VAT UPDATE 2021/22 INDEX

Covering quarterly updates April and July 2021

VAT Update July 2021 Index

INTRODUCTION

This index arranges the material in the update according to type of source (CJEU decision, High Court, Tribunal, new law etc.). If you are looking for a particular word or name, use the "find" function to find it.

This is a cumulative for the year to date. Each January's index will be the final index for the calendar year to 31 December.

INTR	ODUCTION	1
INDE	X BY SOURCE	1
1	HMRC's publications of their views	1
2	Statute and other Parliamentary material	
3	Other UK official material	6
4	Case law: Court of Justice of the European Union	7
5	Other European material	
6	Case law: House of Lords/Supreme Court	11
7	Case law: Court of Appeal/Court of Session	11
8	Case law: High Court/Upper Tribunal	11
9	Case law: VAT Tribunal/First Tier Tribunal	11
10	Other material	12
11.	Lectures	17

INDEX BY SOURCE

1 HMRC's publications of their views

Notice 700/22	Updated their Notice Making Tax Digital for VAT	Jul 21 6.6.1
Notice 700/46	Updated Notice Agricultural Flat Rate Scheme	Apr 21 6.2.3
Notice 700/46	Updated Notice Agricultural Flat Rate Scheme	Jul 21 6.2.1
VAT Notice 701/14	Updated Notice Food products	Jul 21 2.5.2
Notice 701/18	Women's sanitary products eligible for ZR from 1 January 2021	Apr 21 2.4.2
Notice 706	Updated Notice Partial exemption	Apr 21 5.3.1
Notice 706/2	Updated Notice Capital Goods Scheme	Apr 21 5.3.4
Notice 707	Updated VAT Notice 707 on personal exports	Jul 21 4.3.7
Notice 708/6	Updated Notice VAT on Energy- saving materials and heating equipment	Apr 21 2.5.3
Notice 723A	Updated Notice Refunds of UK VAT for non-UK businesses or EU VAT for	Jul 21 4.5.2

	UK businesses to cover EU VAT refunds for UK businesses	
Notice 735	Updated Notice Domestic reverse charge procedure	Apr 21 3.3.1
Revenue & Customs Brief 12/2020	HMRC update policy on cancellation fees and compensation: when finalised it will not be retrospective	Apr 21 2.1.3
Revenue & Customs Brief 3/2021	News Corp decision only affects historic disputes, not ZR products from 1 May 2020	Apr 21 2.4.1
Revenue & Customs Brief 04/2021	Accelerated process for changing partial exemption methods during pandemic	Apr 21 5.3.3
Revenue & Customs Brief 5/2021	Brief on the VAT liability of installation of blinds	Jul 21 3.3.2
Revenue & Customs Brief 6/2021	Brief on juice cleanse programmes following <i>The Core (Swindon) Ltd</i>	Jul 21 2.4.1
Revenue & Customs Brief 7/2021	Brief on VAT liability of charging of electric vehicles	Jul 21 2.5.1
Revenue & Customs Brief 8/2021	HMRC say they will not apply UT decision in <i>Colchester Institute</i> Corporation on grant-funded education until clarified by appeal	Jul 21 2.1.1
Revenue & Customs Brief 9/2021	Brief on daycare services following LIFE Services and The Learning Centre decisions	Jul 21 2.3.3
https://assets.publishing.service.gov.u k/government/uploads/system/uploads /attachment	Consultation on "tackling promoters of tax avoidance"	Apr 21 6.9.5
https://www.gov.uk/transition	Guidance on imports and exports after Brexit	Apr 21 4.3.5
VATF23530	Updated VAT Fraud Manual	Apr 21 4.3.8
VBNB44500	Updated VAT Business/Non Business Manual	Apr 21 2.1.7
VENSAV3080	Updated VAT Energy Saving Materials and Grant Funded Heating Supplies Manual	Apr 21 2.5.3
VIT13300	Internal manual guidance on claiming import VAT updated	Apr 21 5.2.1
JSL1200 etc.	Updated VAT Joint and Several Liability Manual	Jul 21 5.8.6
PE73200, PE36400, PE77750	Updated VAT Partial Exemption Guidance Manual	Jul 21 5.3.3
VAEC9690	Updated VAT Assessments and Error	Jul 21 6.7.6

	Correction Manual	
VAT Fraud Manual	Entire manual placed under review	Jul 21 5.8.6
VAT Place of Supply Goods Manual	Amendments to the VAT Place of Supply Goods Manual	Jul 21 4.3.15
VAT Place of Supply Services Manual	Amendments to the <i>Place of Supply of Services Manual</i>	Jul 21 4.2.3
VATGPB4120	Updated VAT Government and Public Bodies Manual	Jul 21 5.8.6
VATGPB8640	Updated Government and Public Bodies Manual	Jul 21 2.12.3
VATINS6040 – VATINS6050	Updated VAT Insurance Manual	Jul 21 4.2.3
VATPOSTR2300, VATPOSTR1100, VATPOSTR2120, VATPOSTR2200, VATPOSTR1100, VATPOSTR3640, VATPOSTR3120, VATPOSTR3620, VATPOSTR3630	Updated VAT Place of Supply Transport Manual	Jul 21 4.2.3
VATRES1000–VATRES1200, VATRES2000–VATRES2350	VAT Personal Exports Retail Exports Manual updated	Jul 21 4.3.3
VATREVCHG12000, VATREVCHG13000, VATREVCHG21000	Updated VAT Reverse Charge Manual	Jul 21 4.2.3
VATSC02130, VATSC02210, VATSC03110 , VATSC03310, VATSC03321, VATSC03540, VATSC03610	Updated Supply and Consideration Manual	Jul 21 2.1.3
VATSC06330	Summaries of most important decisions on the treatment of grants	Jul 21 2.1.3
VATVAL07300 etc.	Updates to VAT Valuation Manual	Jul 21 2.6.2
VBOOKS4600	Updated Books Manual	Jul 21 2.4.3
VCHAR3250, VCHAR8000	Updated VAT Charities Manual	Jul 21 4.3.15
VRDP01000, VRDP29100, VRDP45000, VRDP46000	Updated Relief for Disabled People Manual	Jul 21 2.4.3
VRS1150, VRS1200	Updated VAT Retail Schemes Manual	Jul 21 2.6.2
VTOGC1100	Update VAT Transfer of a Going Concern Manual	Jul 21 2.12.3
VTRANS050000, VTRANS060100 – VTRANS060200, VTRANS070100 – VTRANS070400	Updates to VAT Transport Manual	Jul 21 4.2.3
www.gov.uk/government/collections/t ax-policies-and-consultations-spring- 2021	Several tax consultations published on "tax day"	Apr 21 6.9.2
www.gov.uk/government/consultations /call-for-evidence-simplification-of-	Results of consultation on simplifying partial exemption and capital goods	Apr 21 5.3.2

