BEYOND THE BREXIT HORIZON

Tolley's Budget 2018 coverage

VAT and other indirect taxes

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BUDGET 2018 COVERAGE
PROVIDED BY TOLLEY®GUIDANCE

The tax industry is renowned for its complexity and its speed of change. The annual budget brings a whole new set of rules, which tax practitioners need to grasp swiftly in order to advise clients. The Tolley®Guidance writers have put together their expert analysis and commentary on Budget 2018 to help you understand what the changes mean to you and your clients.

Embracing anything new is always difficult, embracing something you know little or nothing about can feel like you're venturing into darkness alone. Tolley®Guidance will carefully guide you through the specific activities and transactions that are undertaken by tax practitioners.

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> Employment Taxes

Normally Chancellors relish the prospect of delivering a budget – it is an opportunity to make a mark as a great tax reformer and to show off their conjuring skills with announcements to wrong-foot the opposition. But the run up to today's speech felt very different. Expectations were deliberately being dampened down. Was it going to be just a holding exercise, with the 'real' budget to be announced post-Brexit? Indeed, did the Chancellor want to deliver a Budget at all? Some people thought that he wanted to postpone it until the spring, but was trapped by his own decision a couple of years ago to move to an Autumn Budget. So, we were waiting with more than the usual amount of anticipation when he stood up to speak at 3:30.

For a man whose job is widely said to be on the line, his delivery was assured and he had the command of the House of Commons. He threw in several light-hearted comments – I can't imagine many of his predecessors coming up with the line "Fiscal Phil says fiscal rules OK", let alone making a series of increasingly laboured jokes about public lavatories: what would Gladstone have said?! He painted a very positive picture of the public finances, and was able to say that "austerity was coming to an end", not, you will notice, that it has actually ended.

So, what did he say about tax?

The biggest headline will be the proposal for a tax on digital services. It is intended to be restricted to only established tech giants and will be subject to consultation coming into effect in 2020, subject to no new international agreement being introduced before then.

The massive increase in the annual investment allowance to £1m was a big surprise, and comes with a reform of capital allowances to give a measure of relief for some commercial buildings, but at the expense of some of the existing allowances for plant and machinery. The small print of this will be important. Business owners will breathe a sigh of relief that entrepreneur's relief is to remain, although in future it will be necessary to own the business for two years to qualify for relief. That is a reasonable compromise.

Large and medium-sized businesses will also have to get to grips with new rules when they engage workers through personal service companies, but at least these are not going to be introduced until 2020, and there will be a period of consultation – it will be critically important to get the details right.

Home owners will not be faced with capital gains tax on selling their private residences, although there is a tightening up of the rules where property has been let or where there is an overlap between buying one house and selling another.

The major announcement for income tax payers was the bringing forward of the personal allowance and higher rate threshold a year earlier than expected. So, the personal allowance will be £12,500 and the higher rate threshold will be £50,000 from April 2019. Those are substantial changes and will have an impact on almost all taxpayers.

There was more meat in this Budget than we might have expected. As ever though, the detail will be important, and I'll leave the analysis of that to our resident Tolley experts who have worked indefatigably through the evening and night to deliver insight on not only what the statements are, but also what they mean to you and your clients. We are also very fortunate to have a wider team of editors and technicians supporting us and making it all possible. We hope you find the commentary useful and informative.

Andrew Hubbard

Andrew is Editor-in-Chief of New Tolley and Taxation magazine and a consultant at RSM. Andrew initially trained as an inspector of taxes before joining the accountancy profession. He has worked in a 'big four' environment and was a partner in BDO Hayward and then Tenon before joining RSM and LexisNexis. He is also past president of both ATT and CIOT as well as an accomplished musician.

OUR EXPERT WRITERS:

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Louise is responsible for writing and updating the content for the Tolley®Guidance VAT module. She has specialised in VAT since 1993 and she has worked for HMC&E, the top four firms of accountants, and in-house for Siemens and Nortel Networks as their UK and EMEA VAT manager respectively. During her time with PwC she worked for their US practice providing international VAT advice for their US clients.

