

No. 52

THE VALUE ADDED TAX ORDINANCE 2001

(Ordinance 10 of 2001 as amended by Ordinances 16 of 2002 and 36 of 2002, Public Instrument 18 of 2003 and Ordinances 38 of 2003, 25 of 2004 and 41 of 2004)

**REGULATIONS MADE BY THE ADMINISTRATOR
UNDER SECTION 8(3)**

In exercise of the powers vested in him by section 8(3) of the Value Added Tax Ordinance 2001^(a) as amended by section 7 of the Value Added Tax (Amendment) (No. 2) Ordinance 2004^(b), the Administrator hereby makes the following Regulations:—

1. These Regulations may be cited as the Value Added Tax (Customs Warehousing) (Treatment of Transactions) Regulations 2005.

2. In these Regulations, unless the context otherwise requires—

“eligible goods” has the meaning given to this term by section 13B(6) of the Value Added Tax Ordinance 2001^(c);

“supply” has the meaning given to this term by section 8(2)(a) of the Value Added Tax Ordinance 2001.

3.—(1) A transaction, not being a sale by retail, but which may be the transfer of an indivisible part of the ownership of eligible goods, and which either—

(a) occurs while the goods concerned in the transaction are subject to a customs warehousing regime; or

(b) involves the transferor in taking action to place the goods concerned in the transaction in a customs warehousing regime after that transaction but before any subsequent transaction involving the transfer of ownership of those goods,

shall be treated as a supply of goods and not as a supply of services.

(2) A supply of goods such as is described in paragraph (1) above shall be treated as taking place at the material time, determined in accordance with section 13F(1) of the Value Added Tax Ordinance 2001^(d).

Dated this 16th day of June 2005.

By the Administrator’s Command,
P. D. Draycott,
Chief Officer,
Sovereign Base Areas.

(128/210/14)

(a) Ordinance 10/2001.

(b) Ordinance 41/2004.

(c) Section 13B was inserted by section 12 of Ordinance 41/2004.

(d) Section 13F was inserted by section 12 of Ordinance 41/2004.