partial-exemption-and-the-capital- goods-scheme	scheme – no significant changes proposed	
www.gov.uk/government/consultations/call-for-evidence-simplifying-the-vat-land-exemption/simplifying-the-vat-land-exemption-call-for-evidence	Consultation on "Simplifying the VAT Land Exemption"	Jul 21 3.1.3
www.gov.uk/government/consultations /draft-regulations-dotas-dasvoit-and- potas-regimes	Consultation on new rules on promoters of avoidance schemes	Jul 21 6.9.2
www.gov.uk/government/consultations /vat-and-value-shifting	Consultation on apportionment of consideration for mixed supplies	Apr 21 2.8.2
www.gov.uk/government/news/11- year-ban-for-payroll-boss-in-tax- avoidance-scheme	Director banned for 11 years for acting in company liquidated owing HMRC a great deal of money	Jul 21 6.9.7
www.gov.uk/government/news/one- month-left-to-join-vat-deferral-new- payment-scheme	Reminder to businesses that they need to sign up to pay VAT deferred during the first lockdown	Jul 21 6.3.6
www.gov.uk/government/publications/ accounting-for-vat-on-goods-moving- between-great-britain-and-northern- ireland-from-1-january-2021	Guidance to new rules affecting trade from, to and through Northern Ireland	Apr 21 4.3.6
www.gov.uk/government/publications/ eu-e-commerce-package/eu-vat-e- commerce-package	HMRC policy paper on the introduction of the EU e-commerce package	Jul 21 4.3.5
www.gov.uk/government/publications/ finance-bill-2021-public-bill- committee	Finance Bill amended to remove "clock stopping" provision in VAT interest rules	Jul 21 6.3.4
www.gov.uk/government/publications/ guides-to-importing-and-exporting- goods-between-great-britain-and-the- eu	Guidance on imports and exports after Brexit	Apr 21 4.3.5
www.gov.uk/government/publications/ hmrc-issue-briefing-collecting-tax- debts-as-we-emerge-from- coronavirus-covid-19	HMRC briefing on approach to collecting debts after the pandemic	Jul 21 6.3.1
www.gov.uk/government/publications/ penalties-for-late- submission/penalties-for-late- submission	How new penalty points system will work for group registrations	Apr 21 6.8.1
www.gov.uk/guidance/changes-to- notifying-an-option-to-tax-land-and- buildings-during-coronavirus-covid- 19	Time limit for notifying options during pandemic extended to 90 days up to 30 June 2021	Apr 21 3.2.1
www.gov.uk/guidance/check-how-to- report-and-pay-vat-on-distance-sales- of-goods-from-northern-ireland-to-	HMRC guidance for businesses registered for the EU One Stop Shop (OSS)	Jul 21 4.3.5

the-eu		
www.gov.uk/guidance/check-when- you-can-account-for-import-vat-on- your-vat-return	Guidance on payment of VAT where customs declarations are deferred	Apr 21 4.3.5
www.gov.uk/guidance/claim-vat- refunds-in-northern-ireland-or-the- eu-if-youre-established-in-northern- ireland-or-in-the-eu	Updated guidance on cross-border VAT refunds	Apr 21 4.5.3
www.gov.uk/guidance/complete-your- vat-return-to-account-for-import-vat	Updated online guidance on postponed accounting	Jul 21 4.3.8
www.gov.uk/guidance/complete-your- vat-return-to-account-for-import-vat	Guidance on difficulties accessing import VAT statements	Apr 21 4.3.5
www.gov.uk/guidance/deferral-of-vat- payments-due-to-coronavirus-covid- 19	Scheme for payment of Covid- deferred VAT by instalments	Apr 21 6.3.1
www.gov.uk/guidance/eu-business- taxes-and-tariffs	Updated guidance on import VAT paid by agents or by suppliers	Apr 21 5.2.2
www.gov.uk/guidance/get- confirmation-from-hmrc-that-you-are- trading-in-the-uk	Changing to issue of 'certificate of status of taxable person' for cross-border refunds	Apr 21 4.5.2
www.gov.uk/guidance/goods-you-do- not-include-when-valuing-for-import- vat	New guidance on valuing goods for import VAT purposes	Jul 21 4.3.9
www.gov.uk/guidance/how-to-claim- vat-relief-on-goods-imported-for- onward-supply-to-an-eu-country	New guidance on various transactions involving Northern Ireland	Jul 21 4.3.3
www.gov.uk/guidance/how-to-value- goods-for-import-vat;	New guidance on valuing goods for import VAT purposes	Jul 21 4.3.9
www.gov.uk/guidance/refunds-of-uk- vat-for-non-uk-businesses-or-eu-vat- for-uk-businesses	Updated guidance on cross-border VAT refunds	Apr 21 4.5.3
www.gov.uk/guidance/sending- parcels-between-great-britain-and- northern-ireland	Updated guidance on parcel and post movements from Great Britain to Northern Ireland	Apr 21 4.3.6
www.gov.uk/guidance/tell-hmrc- youre-registered-for-the-vat-import- one-stop-shop-in-the-eu	HMRC guidance for businesses registered for the EU Import One Stop Shop (IOSS)	Jul 21 4.3.5
www.gov.uk/guidance/transitional- guidance-for-vat-specified-supplies	Guidance on specified supplies before and after end of transitional period	Apr 21 4.2.5
www.gov.uk/guidance/vat-and- overseas-goods-sent-to-the-uk-and- returned-to-the-seller	Guidance for online marketplaces on goods that are returned to the seller for a refund	Jul 21 4.3.13
www.gov.uk/guidance/vat-and- overseas-goods-sold-directly-to- customers-in-the-uk	Updated guidance on sales by foreign traders direct to UK customers	Jul 21 4.3.13