Budget 2018 — VAT and indirect taxes overview

This news item provides an overview of the VAT and indirect tax changes that were announced by the Chancellor, Philip Hammond, on 29 October 2018. A link to the news item summarising the VAT and indirect tax changes announced in Spring Statement 2018 can be found in **Spring Statement 2018 — VAT and indirect taxes**.

Please see **Budget 2018**, **Overview of Tax Legislation and Rates (OOTLAR)** and **Annex A—Rates and Allowances** for more information.

VAT

There were no major new announcements made with regard to VAT in Budget 2018, and most of the announcements confirmed the introduction of measures announced in Spring Statement 2018.

The table below summarises the announcements made in Budget 2018.

CHANGE	DETAILS
VAT registration / deregistration threshold	The current VAT registration threshold of £85,000 and the deregistration threshold of £83,000 will be maintained. The Government will be publishing the response to the call for evidence on the design of the VAT registration threshold. However, the responses did not provide a clear option for reforming the registration threshold, so a decision has been reached to leave the threshold at its existing amount until April 2022. The Government states that it will consider introducing a 'smoothing mechanism' once the terms of Brexit are clear. See VAT: maintain thresholds for 2 years from 1 April 2020. See also VAT registration threshold: call for evidence for more information on the call for evidence and a summary of the responses received.
Vouchers	The Government announced that it will introduce legislation in Finance Bill 2018/19 to implement EU legislation that ensures that the correct amount of VAT is levied on the amount paid by the customer, regardless of whether the customer pays with a voucher or other means of payment. See VAT: treatment of vouchers from 1 January 2019 for more information.

VAT fraud in labour provision in the construction sector	The Government has confirmed its intention to extend the scope of the domestic reverse charge mechanism to include labour provision in the construction sector. Secondary legislation will be produced and the reverse charge will come into effect from 1 October 2019. See VAT Reverse charge anti-avoidance amendment for more information.
VAT and higher education	The Government has stated that it will amend VAT law to ensure continuity of VAT treatment of English education providers under the Higher Education and Research Act by enabling bodies registered with the Office for Students in Approved (fee cap) category to exempt supplies of education. HMRC will be providing guidance to providers ahead of the 2019/20 academic year.
Split payment (alternative method of collecting VAT)	The Government previously announced a consultation at Spring Statement 2018 regarding the possible introduction of a split payment method under which businesses would pay the VAT collected from the customer directly to HMRC. The Government believes that a split payment model, developed in close cooperation with stakeholders in the banking and payments sectors, may improve the way VAT is collected and reduce fraud. The Government has stated that it intends to publish a response on 7 November 2018, and that it will be establishing an Industry Working Group in order to deal with the main challenges associated with the introduction of this policy, working closely with relevant stakeholders.

Transport taxes

The table below summarises the announcements made in Budget 2018.

CHANGE	DETAILS
Fuel duty	It will be frozen for a ninth successive year which, according to the Government, will save the average driver a cumulative £1,000 by April 2020, compared with what they would have paid under the pre-2010 fuel duty escalator.
Alternative fuels	The Government has stated that following review, it will maintain the difference between alternative and main road fuel duty rates until 2032, to support the de-carbonisation of the UK transport sector. This announcement is subject to review in 2024.

