



Finance Act 2016

2016 CHAPTER 24

PART 7

VAT

123 VAT: representatives and security

- (1) Section 48 of VATA 1994 (VAT representatives) is amended in accordance with subsections (2) to (11).
- (2) In the heading, at the end insert “ and security ”.
- (3) In subsection (1)—
 - (a) for “Where” substitute “ Subsection (1ZA) applies where ”,
 - (b) in paragraph (c) after “residence” insert “ or permanent address ”, and
 - (c) omit the words after paragraph (c).
- (4) After subsection (1) insert—

“(1ZA) The Commissioners may direct the person to secure that there is a UK-established person who is—

 - (a) appointed to act on the person's behalf in relation to VAT, and
 - (b) registered against the name of the person in accordance with any regulations under subsection (4).”
- (5) In subsection (1B) for paragraphs (a) and (b) substitute—

“(a) section 87 of the Finance Act 2011 (mutual assistance for recovery of taxes etc) and Schedule 25 to that Act;

(b) section 173 of the Finance Act 2006 (international tax enforcement arrangements);”.
- (6) In subsection (2)—
 - (a) in paragraph (a), for the words from “required” to “VAT” substitute “ given a direction under subsection (1ZA) ”,
 - (b) in paragraph (b) for “that subsection” substitute “ subsection (1) ”, and

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- (c) in the words after paragraph (b), for “another” substitute “ a UK-established ”.
- (7) In subsection (2A) for “(1)” substitute “ (1ZA) ”.
- (8) In subsection (4)—
 - (a) omit the “and” at the end of paragraph (a), and
 - (b) after paragraph (b) insert—
 - “(c) give the Commissioners power to refuse to register a person as a VAT representative, or to cancel a person's registration as a VAT representative, in such circumstances as may be specified in the regulations.”
- (9) In subsection (7) for the words from the beginning to the first “him” substitute “ The Commissioners may require a person in relation to whom the conditions specified in paragraphs (a), (b) and (c) of subsection (1) are satisfied ”.
- (10) After subsection (7A) insert—
 - “(7B) A direction under subsection (1ZA)—
 - (a) may specify a time by which it (or any part of it) must be complied with;
 - (b) may be varied;
 - (c) continues to have effect (subject to any variation) until it is withdrawn or the conditions specified in subsection (1) are no longer satisfied.
 - (7C) A requirement under subsection (7)—
 - (a) may specify a time by which it (or any part of it) must be complied with;
 - (b) may be varied;
 - (c) continues to have effect (subject to any variation) until it is withdrawn.”
- (11) After subsection (8) insert—
 - “(8A) For the purposes of subsections (1ZA) and (2)—
 - (a) a person is UK-established if the person is established, or has a fixed establishment, in the United Kingdom, and
 - (b) an individual is also UK-established if the person's usual place of residence or permanent address is in the United Kingdom.”

^{F1}(12)

Textual Amendments

F1 S. 123(12) repealed (31.12.2020) by [Taxation \(Cross-border Trade\) Act 2018 \(c. 22\), s. 57\(3\), Sch. 8 para. 132\(n\)](#) (with savings and transitional provisions in [S.I. 2019/105](#) (as amended by [S.I. 2020/1495](#), regs. 1(2), 21), [S.I. 2020/1545](#), Pt. 4 and [2020 c. 26, Sch. 2 para. 7\(7\)-\(9\)](#)); [S.I. 2020/1642](#), reg. 4(b) (with reg. 7)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 19 para. 12(5)(b) inserted by [2017 c. 32 Sch. 14 para. 49\(2\)\(c\)](#)
- Sch. 19 para. 12(5)(a) word inserted by [2017 c. 32 Sch. 14 para. 49\(2\)\(b\)](#)
- Sch. 19 para. 51(8)(b) words inserted by [2017 c. 32 Sch. 14 para. 48\(2\)](#)
- Sch. 19 para. 53(1) words inserted by [2017 c. 32 Sch. 14 para. 48\(4\)\(a\)](#)
- Sch. 19 para. 53(1) words inserted by [2017 c. 32 Sch. 14 para. 48\(4\)\(b\)](#)
- Sch. 19 para. 12(5)(a) words renumbered as Sch. 19 para. 12(5)(a) by [2017 c. 32 Sch. 14 para. 49\(2\)\(a\)](#)
- Sch. 19 para. 58(1) words substituted by [2017 c. 32 Sch. 14 para. 48\(5\)](#)
- Sch. 20 para. 1(4)(e) inserted by [2021 c. 26 Sch. 27 para. 47\(2\)](#)
- Sch. 20 para. 3(3)(d) and word inserted by [2021 c. 26 Sch. 27 para. 47\(3\)\(b\)](#)
- Sch. 20 para. 5(5) inserted by [2021 c. 26 Sch. 27 para. 47\(5\)](#)
- Sch. 22 para. 2(4B) inserted by [2021 c. 26 Sch. 27 para. 48\(2\)\(c\)](#)
- Sch. 22 para. 3(4A) inserted by [2021 c. 26 Sch. 27 para. 48\(3\)](#)