

Cross-border VAT changes 2010

1 January changes to EC Sales Lists (ESLs)

HMRC guidance

Introduction

This HMRC guidance document sets out how the new regime and procedures for ESLs (or recapitulative statements as they are called in other Member States) will operate in the UK. The guidance is supported by a set of frequently asked Q&As. This guidance is organised in five parts:

- Part 1 outlines the background to the forthcoming changes
- Part 2 explains how the current ESL regime will be extended to intra-EC supplies of services subject to a reverse charge in the customer's Member State
- Part 3 explains the reduced ESL reporting timeframe for goods
- In Part 4 there are some frequently asked Q&As
- Part 5 contains the draft secondary legislation

Part 1

Background

VAT Package

1. A package of changes to the EC VAT system was adopted by EU Finance Ministers in February 2008. The changes will modernise and simplify the current rules relating to cross-border supplies of services and to the recovery of VAT on purchases made in other EU countries. The changes will take place between 1 January 2010 and 1 January 2015. The package includes
 - Changes to the rules on the place of supply of services for Business-to-Business (B2B) and Business-to-Consumer (B2C) transactions.
 - A requirement to complete ESLs for (taxable) supplies of services (covered by Article 196 of Council Directive 2006/112/EC), on which a reverse charge applies in the customer's Member State.
 - Enhanced administrative co-operation between Member States to support these changes.
 - The introduction of an electronic VAT refund scheme.
 - The introduction of an optional One Stop Scheme for B2C supplies of telecoms, broadcasting and electronically supplied services.

This document is only concerned with the second and third bullet points.

Anti-Tax Fraud Strategy (ATFS)

2. In December 2008, as part of an EU Anti-Tax Fraud Strategy (ATFS), European Finance Ministers also adopted a Directive on the frequency of the ESL reporting periods. This is separate from the VAT Package extension of the scope of ESLs to services. From 1 January 2010, the standard reporting period for all ESLs, whether for goods, services, or both, will in principle be monthly. But in order to keep administrative burdens for businesses to a minimum, Member States have the option of allowing quarterly reporting periods for supplies of services. The UK intends to take up that option. This means that from 1 January 2010 UK businesses will have to prepare monthly ESLs for supplies of goods, where the value of those supplies exceed certain thresholds, and to prepare quarterly ESLs for supplies of services. Businesses that make intra-EC supplies of both goods and services will be able to choose whether to report all their supplies monthly, or to report just the goods monthly and their supplies of services quarterly.
3. In addition to the above changes to ESL reporting periods, the length of time allowed to Member States tax administrations to collect, process and exchange ESL data with the tax administrations in other Member States will be reduced to one month in total. In other words, within one month of

the end of the monthly, or quarterly, reporting period, businesses will have to prepare and send their ESLs to HMRC, and HMRC will have to collate and process the returns and exchange the ESL data with the authorities in the other Member States. To meet these new targets HMRC proposes to allow businesses up to 14 days following the end of the reporting period to send HMRC their paper ESLs, and 21 days if they submit electronic ESLs. HMRC can only allow 14 days for paper ESLs as additional time will be required to input the data (using scanning technology) into their ESL databases. It should be noted that as at present 'Nil' ESLs are not required by HMRC.

Part 2

VAT Package - Extension of ESLs to include services

When ESLs are required

4. ESLs are currently only required for B2B intra-EC supplies of goods. From 1 January 2010 ESLs will also be required for intra-EC supplies of services (covered by Article 196 of Council Directive 2006/112/EC) to which a reverse charge applies in the customer's Member State.
5. They will not be required for:
 - Supplies which are exempt from VAT according to the rules in the customer's Member State.
 - Supplies covered by Article 194 of Council Directive 2006/112/EC.
 - B2B supplies where the recipient is not VAT registered.
 - B2C supplies.

