners of Her Majesty’s Treasury

(a) S.I. 2018/1376. “Postal operator” is defined in regulation 2(1).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in consequence of, or otherwise in connection with, the withdrawal of the United Kingdom from the EU and insert a new paragraph and sub-paragraph into Schedule 23 to the Finance Act 2011 (“Schedule 23”).

Schedule 23 allows HMRC to issue a notice in writing to a relevant data-holder to require that data-holder to provide relevant data. The categories of relevant data-holders are set out in Part 2 of Schedule 23. These Regulations insert a new paragraph 15A into Part 2 to add postal operators as a new category of relevant data-holder. Postal operators are defined in the Value Added Tax (Postal Packets and Amendment) (EU Exit) Regulations 2018 as persons who provide the service of conveying postal packets from one place to another by post, or persons who provide any of the incidental services of receiving, collecting, sorting and delivering postal packets.

The amendment in regulation 2(2) provides that the power to require a postal operator to provide relevant data is only exercisable by HMRC in relation to the discharge of HMRC’s tax functions relating to value added tax.

This instrument will be covered by an overarching HMRC impact assessment (third edition) which will be published and available on the website at <https://www.gov.uk/government/collections/customs-vat-and-excise-regulations-leaving-the-eu-with-no-deal>.

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STATUTORY INSTRUMENTS

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£4.90

67381 05/2019 67381T 19585

<http://www.legislation.gov.uk/id/uksi/2019/397>

ISBN 978-0-11-130049-7



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