www.gov.uk/guidance/vat-and- overseas-goods-sold-to-customers-in- the-uk-using-online-marketplaces	Updated guidance on sales by foreign traders to UK customers through online marketplaces	Jul 21 4.3.13
www.gov.uk/guidance/vat-eu- businesses-buying-in-the-uk-and-the- vat-refund-scheme	Updated guidance on cross-border VAT refunds	Apr 21 4.5.3
www.gov.uk/guidance/vat-road-fuel- scale-charges-from-1-may-2021-to- 30-april-2022	Updated road fuel scale charge tables	Jul 21 2.12.4
www.tax.org.uk/policy- technical/technical-news/vat- registration-delays	HMRC suggest ways of avoiding delays in registration	Apr 21 6.2.4

2 Statute and other Parliamentary material

Budget Red Book 2.45	Scheme for payment of Covid-deferred VAT by instalments	Apr 21 6.3.1
Budget Red Book 2.46	Temporary reduced rate for pandemichit sectors extended to 30 September 2021, followed by 12.5% for 6 months	Apr 21 2.5.1
Budget Red Book 2.91	Registration thresholds fixed until 31 March 2024	Apr 21 6.2.1
Budget Red Book 2.95	New system for late filing and late payment penalties from 1 April 2022	Apr 21 6.8.1
FB 2021 clauses 112 – 113, 116; Sch.23, Sch.25	New system for late filing and late payment penalties from 1 April 2022	Apr 21 6.8.1
Hansard 13 January 2021	New second-hand goods scheme to be introduced in Northern Ireland	Apr 21 2.10.1
https://bills.parliament.uk/bills/2835	FA 2021 received Royal Assent on 10 June	Jul 21 6.9.1
https://committees.parliament.uk/com mittee/62/environmental-audit- committee/news/139275/eac-calls-for- climate-and-nature-investment-to-be- prioritised-in-the-economic-recovery/	Suggestion by Parliamentary committee to use VAT reliefs to promote environmental agenda	Apr 21 6.9.8
SI 2013/2911	Updated road fuel scale charge tables	Jul 21 2.12.4
SI 2021/369	Changes to reverse charge rules on Emissions Trading Scheme	Apr 21 3.3.1
SI 2021/483	The Taxation Cross-border Trade (Northern Ireland) (EU Exit) (Amendment) Regulations 2021	Jul 21 4.3.4
SI 2021/697	The Taxation (Cross-border Trade) (Miscellaneous Amendments) (EU Exit) Regulations 2021 extend transitional period for delayed declarations	Jul 21 4.3.10

SI 2021/714	The Value Added Tax (Miscellaneous Amendments and Repeals) (EU Exit) Regulations 2021	Jul 21 4.3.4
SI 2021/715	The Value Added Tax (Amendment) (EU Exit) Regulations 2021	Jul 21 4.3.4
www.gov.uk/government/collections/fi nance-bill-2021	Finance (No. 2) Bill 2021 published	Apr 21 6.9.1

3 Other UK official material

https://assets.publishing.service.gov.u k/government/uploads/system/uploads /attachment_data/file/887109/Docume nt_Upload_Centre _Professional_User.pdf	Tribunals service updated guidance on PDF bundles	Jul 21 6.8.1
www.judiciary.uk/publications/first- tier-tribunal-tax-chamber-general- guidance-on-appeals/	Tribunals service updated guidance on PDF bundles	Jul 21 6.8.1
HM Treasury Press Release 1 January 2021	Women's sanitary products eligible for ZR from 1 January 2021	Apr 21 2.4.2
www.gov.uk/government/news/admini stration-services-firm-boss-banned- for-vat-fraud	Insolvency Service bans an individual from acting as director	Apr 21 6.9.7
www.mynewsdesk.com/uk/hm- revenue-customs- hmrc/pressreleases/jailed-tax- fraudster-ordered-to-repay-1-pounds- 1-pence-million-3095628	Confiscation order imposed on VAT fraudster	Jul 21 6.9.6
www.gov.uk/government/news/restaur ant-boss-banned-for-hiding-takings- to-avoid-tax	Insolvency Service bans an individual from acting as director	Apr 21 6.9.7

4 Case law: Court of Justice of the European Union

CJEU (A-G) (Case C- 21/20): Balgarska natsionalna televizia v Director of the Direktsia	Entitlement of state-funded television corporation to recover input tax considered	Apr 21 2.1.4
CJEU (A-G) (Case C–521/19): CB v Tribunal Económico Administrativo Regional de Galicia	A-G considers whether assessment on undeclared income should be at VAT rate or at VAT fraction	Apr 21 4.4.3
CJEU (A-G) (Case C- 844/19): CS v Finanzamt Graz-Stadt	A-G Kokott considers whether interest should be credited on VAT repayment claims	Apr 21 4.4.5
CJEU (A-G) (Case C-846/19): EQ v Administration de l'Enregistrement, des Domaines et de la TVA	Rules on "having a social character" considered by A-G	Apr 21 2.3.4
CJEU (A-G) (Case C- 855/19): G. sp. z o.o. v Dyrektor Izby Administracji	Polish anti-fraud measures were disproportionate	Apr 21 4.3.3