Information required on ESLs

6. The ESL form that is currently used for reporting intra-EC supplies of goods (VAT 101) will also be used for services. The following information must be entered on the form:
 - Customer's country code.
 - Customer's VAT Registration Number.
 - Total value of supplies in sterling.
 - Code 3 in the Indicator Code Box if it is a supply of services. No Indicator Code is required for supplies of goods unless it is a triangular supply of goods when Code 2 must be entered.

ESL reporting periods

7. The ESL reporting period for taxable supplies of services will be a calendar quarter, although businesses may instead choose a reporting period of a calendar month.

Methods of submission

8. It will be possible to submit ESLs to HMRC either electronically through the 'ECSL Service', or by using the paper ESL Form VAT 101.
9. Electronic methods of submission are:
 - The on-line form.
 - Bulk upload of data using a Comma Separated Variable (CSV) or Extensible Mark up Language (XML) file. The 'Bulk Upload' options

will be of particular use to businesses that regularly submit in excess of 20 lines.

- XML channel.
- Using UN-EDIFACT format.

Part 3

Anti-Tax Fraud Strategy - Reduced timeframes

Current reporting period for ESLs

10. The current ESL reporting period for intra-EC supplies of goods is normally a calendar quarter.

New ESL reporting period for goods

11. From 1 January 2010 the ESL reporting period for goods will be a calendar month for supplies over a specified threshold (see paragraph 12 below). Where a business makes supplies of goods below the specified threshold, they may use a reporting period of a calendar quarter.

Thresholds for quarterly reporting periods for goods

12. During the period 1 January 2010 to 31 December 2011 quarterly ESLs can still be submitted:

- If the total quarterly value of supplies of intra-EC goods, (excluding VAT), does not exceed £70,000 in the current quarter, or any of the previous four quarters.

13. And from 1 January 2012 onwards:

- If the total quarterly value of supplies of intra-EC goods, (excluding VAT), does not exceed £35,000 in the current quarter, or any of the previous four quarters.

14. However, the option to submit quarterly ESLs for goods will cease at the end of any month during which the total value, excluding VAT, of the taxable supplies of intra-EC goods exceeds the relevant quarterly thresholds ie £70,000 or £35,000.

15. Businesses will be required to submit monthly ESLs from the first day of the month following the month in which they exceed the threshold. For example:

- Where a business submitting quarterly ESLs exceeds the quarterly threshold during the month of February, they will be required to submit a final 'quarterly' ESL covering just two months (January and February) and commence submitting monthly ESLs from 1 March.

16. Businesses should notify HMRC as soon as the total quarterly value of supplies of intra-EC goods exceeds the relevant threshold figure. Arrangements will then be made to change to 'monthly' the businesses recorded declaration period.

Current timeframe for submitting ESLs to HMRC

17. Businesses currently have 42 days from the end of the reporting period to submit their ESLs to HMRC.

New timeframes for submitting ESLs to HMRC

18. With effect from 1 January 2010 the new timeframes for submitting ESLs to HMRC will be:

- for paper ESLs, 14 days from the end of the reporting period
- for electronic submissions, 21 days from the end of the reporting period

Part 4

Questions & Answers

ESLs

1. What is an ESL?

An ESL (EC Sales List) is a declaration that lists supplies of goods and/or services made by a UK VAT registered trader to a VAT registered customer in another EU Member State. These declarations are called 'Recapitulative Statements' in EC VAT legislation.

2. Why do I need to submit an ESL?

Within the EU Single Market there are no frontiers, or borders, between different Member States, even though they are separate fiscal territories. Prior to 1993 goods had to be declared as they moved from one Member State to another. ESLs provide the tax authorities in the different Member States with a post-event declaration, or notification, to alert them to the cross-border supply of goods and services from 1 January 2010. These declarations enable the tax authorities to monitor taxpayer compliance and to fight VAT fraud.

3. After 1 January 2010 I expect to be making intra-EC supplies of services (covered by Article 196 of Council Directive 2006/112/EC), that are taxable in my customer's Member State. What should I do?

You must notify HMRC about such supplies by completing and submitting to HMRC an ESL form (VAT 101) in accordance with the requirements set out in this guidance. To obtain a VAT 101 form, businesses should contact the HMRC National Advice Service on 0845 010 9000.