Worldwide harmonised Light vehicles Test Procedure (WLTP)	As previously announced at Autumn Budget 2017, the Government will legislate in Finance Bill 2019/20 to confirm that, for the purposes of VED and company car tax, the applicable carbon dioxide figure for cars will be based upon WLTP. The Government announced that it intends to review the impact of WLTP on Vehicle Excise Duty and company car tax and will publish a report in spring 2019. The WLTP is intended to provide a closer representation of 'real world' fuel consumption and CO2 emissions. For cars registered prior to 6 April 2020, HMRC will continue to use the current New European Driving Cycle (NEDC) test procedure for the purposes of collecting company car tax. Similarly, cars first registered prior to 1 April 2020 will maintain their current VED treatment. Please see **WLTP Facts** for more information on this procedure.
Vehicle Excise Duty (VED): Uprating	VED rates for vans, cars and motorcycles will increase in line with RPI with effect from 1 April 2019. The Government has announced that in order to support the haulage industry, there will be a freeze on the rate for HGV VED for 2019/20. See **Vehicle Excise Duty increases for cars, vans, motorcycles and motorcycle trade licences** for more information.
Vans – Vehicle Excise Duty (VED)	A summary of responses from the consultation on VED reform for vans (May 2018) will shortly be published by the Government. The response will outline proposals to introduce environmental incentives from April 2021. Bands and rates will be set out ahead of Finance Bill 2019/20. See **Vehicle Excise Duty for vans** for more information on the consultation.
Blood bikes – Vehicle Excise Duty (VED)	The Government will introduce an exemption for the purpose-built vehicles operated by Blood Bikes from April 2020, in order to align the tax treatment of the transportation of blood and medical supplies by the national charity Blood Bikes with other emergency vehicles.
HGV road user levy	As previously announced, HGVs that meet the latest Euro VI emissions standards will be eligible for a 10% reduction in the cost of the HGV Levy, with effect from February 2019. HGVs that do not meet the latest emissions standards will see their liability increase by 20%, except where the rate is already set at its maximum rate allowable under European legislation.

Air Passenger Duty (APD)	Short-haul APD rates for 2020/21 will not be increased and will remain at the level set since 2012, which the Government believes will benefit 80% of passengers. However, long-haul rates will be increased in line with RPI. The rates for long-haul economy will increase by £2, and the rates for those travelling in premium economy, business and first class will increase by £4. Those travelling long-haul by private jets will see the rate increase by £13. See **Air Passenger Duty rates from 1 April 2020 to 31 March 2021** for more information.
VAT, Air Passenger Duty and Tourism in Northern Ireland	As previously announced at Autumn Budget 2017, the Government has published **VAT, Air Passenger Duty and Tourism in Northern Ireland: summary of responses** in respect of the call for evidence on the impact of VAT and APD on tourism in Northern Ireland, launched at Spring Statement 2018. The Government has announced that there will be no changes to the VAT or APD regimes in Northern Ireland for the moment. The Government has also stated that it continues to explore ways that it can to support a successful and growing tourism industry. It intends to establish a technical working group to consider the practical and legal challenges to changing short-haul APD in Northern Ireland.

Energy and environmental taxes

The table below summarises the announcements made in Budget 2018.

CHANGE	DETAILS
Carbon Price Support (CPS)	The price of EU Emissions Trading System (ETS) allowances has risen significantly over recent months, raising the Total Carbon Price (currently made up of the EU ETS price and the CPS rate). As a result, the Government announced that it will freeze the CPS rate at £18 per tonne of carbon dioxide for 2020/21. From 2021/22, the Government will endeavour to reduce the CPS rate if the Total Carbon Price remains high. The CPS rates between 1 April 2016 and 31 March 2022 can be found in **Annex A — Rates and Allowances**, page 23

Carbon pricing following EU exit	The Government stated the following: "The Government continues to plan for all scenarios as it prepares for EU exit. In the unlikely event no mutually satisfactory agreement can be reached and the UK departs from the EU ETS in 2019, the Government would introduce a Carbon Emissions Tax to help meet the UK's legally binding carbon reduction commitments under the Climate Change Act. The tax would apply to all stationary installations currently participating in the EU ETS from 1 April 2019. A rate of £16 would apply to each tonne of carbon dioxide emitted over and above an installation's emissions allowance, which would be based on the installation's free allowances under the EU ETS. The Government is also legislating so it can prepare for a range of long-term carbon pricing options."
Climate change levy (CCL)	The CCL main rates for 2020/21 and 2021/22 have been set, and they continue with the Government's commitment to rebalance the main rates paid for gas and electricity. The electricity rate will be lowered in 2020/21 and 2021/22. However, the gas rate will increase in 2020/21 and 2021/22 in order for it to reach 60% of the electricity main rate by 2021/22. Other fuels, such as coal, will continue to align with the gas rate. The discount for sectors with Climate Change Agreements will change to reflect the change in CCL main rates, such that businesses in the scheme will only be subject to an increase to their CCL liability in line with the retail prices index (RPI). As previously announced at Autumn Budget 2017, the rate of CCL for liquefied petroleum gas will remain frozen at the 2019/20 level in both 2020/21 and 2021/22. See **Annex A — Rates and Allowances**, page 22 for details of the CCL main rates announced.
Aggregates Levy Rates	The Government announced that it will freeze aggregates levy for 2019/20, but it does intend to return the levy to index-linking at some point in the future. See the **Introduction to aggregates levy** guidance note for details of the rate, and **Annex A — Rates and Allowances**, page 24 for details of the rate on or after 1 April 2018.
Landfill Tax rates	The Government has announced that it will introduce legislation in Finance Bill 2019/20 to increase the standard and lower rates of Landfill Tax in line with the RPI, rounded to the nearest 5p. The change will have effect on and after 1 April 2020. See **Landfill Tax: increase in rates** for more information.
Landfill Tax Communities Fund	The Government has stated that it will set the value of the Landfill Communities Fund for 2019 to 2020 at £32.9 million, with the cap on contributions by landfill operators remaining at 5.3% of their Landfill Tax liability.