Skarbowej w Bydgoszczy		
CJEU (Case C- 288/19): <i>QM v</i> Finanzamt Saarbrücken	Place of supply of company car provision to employees considered	Apr 21 4.2.4
CJEU (Case C–459/19): HMRC v Wellcome Trust Ltd	Charity was liable to reverse charge on investment management services bought in from outside UK	Apr 21 4.2.1
CJEU (Case C- 48/20): UAB 'P.' v Dyrektor Izby Skarbowej w B	Polish law preventing correction of erroneous invoices was contrary to the Directive	Apr 21 4.4.7
CJEU (Case C- 501/19): UCMR - ADA Asociația pentru Drepturi de Autor a Compozitorilor v Asociatia culturala, Suflet de Român	Collective management organisation for authors' royalties was liable to account for VAT under art.28 PVD	Apr 21 2.1.6
CJEU (Case C- 581/19): Frenetikexito – Unipessoal Lda v Autoridade Tributária e Aduaneira	CJEU considers principles of mixed and compound supplies, and also medical care exemption	Apr 21 2.8.1
CJEU (Case C- 604/19): Gmina Wrocław v Dyrektor Krajowej Informacji Skarbowej	Transfer of "perpetual usufruct" was a taxable transaction	Apr 21 3.1.2
CJEU (Case C- 655/19): Administrația Județeană a Finanțelor Publice Sibiu and Another v LN	Seller of property acquired on foreclosure of loan was not engaged in economic activity	Apr 21 2.1.5
CJEU (Case C- 712/19): Novo Banco, S. A v Junta de Andalucía	Andalusian banking tax was not incompatible with PVD	Apr 21 4.4.6
CJEU (Case C- 787/19): Commission v Republic of Austria	Infringement proceedings against Austria's TOMS	Apr 21 2.9.1
CJEU (Case C–802/19): Firma Z v Finanzamt Y	Rules for bad debt relief for cross- border debts considered	Apr 21 5.7.1
CJEU (Case C–812/19): Danske Bank A/S, Danmark, Sverige Filial v Skatteverket	Skandia principle applied where head office grouped with subs, as well as when branch grouped with subs	Apr 21 6.1.1
CJEU (Case C- 895/19): A.v Dyrektor Krajowej Informacji Skarbowej	Polish law refusing correction of returns was incompatible with PVD	Apr 21 4.3.4
CJEU (A-G) (Case C-299/20): Icade Promotion SAS v Ministry of Action and Public Accounts	Rules on "building land" considered	Jul 21 4.4.4
CJEU (A-G) (Case C-80/20): WiloSalmson France SAS v Agenția Națională de Administrare Fiscală and another	A-G considers the requirement for invoice as well as supply for deducting input tax, and the effect of correcting an invoice on time limits for claiming	Jul 21 4.5.1
CJEU (A-G) (Case C- 90/20): ApcoaParking Danmark A/S v Skatteministeriet	A-G opinion that penalties levied by parking company are within the scope of VAT and are VATable	Jul 21 2.1.2
CJEU (A-G) (Cases C-45/20, C-	Allocation of assets to business use in	Jul 21 4.4.5

46/20): E v Finanzamt N and Z v Finanzamt G	private house considered	
CJEU (C-58/20) (C-59/20): K and DBKAG v Finanzamt Österreich, formerly Finanzamt Linz	CJ considers exemption for management of special investment funds in context of subcontracted services and software	Jul 21 2.3.1
CJEU (Case C-108/20): HR v Finanzamt Wilmersdorf	Husband and wife involvement in fraudulent supply chain considered by CJEU	Jul 21 4.4.13
CJEU (Case C- 182/20): BE and DT v Administrația Județeană a Finanțelor Publice Suceava and Others	Romanian law was wrong to regard company in liquidation as not a taxable person	Jul 21 4.4.11
CJEU (Case C-573/20): Casa di Cura Città di Parma SpA v Agenzia delle Entrate	Italian protest at disallowance of input tax on healthcare rejected by CJEU	Jul 21 4.4.12
CJEU (Case C-593/19): SK Telecom Co. Ltd v Finanzamt Graz-Stadt	Application of "use and enjoyment" place of supply rules considered by CJEU	Jul 21 4.2.1
CJEU (Case C-703/19): J.K. v Dyrektor Izby Administracji Skarbowej w Katowicach	Distinction between catering and food considered	Jul 21 4.4.7
CJEU (Case C-844/19): CS and another v Finanzamt Österreich, Dienststelle Judenburg Liezen and another	Fiscal neutrality demanded that traders receiving delayed repayments of VAT should receive interest, but it was for Member States to provide detailed rules	Jul 21 4.4.8
CJEU (Case C-846/19): EQ v Administration de l'Enregistrement, des Domaines et de la TVA	CJ discusses application of "body devoted to social well-being"	Jul 21 2.3.4
CJEU (Case C-868/19): <i>M-GmbH v Tax office for corporations Berlin</i>	German restrictions on grouping disapproved by CJEU	Jul 21 4.4.9
CJEU (Case C- 931/19): Titanium Ltd v Finanzamt Österreich, formerly Finanzamt Wien	CJEU confirms that a rental property without personnel cannot constitute a "fixed establishment"	Jul 21 4.2.2
CJEU (Case C-935/19): GrupaWarzywna Sp. Z oo v Dyrector Izby Administracji Skarbowej we Wrocławiu	Penalty was disproportionate because it did not take into account the seriousness of the misdemeanour	Jul 21 4.4.10
CJEU (Case C- 907/19): <i>Q-GmbH v</i> Finanzamt Z	Exemption for insurance-related supplies of insurance agents and brokers considered	Apr 21 2.3.1
CJEU (A-G) (Case C- 4/20): 'Alti' OOD v Direktor na Direktsia 'Obzhalvane i danachno-osiguritelna praktika' Plovdiv pri Tsentralno upravlenie na Natisonalnata agentsia	A-G Kokott considers default interest should not be added where a VAT liability is transferred to someone under a joint and several liability provision	Apr 21 4.4.4

za prihodite		
CJEU (A-G) (Case C-4/20): 'ALTI' OOD v Direktor na Direktsia 'Obzhalvane i danachno-osiguritelna praktika' Plovdiv pri Tsen-tralno upravlenie na Natsionalnata agentsia za prihodite	Consideration of allocation of liability to third party – not appropriate to charge default interest as well as VAT	Jul 21 4.4.6
CJEU (Case C- 7/20): VS v Hauptzollamt Münster	Place of importation considered	Apr 21 4.3.2