4. What methods can I use to submit an ESL to HMRC?

ESLs can be submitted to HMRC either electronically through the 'ECSL Service' (via the 'Online Services' option at www.hmrc.gov.uk), or by using a paper ESL Form VAT 101.

5. Can I use an agent to send in my ESL?

You may use an agent to act on your behalf, but remember the legal responsibility for the accurate and timely completion and submission of an ESL remains with you.

6. How long will I have to submit an ESL?

From 1 January 2010, the deadlines for submitting an ESL to HMRC will be:

- for paper ESLs, within 14 days of the end of the reporting period

- for electronic (on-line) ESLs, within 21 days of the end of the reporting period.

7. Is there going to be a new ESL form for services?

No. We will be using the existing form VAT 101. On the appropriate line on the ESL declaration you should enter a Code 3 in the Indicator Box to identify the supply of services.

8. Will there be any changes to the VAT 101?

There will be no significant changes to the form but it will be necessary to introduce some minor changes.

For all paper forms issued after 1 January 2010 there will be two sets of from and to dates, one for goods and one for services. This is necessary for those businesses that supply both goods and services and are required to submit monthly declarations for goods.

The box on the form currently named 'Calendar Quarter' will be changed, to allow for monthly submissions.

For ESLs covering a period from 1 January 2010 onwards, this box will be renamed Period Reference and will consist of a four digit reference ie MM/YY instead of the existing YY/Q format.

If you submit your ESLs quarterly it will show the last month of the calendar quarter ie 03/10, 06/10, 09/10 and 12/10.

9. Can I submit my EC Sales List for goods and services covering non-standard accounting periods?

No, the changes to the EU legislation require ESLs to be submitted for strict calendar months/quarters and as a result the existing facility for the submission of ESLs, using non-standard accounting periods will be withdrawn. The new provisions are required to take effect from 1 January 2010.

HMRC will take a pragmatic approach in recognising both the impact on businesses that currently use this facility and the short timeframe imposed on 'new' businesses. Any businesses experiencing difficulty with implementing this change should speak to HMRC.

10. I supply goods to other Member States to the value of £200,000 per annum; can I still submit quarterly ESLs?

Not necessarily. This will depend on the value of your supplies of goods in any particular quarter; see paragraphs 12 to 15 of this guidance note for details of the thresholds for quarterly reporting of goods.

11. How will HMRC determine if I am required to submit monthly ESLs for goods, with effect from 1 January 2010?

The EU legislation states that Member States may allow taxable persons to submit quarterly ESLs, providing the total quarterly amount (excluding VAT) of the supplies of goods does not exceed the threshold, in the current or any of the previous four quarters.

In line with this, we will be checking which businesses have exceeded the quarterly threshold (£70,000), by reference to the ESLs submitted for each of the calendar quarters in 2009. Businesses that have exceeded the threshold in any one of these quarters will be advised of their requirement to submit monthly lists from 1 January 2010.

A similar exercise will be carried out in 2011, in readiness for the threshold being reduced to £35,000 on 1 January 2012.

12. I haven't made any supplies this month (quarter) do I still have to submit an ESL?

No. It is not necessary to submit 'nil' returns.

13. When can I move back to quarterly ESLs for goods?

As soon as the value of goods (excluding VAT) in the current quarter and the previous four quarters falls below the specified thresholds (see paragraphs 12 to 15 of this guidance note).

14. I only supply services, when do I have to submit an ESL?

ESLs for services are required on a calendar quarterly basis. However businesses may opt to submit them monthly.

15. I supply both goods and services. Can I put them all on the same ESL?

Yes. However you must use Indicator Code 3 to separate supplies of services from supplies of goods for each of your customers.

16. What is the frequency for submitting ESLs if I supply goods and services?

If a business supplies both goods and services and they are **above** the quarterly reporting threshold for goods, they are obliged to submit monthly ESL reports for goods. Businesses may either:

- report only goods in month 1, report only goods in month 2 and report goods in month 3 AND services for the whole quarter

Or

- report both goods AND services in each month.

