STATUTORY INSTRUMENTS

1977 No. 1787

VALUE ADDED TAX

The Value Added Tax (Education) Order 1977

Made - - - -	1*st November* 1977
Laid before the House of Commons - -	10*th November* 1977
Coming into Operation	1*st January* 1978

The Treasury, in exercise of the powers conferred on them by sections 13(2) and 43(1) of the Finance Act 1972(**a**) as amended by the Finance Act 1977(**b**) and of all other powers enabling them in that behalf, hereby make the following Order:—

1. This Order may be cited as the Value Added Tax (Education) Order 1977 and shall come into operation on 1st January 1978.

2. The Interpretation Act 1889(**c**) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. Schedule 5 to the Finance Act 1972 as amended(**d**) shall be varied by substituting for Group 6 thereof the following:—

"GROUP 6—EDUCATION

Item No.	
1.	The provision of education by a school or university.
2.	The provision, otherwise than for profit, of: — (*a*) education if it is of a kind provided by a school or university; or (*b*) training or re-training for any trade, profession or employment.
3.	Private tuition, in subjects (except those of a recreational or sporting nature) which are normally taught in the course of education provided by a school or university, to an individual pupil by a teacher acting independently of any employer or organisation.
4.	The supply of any goods or services incidental to the provision of any education, training or re-training comprised in items 1 and 2.
5.	The provision of any instruction supplemental to the provision of any education comprised in items 1 and 2.
6.	The provision by a youth club of the facilities available to its members.

Notes

(1) "Education" includes training in any form of art.

(2) "School" in items 1, 2 and 3 means an institution which, within the meaning of the Education Acts 1944 to 1976, the Education

(**a**) 1972 c. 41. (**b**) 1977 c. 36. (**c**) 1889 c. 63.
(**d**) The relevant amending instruments are S.I. 1976/128, 2024 (1976 I. p. 367; III, p. 5622).

(Scotland) Acts 1939 to 1976 or the Education and Libraries (Northern Ireland) Orders 1972 and 1976, provides primary or secondary education or both, and which—

(*a*) within the meaning of the aforesaid legislation, either is provisionally, finally or deemed to be registered as a school in a register of independent schools or is a school in respect of which grants are made by the appropriate Secretary of State to the proprietor or managers of that school; or

(*b*) is a voluntary school within the meaning of the Education Act 1944 or the Education and Libraries (Northern Ireland) Orders 1972 and 1976.

(3) "University" means a United Kingdom university and includes any college, institution, school or hall of such a university.

(4) Paragraph (*a*) of item 2 does not include recreational or sporting activities except when provided as part of a general educational curriculum.

(5) Item 4 applies only where the supplies described therein are made to the persons receiving the education, training or re-training comprised in items 1 and 2, by the same person who provides them with that education, training or re-training.

(6) Item 5 applies only where the instruction described therein is provided to persons receiving education comprised in items 1 and 2 by the same person who provides them with that education.".

T. E. Graham,

David Stoddart,

Two of the Lords Commissioners of Her Majesty's Treasury.

1st November 1977.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends Group 6 of Schedule 5 to the Finance Act 1972 and takes effect from 1st January 1978. The main changes are to exempt from value added tax vocational training or re-training, supplied by way of business but otherwise than for profit, and certain individual tuition given privately by teachers.

Note (3) makes clear that references to "university" mean a university in the United Kingdom.

Note (4) excludes from paragraph (*a*) of item 2 recreational or sporting activities which are provided other than as part of a general educational curriculum.

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