Carbon Emissions Tax	The Government announced that it will introduce legislation in Finance Bill 2018/19 to introduce a new Carbon Emissions Tax to meet its carbon pricing commitments in the event of the UK leaving the EU without a deal in 2019. It will apply to all stationary installations currently participating in the EU ETS. For 2019, a rate of £16 will apply to each tonne of carbon dioxide (or other greenhouse gas on a carbon equivalent basis) emitted over and above an installation's emissions allowance. See Carbon Emissions Tax and Carbon Emissions Tax technical note for more information.

Other Indirect taxes

The table below summarises the announcements made in Budget 2018.

CHANGE	DETAILS
Alcohol duty rates and bands	The Government announced that the duty rates on beer, spirits, wine and made-wine exceeding 22% alcohol by volume (ABV), still cider and perry, and sparkling cider and perry of a strength not exceeding 5.5% abv, have been frozen. The Government also stated that it will be reviewing the current Small Brewers Relief to ensure that it is supporting growth in the sector.
Alcohol structures consultation	The Government previously announced at Autumn Budget 2017 that it intends to introduce a new duty band for still cider and perry from 6.9% to 7.5% ABV in order to target white ciders. Relevant legislation will be included in Finance Bill 2018/19, and a rate of £50.71 per hectolitre will apply with effect from 1 February 2019. See New still cider and perry bands for Alcohol Duty for more information.
Alcohol Duty – uprating	The Government will introduce legislation in Finance Bill 2018/19 to increase the following alcohol duty rates in line with inflation (based on RPI): (1) all wine and made-wine rates at or below 22% ABV; and (2) sparkling cider and perry exceeding 5.5% abv but less than 8.5% ABV. These changes will come into effect from 1 February 2019. See Increase in Alcohol Duty rates and Annex A - Rates and Allowances, page 18.

Alcohol duty simplification	The Government announced that it will not be undertaking further consultation in 2018/19 to simplify the administration of alcohol duty. The Government remains committed, in the longer term, to consulting on and implementing reforms to alcohol duty, as previously announced in the consultation response to **Simplifying the administration of Alcohol Duty**, published on 7 November 2017, and reducing the administrative burden on businesses.
Post duty point dilution	The Government has announced that, following a review by HMRC launched at Autumn Budget 2017, in order to ensure a level playing field with other duty regimes, legislation will be introduced to ban post duty point dilution from April 2020. The Government plans to publish draft primary legislation and regulations in summer 2019. The change will have effect after regulations have been laid, following Royal Assent of Finance Bill 2019/20.
Tobacco duty rates	Duty rates on all tobacco products will increase by 2% above RPI inflation until the end of this Parliament. The duty due on hand rolling tobacco will rise to 3% above RPI. These changes came into effect from 6pm on 29 October 2018. The Government also stated that it will act on the recommendations of the recent All Party Parliamentary Group report by supporting the creation of a UK-wide Anti-Illicit Trade Group in order to tackle illicit trading in tobacco-related products. The group will bring together senior officials, representing each of the four parts of the United Kingdom, to share best practice and develop a national strategy for tackling this criminal activity and the societal ills that it fuels. See **Tobacco products duty rates for 2018** for more information.

