



VALUE ADDED TAX ACT 1996

**VALUE ADDED TAX ACT 1996 (MUTUAL ASSISTANCE)
(AMENDMENT) ORDER 2004**

Approved by Tynwald

18th February 2004

Coming into operation

1 March 2004

In exercise of the powers conferred on the Treasury by section 96 of the Value Added Tax Act 1996^(a), and of all other powers enabling it in that behalf, the following Order is hereby made:-

Citation and commencement

1. This Order may be cited as the Value Added Tax Act 1996 (Mutual Assistance) (Amendment) Order 2004 and shall come into operation on 1st March 2004.

Amendment

2. The Value Added Tax Act 1996 shall be amended as follows.
3. In section 48(1B) (VAT representatives), for paragraph (b) substitute the following –
“(b) Council Regulation (EC) No. 1798/2003 of 7th October 2003 on administrative cooperation in the field of value added tax and repealing Regulation (EEC) No. 218/92^(b), as it has effect in the Island.”.
4. In section 77A (Mutual assistance) –
 - (a) in paragraphs (2) and (4), for “19 December 1977” to the end substitute “7 October 2003 No. 1798/2003/EC.”; and
 - (b) in paragraph (14), for “19 December 1977 No. 77/799/EEC” substitute “7 October 2003 No. 1798/2003/EC”.

Made this 14th day of January 2004

Minister for the Treasury

^(a) 1996 c.1.

^(b) O.J. L.264, 15.10.2003, p.23.

EXPLANATORY NOTE

(This Note is not part of the Order)

This Order amends section 48 and 77A of the Value Added Tax Act 1996 in order to reflect changes made to the relevant mutual assistance legislation of the European Community.

Section 48 is concerned with VAT representatives and where such representatives are required by businesses registered for VAT in the Island. By subsection (1A) a representative is not required where the business is established in a country or territory that is either a member State, or has provision for mutual assistance with the Island similar in scope to that available between member States.

Section 77A permits mutual assistance in VAT matters with the competent authorities of member States, and allows for the recovery of VAT on behalf of those authorities. In section 77A reference is made on three occasions to Council Directive 77/799/EEC^(c), as extended to VAT by Council Directive 79/1070/EEC^(d). This Directive has now been replaced, insofar as mutual assistance in VAT matters is concerned, by Council Directive 1798/2003/EC^(e) and the three references are updated to take account of this change.

^(c) O.J. L.336, 27.1.1977, p.15.

^(d) O.J. L.331, 27.12.1979, p.8.

^(e) O.J. L.264, 15.10.2003, p.1.