5 Other European material

Council Implementing Decision (EU) 2021/512	Council Implementing Decision authorises scale rates for private use of fuel in business cars in NI	Apr 21 4.3.6
ec.europa.eu/info/law/better- regulation/have-your- say/initiatives/12671-Review-of-the- VAT-rules-for-financial-and- insurance-services/public- consultation	Commission consultation on reform of VAT on financial services	Apr 21 4.4.2
https://ec.europa.eu/commission/press corner/detail/en/ip_21_1642	Commission proposal to exempt goods required in emergency situations	Jul 21 4.4.1
https://ec.europa.eu/commission/press corner/detail/en/statement_21_2755	Launch of the European Public Prosecutor's Office	Jul 21 4.4.3
https://ec.europa.eu/taxation_customs /business/vat/ioss_en	Guidance on Import One Stop Shop	Apr 21 4.4.1
https://ec.europa.eu/taxation_customs /business/vat/oss_en	Guidance on One Stop Shop	Apr 21 4.4.1
https://ec.europa.eu/taxation_customs /business/vat/ressources_en	Guidance on new e-commerce rules in EU from 1 July 2021	Apr 21 4.4.1
https://ec.europa.eu/taxation_customs /news/commission-decides-extend- customs-and-vat-waiver-imports- medical-and-protective-equipment_en	Extension of temporary waiver of VAT and duties on medical devices and PPE to 31 December 2021	Jul 21 4.4.1
https://ec.europa.eu/taxation_customs /news/new-future-proof-vat-rules-e- commerce-made-easy-2021-04-27_en	Commission guidance on the e- commerce package	Jul 21 4.4.2
www.europol.europa.eu/newsroom/ne ws/europol-helps-spanish-authorities- break-€265-million-vat-fraud-scheme	Europol operation involving 5 countries to arrest 22 suspects in VAT fraud	Jul 21 4.4.3
www.oecd.org/tax/consumption/digita l-platforms-have-an-important-role- to-play-in-value-added-tax-policy-in- the-sharing-and-gig-economy.htm	OECD report on gig economy and tax	Jul 21 6.9.4

6 Case law: House of Lords/Supreme Court

Supreme Court: Balhousie Holdings	Clawback of zero-rating relief did not	Apr 21 3.1.1
Ltd v HMRC	apply on sale and leaseback	
	transaction	

7 Case law: Court of Appeal/Court of Session

Court of Appeal: Eynsham Cricket Club v HMRC	CA confirms that a CASC is not entitled to charitable reliefs for VAT	Apr 21 3.3.3
Court of Appeal: Heathrow Airport Ltd and others v Her Majesty's Treasury and another	Application for judicial review of abolition of VAT-free shopping dismissed by Court of Appeal	Jul 21 4.3.6
Court of Appeal: HMRC v News Corp UK & Ireland Ltd	ZR for books etc. only applied to physical items, not digital versions (until law changed 1 May 2020)	Apr 21 2.4.1
Court of Appeal: Milton Keynes Hospitals NHS Foundation Trust v HMRC	HMRC had the power under s.73 to assess VAT that had been overclaimed under s.41	Jul 21 6.7.4
Court of Appeal: NatWest Markets plc and another v Bilta (UK) Ltd (in liquidation) and others	Case about liability for VAT fraud in carbon trading remitted to High Court to be re-tried	Jul 21 6.9.5
Court of Appeal: R (on the application of Friends of the Earth Ltd) v Secretary of State for Transport	Costs order included VAT, rather than covering the net VATable fee	Apr 21 6.9.4
Court of Appeal: Royal Opera House Covent Garden Foundation v HMRC	Exempt initial transaction broke the link between inputs on production and downstream sales of catering	Jul 21 5.3.1
Court of Session: Moulsdale (t/a Moulsdale Properties) v HMRC	Result of circularity of option to tax disapplication rules confirmed by Court of Session: option applied	Jul 21 3.2.1

8 Case law: High Court/Upper Tribunal

High Court: British Telecommunications plc v HMRC	Most of a historical bad debt claim struck out; small part will proceed to hearing	Jul 21 5.7.1
High Court: National Crime Agency v The Solicitor for the Affairs of Her Majesty's Treasury	Company struck off and assets forfeited to Treasury as proceeds of crime	Apr 21 6.9.6
High Court: R (on the application of First Alternative Medical Staffing Ltd and another) v HMRC	Application for judicial review refused to two employment agencies – liable for VAT on principal supplies	Jul 21 2.9.1
Upper Tribunal: Golamreza Qolaminejite (aka Anthony Cooper) v HMRC	Meaning of "balance of probabilities" considered by Upper Tribunal	Jul 21 6.7.3
Upper Tribunal: HMRC v Alan McCord T/A Hi-Octane Imports	FTT had been wrong to hold that HMRC needed to prove a connection to fraud where the appellant had	Jul 21 5.8.3

	already conceded that point	
Upper Tribunal: HMRC v Anna Cook	Teaching of Ceroc dancing was not generic teaching of dance and was therefore not exempt	Apr 21 2.3.2
Upper Tribunal: HMRC v BMW Shipping Agents Ltd	Reinstatement allowed where agent was unaware of strike-out because of inaccessible e-mail account	Jul 21 6.8.4
Upper Tribunal: HMRC v Tower Resources plc	UT confirms that holding company was making supplies to subsidiary for real consideration and was therefore entitled to input tax	Jul 21 5.1.1
Upper Tribunal: HSBC Electronic Data Processing (Guangdong) Ltd and others v HMRC	Application to be joined in a dispute about grouping rejected: each taxpayer should argue its case separately	Apr 21 6.8.9
Upper Tribunal: Saint-Gobain Building Distribution Ltd v HMRC	Historical bad debt claim failed because trader could not show that claim would not already have been made	Jul 21 5.7.2
Upper Tribunal: The Lilias Graham Trust v HMRC	Charity failed to separate out its supplies of accommodation as "not ancillary to welfare": it was wholly exempt	Apr 21 2.3.3
Upper Tribunal: <i>Tower Bridge GP Ltd</i> v HMRC	HMRC were entitled to refuse claims for input tax in missing trader carbon credits case on the basis of inadequate invoices	Apr 21 5.8.2
Upper Tribunal: Westow Cricket Club v HMRC	Cricket club had a reasonable excuse for issuing ZR certificate based on advice received from HMRC	Apr 21 3.3.2