If a business supplies both goods and services and they are **below** the quarterly reporting threshold for goods, all the supplies may be reported to HMRC on a quarterly basis.

17. Is it possible and acceptable for a business to submit both an electronic and a paper ESL declaration for the same reporting period?

Although HMRC would prefer a business to submit their ESL by the same method each period, HMRC systems can and will accept a mixture of electronic and paper ESLs, provided the different submission deadlines are respected.

18. How will UK suppliers know if their customer is in business?

In most cases business customers in other Member States will be able to supply a valid VAT number issued by their tax authorities. This, together with reasonable checks, will normally be sufficient evidence of business status.

19. If I want to check the validity of my customer's VAT registration number how do I do it?

The Europa website provides an electronic registration number checking facility of all Member States' VAT registration numbers. The online system now allows any business that quotes its own VRN to obtain a receipt of the date and time it checked the customer's VRN.

The HMRC National Advice Service (NAS) (contact number 0845 010 9000) can validate VAT numbers and verify that names and address belong to that number.

There is no current facility for "bulk checking" the validity of VRNs. This issue has been raised with the European Commission.

Provided it is clear that a business has taken all reasonable and appropriate steps to ensure that its customer is VAT registered and that the VRN is valid, HMRC will not seek to impose a penalty if subsequently this does not prove to be the case.

We recommend that you consider regularly checking your EC customer's VAT registration number to ensure that the details are still valid and the number has not been deregistered.

http://ec.europa.eu/taxation_customs/vies/vieshome.do?selectedLanguage=EN

20. In respect of supplies of services, how do I determine the liability of the supply in the customer's Member State?

The law requires that businesses report supplies that are taxable in the customer's Member State and the onus is on businesses to comply with the law. If reasonable attempts, which may include discussing with the customer, or the customer's tax authority, have failed to ascertain what the VAT treatment is in the other Member State(s), businesses may wish to assume that the UK VAT treatment will apply to those supplies, on the basis that this should be consistent with the EC VAT Directive and therefore with the law in other Member States.

If subsequently it becomes clear that a supply categorised and reported as taxable is in fact exempt, or vice versa, the business must submit an ESL Correction declaration at the period end.

Once the business has knowledge that a VAT treatment of a supply in a Member State is different to that in the UK, it should adopt this treatment in their reporting of such supplies to that jurisdiction in the future.

For a transitional period until the conclusion of negotiations on the Financial Services Review, HMRC will not penalise businesses where there is genuine uncertainty about the taxable status of a financial services or insurance sector supply.

21. Does a UK business need to consider whether their customer in another Member State may have exercised an 'option to tax'?

No.

22. Must a business record on the ESL declaration supplies to a 'taxable person' in another Member State if they do not have a VRN?

You should only record on an ESL supplies to businesses in other Member States that are VAT registered and can provide a valid VRN. The amended Article 264 of the VAT Directive makes it clear that the customer's VRN must be included on the ESL. If you make a supply to a business which is not registered for VAT in their Member State because it is below the registration threshold, but which has provided you with evidence that it is in business (for place of supply purposes), you should not include these supplies on your ESL because the absence of a VAT registration number would cause it to be rejected. However, in some cases receipt of the supply will result in the business being required to register in their Member State. If this is the case and a VRN is subsequently given to you, an amendment should be made the EC Sales List at that time.

Intrastat

23. Do I need to submit an Intrastat declaration for supplies of services?

No. Intrastat declarations are for goods only.

Time of Supply

24. When is a UK business making an intra-EC supply of services, subject to a reverse charge in the customer's Member State, required to include details of that supply on an EC Sales List.

The date on which a transaction should be included on the ESL is dependent on the time of supply rules in the customer's MS. On the basis that other Member States rules are, like the UK's, consistent with the adopted EC legislation, the time of supply will be either the date of payment or performance (completion), whichever is the earlier. There is no requirement for a business to confirm with the customer that the ESL period and the VAT period on which they declare the transaction as a reverse charge match. For the purposes of completing an ESL, where it is evident that for certain types of supply the date or performance or date of payment is almost the same as 'date of invoice', the 'invoice date' may be used.