Heated tobacco	The Government previously announced at Spring Statement 2018 that it will legislate in Finance Bill 2018/19 for a new duty rate for tobacco for heating. For these types of products, processed tobacco is heated and not burned like conventional tobacco in order to produce a flavour or a vapour. The duty rate for Tobacco for Heating will be 234.65 per kg and will take effect on 1 July 2019. See **Tobacco Duty on heated tobacco** for more information.
Minimum Excise Tax	With effect from 6pm on 29 October 2018, the Minimum Excise Tax for cigarettes has increased to £293.95 per 1,000 cigarettes. The rates and updated Minimum Excise Tax level are set out in **Annex A — Rates and Allowances**, page 20.
Soft Drinks Industry Levy (SDIL)	Legislation will be introduced in Finance Bill 2018/19 in order to make the SDIL a common duty with the Isle of Man. This measure also implements a change to the SDIL legislation, meaning that the movement of liable soft drinks between the UK and Isle of Man will not be seen as either an import or an export, providing the levy rates in the UK and Isle of Man remain aligned. This measure will take effect from 1 April 2019. See **Movement of soft drinks between the Isle of Man and UK under Soft Drinks Industry Levy** for more information.
Soft Drinks Industry Levy (SDIL) — penalties	The Government has announced that it will allow penalties to be levied where businesses registered for the SDIL do not submit a timely quarterly return. The Government will also ensure that it remains possible for a penalty to be levied for non-payment of the SDIL in the event that certain provisions within the Finance (No.3) Act 2010 are enacted, by eliminating an inconsistency with those in **Finance Act 2017, Schedule 11** (which makes supplementary amendments regarding the SDIL). These changes will be legislated in Finance Bill 2018/19 and will have effect from April 2019. See **Penalty for late submission or failure to submit a return Soft Drinks Industry Levy** for more information.
Gaming duty accounting periods and bands	Following the consultation response issued by HMRC, the Government will introduce legislation in Finance Bill 2018/19 to remove the requirement for casinos to pay gaming duty on account and to allow the carry forward of losses between accounting periods. The return period for gaming duty will remain six months. The bands used to determine payment of gaming duty will be frozen from April 2019, while changes to gaming duty accounting periods are implemented. See **Changes to Gaming Duty accounting periods and administration** for more information.

Remote Gaming Duty	The rate of Remote Gaming Duty will increase to 21% in order to ensure funding for public services is maintained following the implementation of a £2 maximum stake on B2 machine games. Both the reduction in maximum stake and increased duty rate will come into effect in October 2019. See **Remote Gaming Duty increase** for more information.
Single use plastics tax	The Government has announced that it will introduce a tax on the production and import of plastic packaging from April 2022. This follows the Government's response to the call for evidence on tackling the plastic problem, which was published on 18 August 2018. The changes are intended to address the current situation where recycling rates of plastic are inadequate, plastic producers use little recycled plastic and some problematic items are rarely recycled and often end up in the natural environment. The Budget also announces funding for plastics and waste innovation. Subject to consultation, this tax will apply to plastic packaging that does not contain at least 30% recycled plastic. The consultation will launch in the coming months. The measures are also intended to reform the Packaging Producer Responsibility System, which will aim to increase producer responsibility for the costs of their packaging waste, including plastic. This system will provide an incentive for producers to design packaging that is easier to recycle and penalise the use of difficult to recycle packaging, such as black plastics. Any resulting legislation will be introduced in a future Finance Bill.

Avoidance, evasion and unfair outcomes

The table below summarises the announcements made in Budget 2018 in respect of VAT and indirect taxes.

CHANGE	DETAILS
VAT grouping	The Government announced that legislation will be included in Finance Bill 2018/19 that will extend the eligibility to join a VAT group to certain non-corporate entities. The Government has also announced that revised VAT grouping guidance will be issued to: (1) amend the definition of 'bought in services' to ensure that such services are subject to UK VAT (2) provide clarity to businesses on HMRC's protection of revenue powers and treatment of UK fixed establishments These measures are intended to tackle VAT avoidance arrangements used by partly exempt businesses to avoid payment of VAT on bought-in service, and will clarify which overseas services can be classified as bought-in services to ensure that such services are subject to UK VAT. Draft guidance will be published in November 2018 and the changes should come into effect from 1 April 2019.