9 Case law: First Tier Tribunal

First-Tier Tribunal (TC07960): Davey Parekh	Application for costs refused: HMRC had not acted unreasonably	Apr 21 6.8.4
First-Tier Tribunal (TC07967): Robert Patten	Appeal about exception from registration liability struck out because HMRC had already given in	Apr 21 6.2.6
First-Tier Tribunal (TC07975): St James Marketing Ltd	Reasonable excuse for surcharge dismissed	Apr 21 6.8.2
First-Tier Tribunal (TC07976): Conservatory Roofing Systems Ltd	Trader supplied new insulated roofs, not insulation for roofs: standard rated	Apr 21 2.5.2
First-Tier Tribunal (TC07977): GB Taxi Services Ltd	Taxi company was not liable to be registered for IPT, even though it provided the benefit of a block insurance policy to its taxi drivers	Apr 21 2.8.3
First-Tier Tribunal (TC07978): Daniel	Trader's application for HMRC to be	Apr 21 6.8.6

Bussau	barred from appeal was dismissed	
First-Tier Tribunal (TC07979): Healthspan Ltd (2)	Krakvet decision confirmed that distance selling rules applied to UK case – no need for separate CJEU reference	Apr 21 4.3.1
First-Tier Tribunal (TC07984): Silverdoor Ltd	Argument about amending grounds of appeal	Apr 21 6.8.7
First-Tier Tribunal (TC07985): GLS Ltd	Tribunal accepts evidence that receipts were loans, not consideration for supplies as assessed by HMRC	Apr 21 2.1.1
First-Tier Tribunal (TC07988): Harry Edebiri T/A Tt Trading	Trader who did not understand consequences of registration was relieved of some of liability in difficult circumstances	Apr 21 6.2.5
First-Tier Tribunal (TC07990): Wilmslow Financial Services plc (in administration)	Attempt to avoid irrecoverable input tax by transferring exempt business to Gibraltar failed "commercial and economic reality" test	Apr 21 4.2.2
First-Tier Tribunal (TC07996): Borough Council of King's Lynn And West Norfolk (No. 2)	Extra amounts paid into parking meters were taxable as consideration for supply of parking, not gifts	Apr 21 2.1.2
First-Tier Tribunal (TC07999): St George's University Ltd	Place of supply of education was where the university organised the courses – Grenada – not where the education was physically delivered	Apr 21 4.2.3
First-Tier Tribunal (TC08000): Jota Jota Alimentos Global Sl	Spanish company made no supplies in the UK so was entitled to cross-border refund	Apr 21 4.5.1
First-Tier Tribunal (TC08001): Paul Baldwin T/A Baldwin Motor Services	HMRC's decision on registration date was wrong, so late registration penalty was reduced	Apr 21 6.8.3
First-Tier Tribunal (TC08004): Messrs Harrison	HMRC were entitled to refuse trader entry to the Agricultural Flat Rate Scheme	Apr 21 6.2.2
First-Tier Tribunal (TC08006): Imprimatur Capital Holdings Ltd	Holding company was not making supplies to investment holdings for consideration, so minimal input tax allowed	Apr 21 5.1.1
First-Tier Tribunal (TC08011): Martyn Long and Another	Retrospective planning consent after deadline for submission of DIY claim could not satisfy claim conditions	Apr 21 3.4.1
First-Tier Tribunal (TC08012): Tasca Tankers Ltd	HMRC's application to strike out an appeal dismissed; trader's application to adduce further evidence also dismissed	Apr 21 6.8.5
First-Tier Tribunal (TC08014): Robin	Barrister failed to establish reasonable	Apr 21 6.8.2

St John Sellers	excuse for default surcharge in spite of slow payment of legal aid fees	
First-Tier Tribunal (TC08015): Everyday Wholesale Ltd	Case management hearing in missing trader case	Apr 21 6.8.8
First-Tier Tribunal (TC08024): Ryan Flood	Settlement of long-running argument in case where taxpayer appeared not to understand the VAT system	Apr 21 5.8.1
First-Tier Tribunal (TC08026): Knightsbridge Accountants Ltd	Firm of accountants failed in appeal about deductibility of input tax	Apr 21 5.2.3
First-Tier Tribunal (TC08030): Cowdenbeath Taxi Services Ltd	Repayment claim allowed because HMRC had made contradictory decisions	Apr 21 6.4.1
First-Tier Tribunal (TC08032): <i>Happy Customer Ltd t/a Subway</i>	Reinstatement of appeal refused	Jul 21 6.8.4
First-Tier Tribunal (TC08036): The Prudential Assurance Company Ltd	Payments received after a company left a group were still disregarded because the supplier was not a taxable person when the supply was made	Jul 21 6.1.1
First-Tier Tribunal (TC08038): Step by Step (Northern Ireland) Ltd	FTT holds training restaurant in charity to be exempt business, following <i>Colchester Institute</i> Corporation decision	Jul 21 2.3.2
First-Tier Tribunal (TC08041): Lucky Technology Ltd	Disclosure of documents by HMRC and confidentiality considered	Jul 21 6.8.7
First-Tier Tribunal (TC08048): Red Kite Art and Jewels Ltd	Company failed in application for repayment supplement and interest	Jul 21 6.4.1
First-Tier Tribunal (TC08050): Eunoia Initiatives Ltd	Late appeal against notice to deposit security allowed to proceed: balance of consequences was more serious for appellant	Jul 21 6.8.6
First-Tier Tribunal (TC08053): R K Fuels Ltd	Rent of space for car wash business was "facilities for parking a vehicle" and standard rated	Jul 21 3.1.1
First-Tier Tribunal (TC08055): Royal County Down Golf Club	Claim made in 2015 was not an extension of a 2009 <i>Fleming</i> claim but a new claim, capped at 4 years	Jul 21 6.4.2
First-Tier Tribunal (TC08056): Northumbria Healthcare NHS and another	Hospital car park income was standard rated	Jul 21 3.1.2
First-Tier Tribunal (TC08057): <i>DMC Business Machines plc</i>	Knowledge of risk of fraud was not enough to constitute "means of knowing" – appeal against "Kittel disallowance" allowed	Jul 21 5.8.2
First-Tier Tribunal (TC08060): Leicester City Council	Claim made in 2018 was based on different facts from the 2009 <i>Fleming</i> claim, and therefore could not be an	Jul 21 6.4.3