25. I make continuous supplies of management services to another MS, and issue invoices quarterly. Can I still use the invoice date to complete my ESL?

Yes.

26. If I start making continuous supplies of services in November 2010, and don't issue the first invoice until February 2011, does that mean I will have to show the supply on an ESL at the end of 2010?

No (provided you are operating under periodic billing arrangements).

Errors

27. How do I make a correction to an error?

The Internet service includes front end validation of data, so errors will be identified on screen. If you submit a paper based ESL HMRC will notify you of any errors that they identify using the form VAT 104 (ESL Error Report). The computer-generated form is sent to you with a copy of our 'Helpful Hints' document. The form will show the error lines and the reasons for the errors. Please correct the errors in the spaces provided and return the form to the address shown. Alternatively, businesses can voluntarily submit a VAT 101(B) at anytime notifying HMRC of errors they have made on their ESL.

Penalties

28. How will the HMRC penalties regime impact on the new ESL requirements?

ESLs are not covered by the new HMRC penalties regime. ESL penalties are issued in accordance with separate provisions in the UK VAT Act Sections 65 (inaccuracies) and 66 (failure to submit). At least for the time being, these provisions will continue to apply.

In terms of their application, HMRC will adopt a proportionate approach particularly while the new ESL arrangements bed in across the EU. HMRC will expect businesses to take reasonable and appropriate steps to ensure the completeness and accuracy of their ESL declarations. However, HMRC appreciates that in the early months of the new arrangements some businesses, for valid operational reasons, may face some difficulties. Provided a business can demonstrate that they have taken 'reasonable care' to comply, HMRC will not seek to apply a penalty.

29. Will I be penalised if I fail to submit my ESL, send it in late, or make mistakes?

If you fail to submit your ESL by the due date (see question 6) you may be liable to a penalty of £5, £10 or £15 per day that you are late. The actual rate applicable will depend on the number of times you have been late.

It is recognised that some businesses may not be ready to submit ESLs by 1 January 2010. However, as long as businesses can demonstrate that steps are being taken to comply with the new legislation at the earliest opportunity, HMRC will not levy penalties.'

If you submit an ESL that contains a material inaccuracy and you fail to tell us, you may be liable to a penalty of £100. Material inaccuracies fall into three main categories:

- data missing from the EC Sales List
- lines on the EC Sales List are factually incorrect
- an invalid Vat number is used

You will not be liable to a penalty if you can satisfy us that you have a reasonable excuse.

30. What is meant by a 'reasonable excuse'?

There is no legal definition of a reasonable excuse but we will look closely at the circumstances of each case. If you can show that your conduct was that of a conscientious business person who accepted the need to comply with VAT requirements, then there may be a reasonable excuse. Genuine mistakes, honesty and acting in good faith are not accepted as reasonable excuses for penalty purposes. The law provides specifically that you do not have a reasonable excuse if you relied on some other person to perform any task for you. In addition, the fact that you have quoted a VAT number for your customer that does not conform to the published format for your customer's EC Member State, or used a VAT number which HMRC has informed you is

invalid, will not be accepted as a reasonable excuse for the material inaccuracy.

Legislation

31. When will the UK's ESL legislation be published?

We are including the changes to primary legislation in the 2009 Budget Statement. Changes to UK secondary legislation (VAT Regulations) will follow in the summer of 2009, and the draft secondary legislation is included at Part 5 of this guidance document.

Reverse Charge

32. What is a reverse charge?

Normally, the supplier of a service is the person who must account, to the tax authorities, for any VAT due on that supply. With effect from 1 January 2010, it is the customer who must account for VAT due on intra-EC taxable supplies. Although called reverse charge, the procedure may also be referred to as tax shift. Reverse charge is not a complicated accounting procedure. Where it applies to services which you receive, you, the customer must act as if you are both the supplier and the recipient of the services.