VAT Specified Supplies Order	The Government announced in July 2018 that it will legislate to prevent a VAT avoidance arrangement (known as 'looping') that involves UK insurers setting up associates in non-EU countries and using those associated businesses to supply services to their UK customers. This measure will affect those providers of intermediary services to the insurance sector who export their services outside of the EU. This avoidance arrangement enables the insurer to reclaim VAT on costs that UK-based competitors are unable to reclaim. This measure amends the Value Added Tax (Input Tax) (Specified Supplies) Order 1999, article 3 to restrict its application in certain circumstances in order to prevent avoidance. The new legislation will restrict the right of recovery of input VAT for insurance intermediaries to circumstances where the final consumer of the insurance service they are arranging does not belong in the UK. This measure will be effective from 1 March 2019. See **Changes to the VAT specified supplies anti-avoidance** for more information.
Unfulfilled supplies	The Government has stated that it will amend the existing rules from 1 March 2019 in order to bring consistency to the VAT treatment of prepayments. This change will ensure that prepayments for goods and services come within the scope of VAT where customers have been charged VAT, but have not collected the goods they have paid for, and have not received a refund. A Revenue & Customs Brief giving full details of the change will be published before the end of 2018.
VAT - adjustments to Regulation 38	Stricter rules will be introduced regarding how and when adjustments to VAT should be made following a retrospective reduction in the price of goods or services. Under the revised rules, businesses will be required to adjust their VAT returns within set time limits and send a credit note to their customers. This will ensure that businesses only make adjustments in respect of genuine price reductions. Secondary legislation will be introduced that will tighten definitions for Regulation 38 and ensure a credit note is issued by suppliers to their customers. The new measures will come into effect from September 2019. Draft legislation will be published during 2019, together with a TIIN.

Electronic sales suppression (ESS)	The Government has announced that it will be publishing a call for evidence later in the year on ESS. The term ESS refers to the misuse of electronic point of sale functions (ie till systems) undertaken by a minority of businesses in order to hide or reduce the value of individual transactions and the corresponding tax liabilities.
Online platforms role in ensuring tax compliance	The Government has stated that it intends to publish its response to the call for evidence, **The Role of Online Platforms in Ensuring Tax Compliance by Their Users**, which was launched at Spring Statement 2018. The Government's response will set out its intention to improve guidance for people and businesses earning money through online platforms, and to explore how greater use of data can further support sustainable compliance with the tax rules.
Tax Abuse and Insolvency	The Government has stated that it will introduce legislation in Finance Bill 2019/20 that will enable HMRC to make directors and other persons involved in tax avoidance, evasion or 'phoenixism' jointly and severally liable for company tax liabilities, where there is a risk that the company may deliberately enter insolvency. This will have effect from Royal Assent of Finance Bill 2019/20.

Tax Administration

The table below summarises the announcements made in Budget 2018 in respect of VAT and indirect taxes.

CHANGE	DETAILS
Protecting your taxes in insolvency	The Government announced that with effect from 6 April 2020, when a business enters insolvency, more of the taxes paid in good faith by its employees and customers, and temporarily held in trust by the business, will go to fund public services rather than being distributed to other creditors. This reform will only apply to taxes collected and held by businesses on behalf of other taxpayers (VAT, PAYE Income Tax, employee NICs and Construction Industry Scheme deductions). The rules will remain unchanged for taxes owed by businesses themselves, such as Corporation Tax and employer NICs.
Amending HMRC's Civil Information Powers	The Government's **Amending HMRC's civil information powers** consultation on proposed technical changes to **Finance Act 2008, Schedule 36** closed on 2 October 2018. The proposed changes aim to improve HMRC's processes for accessing third party information. A response to this consultation, including next steps for implementation, will be published in due course.

Penalties Reform	As previously announced at Autumn Budget 2017, the Government consulted in summer 2018 on draft legislation for new late payment and late submission sanctions. The Government announced that it still intends to legislate in a future Finance Bill, to allow for more time to consider further the communications needed for successful implementation. The Government will provide notice before these measures are implemented.

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