	amendment of it – out of time	
First-Tier Tribunal (TC08062): <i>Youli He</i>	Vulnerable appellant who only spoke Mandarin was allowed to bring appeal late	Jul 21 6.8.6
First-Tier Tribunal (TC08064): Shafique Uddin	Incompetence of adviser was not sufficient reason for trader to be allowed to make late appeal	Jul 21 6.8.6
First-Tier Tribunal (TC08068): Oatein Ltd	Incompetence of adviser was not sufficient reason for trader to be allowed to make late appeal	Jul 21 6.8.6
First-Tier Tribunal (TC08070): Pacific Computers Ltd	Long delay since 2006 was not enough reason to summarily allow an appeal	Jul 21 6.8.3
First-Tier Tribunal (TC08071): MovieVentures Ltd	Appeal struck out for no reasonable prospect of success	Jul 21 6.8.5
First-Tier Tribunal (TC08076): Endeavour Strategic Developments LLP	Appeal against assessments failed	Jul 21 6.7.2
First-Tier Tribunal (TC08079V): Jupiter Asset Management Group Ltd	Detailed discussion of "open market value" for purposes of Sch.6 para.1 direction	Jul 21 2.12.1
First-Tier Tribunal (TC08083): Albany Fish Bar Ltd and another	Time limits considered, and relationship between VAT charge and penalties based on VAT	Jul 21 6.7.1
First-Tier Tribunal (TC08087): Wm Morrison Supermarkets plc	Cereal bars held to be standard rated as confectionery	Jul 21 2.4.2
First-Tier Tribunal (TC08092): Faye Elizabeth Harrison	Penalty for failure to notify inadequacy of central assessments	Jul 21 6.8.2
First-Tier Tribunal (TC08096): VNS Waste Solutions Ltd	Case management hearing over disclosure of HMRC's documents	Jul 21 5.8.4
First-Tier Tribunal (TC08108): Kingston Maurward College	Grant-funded education was exempt business, but that did not increase recovery under the applicable PESM	Jul 21 5.3.2
First-Tier Tribunal (TC08110): GB Fleet Hire Ltd	Appeal struck out for no reasonable prospect of success	Jul 21 6.8.5
First-Tier Tribunal (TC08112): Mr Stephen J Mullens	VAT aspect of larger case: VAT charged on importation of some diamonds by late post-clearance demand	Jul 21 4.3.14
First-Tier Tribunal (TC08115): Westmore Group	Application to make appeal out of time dismissed	Jul 21 6.8.6
First-Tier Tribunal (TC08118): Gooch Technology Ltd	Company failed to convince FTT that it only made sales outside the scope of UK VAT	Jul 21 4.3.12

First-Tier Tribunal (TC08120): Barclays Services Ltd and another	Procedural hearing in dispute about HMRC removing a company from a VAT group	Jul 21 6.1.2
First-Tier Tribunal (TC08122): Caracavi Utility Cables Ltd	Appeal struck out for no reasonable prospect of success	Jul 21 6.8.5
First-Tier Tribunal (TC08132): The Door Specialist Ltd	Company was not entitled to deduct input tax on goods that were given away to connected companies for no consideration	Jul 21 5.1.3
First-Tier Tribunal (TC08133): Shaneika Clarke	Penalties for deliberate behaviour confirmed	Jul 21 6.8.2
First-Tier Tribunal (TC08134): Blaenau Bach Farm	Input tax disallowed on expenditure of a company could not later be claimed by a connected partnership – it did not receive the supply	Jul 21 5.2.1
First-Tier Tribunal (TC08135): Turkswood Ltd	Most of assessments in missing trader case upheld, but some transactions found to be outside the scope of UK VAT	Jul 21 5.8.5
First-Tier Tribunal (TC08138): Poundland Ltd	HMRC not entitled to assess "stock adjustment" on switch from one bespoke retail scheme to another	Jul 21 2.6.1
First-Tier Tribunal (TC08140): <i>CMJ</i> (Aberdeen) Ltd	Building warrants and planning consents considered – work did not qualify for zero rating	Jul 21 3.3.1
First-Tier Tribunal (TC08141): Black Cabs Services Ltd	Insurance was separate supply from hire of black cabs and was exempt	Jul 21 2.8.1
First-Tier Tribunal (TC08146): Chohan Management Ltd	Penalties for deliberate behaviour confirmed, and mitigation reduced by the FTT judge	Jul 21 6.8.2
First-Tier Tribunal (TC08147): William Newman	Trader had probably opted to tax but had never notified nor understood what he needed to ask HMRC to do	Jul 21 3.2.2
First-Tier Tribunal (TC08149): <i>Colin Newell</i>	Trader with substantial subsidy income was held to have no non-business activities so no restriction on input tax recovery	Jul 21 5.1.2
First-Tier Tribunal (TC08150): BJ Trading Ltd	FTT judge considered officer's decisions on disallowing input tax and zero-rating to be unreasonable	Jul 21 4.3.1
First-Tier Tribunal (TC08153): Huseyin Acar (trading as Fez Mangal) and another	Partial success in appeal about extrapolation and best judgement	Jul 21 6.7.5

10 Other material

www.att.org.uk/technical/news/agent-	Improvements to the Agent Services	Jul 21 6.3.2

services-account-upcoming-changes	Account homepage	
www.att.org.uk/technical/news/cancel lation-vat-direct-debits-where-no- email-addresshmrc-letters	HMRC need e-mail addresses to carry on collecting direct debits	Jul 21 6.3.3
www.att.org.uk/technical/news/incorr ect-mtd-vat-sign-messages-hmrc- update	ATT publicised a problem with VAT filing being reported by members	Jul 21 6.3.5
www.tax.org.uk/policy- technical/submissions/vat-and- sharing-economy	CIOT response to consultation on "VAT and the sharing economy"	Apr 21 6.9.3
www.lawsociety.org.uk/en/campaigns/ consultation-responses/clamping- down-on-promoters-of-tax-avoidance	Law Society response to consultation on promoters of avoidance schemes	Jul 21 6.9.3
www.tax.org.uk/ref751	CIOT response to HMRC's consultation on value shifting	Jul 21 2.8.2
Taxation, 21 January 2021	Article about reverse charge rules for the construction industry	Apr 21 3.3.1
Taxation, 25 February 2021	Article explaining some of the Brexit changes in practical terms	Apr 21 4.3.7
Taxation, 4 March 2021	Article about News Corp decision	Apr 21 2.4.1
Taxation, 11 March 2021	Student article about supplies of construction and of buildings	Apr 21 3.3.4
Taxation, 11 March 2021	Article on impact of March Budget	Apr 21 6.9.1
Taxation, 15 April 2021	Article about Supreme Court decision in the <i>Uber</i> case	Jul 21 2.9.2
Taxation, 29 April 2021	Article on reverse charges	Jul 21 2.12.2
Taxation, 13 May 2021	Article about role of AI in helping businesses to claim VAT	Jul 21 5.8.1
Taxation, 3 June 2021	Article on practical VAT issues with selling goods in the EU after Brexit	Jul 21 4.3.11
Taxation, 17 June 2021	Accountant complains about registration delays	Jul 21 6.2.2

11 Lectures

2.1 Scope of VAT

Consideration	2.1.1 – 6	Apr 21
Grant-Funded Education	2.1.1, 2.3.2, 5.3.2	Jul 21
Parking Penalties	2.1.2	Jul 21

2.2 Disbursements

2.3 Exemptions

Exemption	2.3.1 – 4	Apr 21	
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Investment Management	2.3.1	Jul 21
Welfare	2.3.3 – 4	Jul 21
2.4 Zero-rating	,	•
Digital Newspapers	2.4.1	Apr 21
Food	2.4.1 –2	Jul 21
2.5 Lower rating		•
Reduced Rate	2.5.1 – 3	Apr 21
Electric Cars	2.5.1	Jul 21
2.6 Computational matters		
Retail Schemes	2.6.1	Jul 21
2.7 Discounts, rebates and gifts 2.8 Compound and multiple supplies	201 2	A 21
,		
,	2.8.1 – 3 2.8.1	Apr 21
2.8 Compound and multiple supplies Compound and Multiple More Taxis		
2.8 Compound and multiple supplies Compound and Multiple		
2.8 Compound and multiple supplies Compound and Multiple More Taxis 2.9 Agency	2.8.1	Jul 21
2.8 Compound and multiple supplies Compound and Multiple More Taxis 2.9 Agency Nursing Agency Concession	2.8.1	Jul 21
2.8 Compound and multiple supplies Compound and Multiple More Taxis 2.9 Agency Nursing Agency Concession 2.10 Second-hand schemes	2.8.1	Jul 21
2.8 Compound and multiple supplies Compound and Multiple More Taxis 2.9 Agency Nursing Agency Concession 2.10 Second-hand schemes 2.11 Charities	2.8.1	Jul 21
2.8 Compound and multiple supplies Compound and Multiple More Taxis 2.9 Agency Nursing Agency Concession 2.10 Second-hand schemes 2.11 Charities 2.12 Other supply problems	2.8.1	Jul 21
2.8 Compound and multiple supplies Compound and Multiple More Taxis 2.9 Agency Nursing Agency Concession 2.10 Second-hand schemes 2.11 Charities 2.12 Other supply problems Market Value Direction	2.8.1	Jul 21

Circular Option	3.2.1	Jul 21
Failure to Notify	3.2.2	Jul 21

3.3/3.4 Builders and developers, Input tax claims on land

More Certificate Penalties	3.3.2 –3	Apr 21
DIY Claim	3.4.1	Apr 21

3.5 Other land problems

4.2 **International services**

International Services	4.2.1 - 4	Apr 21	1
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Place of Supply of Services	4.2.1 – 2	Jul 21
4.3 International goods	,	•
Distance Sales	4.3.1	Apr 21
Brexit	4.3	Apr 21
International Supplies of Goods	4.3	Jul 21
4.4 European rules		
One Stop Shop Guidance	4.4.1	Apr 21
EU Round-Up	4.4	Jul 21
4.5 Cross-border Refund claims		
Cross Border Refund Claims	4.5.1 – 2	Apr 21
5.1 Economic activity	'	-
Holding Company Input Tax	5.1.1	Apr 21
Holding Company Input Tax	5.1.1	Jul 21
Subsidy Income	5.1.2	Jul 21
Input With No Output	5.1.3	Jul 21
5.2 Who receives the supply?		
Recipient of Supply	5.2.1 – 3	Apr 21
Wrong Claimant	5.2.1	Jul 21
5.3 Partial exemption		·
Capital Goods Scheme	5.3.2	Apr 21
Opera Production Costs	5.3.1	Jul 21
5.4 Cars		
5.6 Non-business use of supplies		
5.7 Rad debt relief		

5.7 Bad debt relief

5.8 Other input tax problems

Carbon Credit Appeal	5.8.2	Apr 21
Input Tax Disputes	5.8	Jul 21

6.1 Group registration

Grouping: Cross-Border Problems	6.1.1	Apr 21
Leaving a VAT Group	6.1.1	Jul 21

6.2 Other registration issues

Registration Issues	6.2.1 - 6	Apr 21

6.3 Returns and payments

Covid Deferral of VAT	6.3.1	Apr 21
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6.4 Repayment claims

Contradictory Decisions	6.4.1	Apr 21
Repayment Claims	6.4.1	Jul 21

6.5 Timing issues

6.6 Records

6.7 Assessments

Assessments	6.7	Jul 21	
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6.8 Penalties and appeals

Penalty and Interest Reform	6.8.1	Apr 21
Penalty Appeals	6.8.2 - 3	Apr 21
Penalties	6.8.2	Jul 21
Late Appeals	6.8.3 – 6	Jul 21

6.9 Other administration