33. How do I account for reverse charge services on my VAT return?

You should credit your VAT account with an amount of output tax, calculated on the full value of intra-EC taxable supplies of services received from other Member States and at the same time debit your VAT account with the input tax to which you are entitled, in accordance with the normal rules. The partial exemption implications for reverse charge services are explained in Notice 706 Partial exemption.

You should then include in the following boxes of your VAT return:

- the amount of output tax in box 1 **VAT due on sales**
- the amount of input tax in box 4 **VAT reclaimed on purchases**
- the full value of the supply in box 6 **total value of sales**
- the full value of the supply in box 7 **total value of purchases**

Please note that the value of supplies/acquisitions of **services** should **not** be included in boxes 8 & 9 of your VAT return.

Part 5

Draft UK secondary legislation

EC Sales Statements – Draft Regulations

Interpretation of Part IV

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In this Part—

"form" means the form numbered 12 in Schedule 1 to these Regulations;

"registered in another member State" means registered in accordance with the measures adopted by the competent authority in another member State for the purposes of the common system of VAT and "registered" shall be construed accordingly;

"first relevant figure" means £70,000 excluding VAT up to and including 31 December 2011 and thereafter £35,000 excluding VAT;

"second relevant figure" means the sum of the amount mentioned in paragraph 1(1)(a) of Schedule 1 to the Act and £25,500;

"value" in the phrases "value of the supplies" and "value of the taxable person's supplies" means the consideration for the supplies including the costs of any freight transport services and services ancillary to the transport of goods charged by the supplier of the goods to the customer.

Submission of statements

22-(1) Every taxable person who has—

(a) made a supply of goods such as is mentioned in regulation 18(1), or

(b) has made a supply of, or has dispatched, or has transported, or has transferred, goods to a person who is or was registered in another member State,

shall submit a statement to the Commissioners as required by this regulation.

(2) Every taxable person who has made a supply of services to a person in a member State other than the United Kingdom in circumstances where the recipient is required to pay VAT on the supply in accordance with provisions of the law of that other member State giving effect to Article 196 of Council Directive 2006/112/EC shall submit a statement to the Commissioners as required by this regulation.

(3) A statement made under this regulation shall be made on the form numbered 12 in Schedule 1 to these Regulations and shall be made in accordance with the notes on completion and contain the particulars (including the declaration) set out on that form.

(4) Where under this regulation more than one statement is to be made on the same date they shall be made in a single form.

(5) A statement made under paragraph (2) may be made in respect of a period of one month or one quarter.

(6) Subject to paragraphs (7) to (11) below a statement made under paragraph (1) shall be made in respect of a period of one month.

(7) A statement made under paragraph (1) may be made in respect of a period of one quarter if the sum of the total value of the goods to which that paragraph relates for that quarter and for each of the four preceding quarters does not exceed the first relevant figure.

(8) The option under paragraph (7) ceases to be available in any quarter from the end of the month in which the sum of the total value of the goods to which paragraph (1) relates for that quarter exceeds the first relevant figure.

(9) Where a taxable person has exercised the option in paragraph (7) and in any quarter that option ceases to be available that person shall make a statement for the period which begins on the first day of that quarter and ends on the last day of the month in which the total value of the goods exceeded the first relevant figure.

(10) A statement made under paragraph (1) may be made in respect of the year mentioned in sub-paragraphs (a) to (d) below provided that none of the goods which are the subject of the statement are a new means of transport and the Commissioners are satisfied either that—

(a) at the end of any month, the value of the taxable person's taxable supplies in the period of one year then ending is less than the second relevant figure, or

(b) at any time, there are reasonable grounds for believing that the value of the taxable person's taxable supplies in the period of one year beginning at that or any later time will not exceed the second relevant figure,

and either that—

(c) at the end of any month, the value of the taxable person's supplies to persons registered in other member States in the period of one year then ending is less than £11,000, or

(d) at any time, there are reasonable grounds for believing that the value of the taxable person's supplies to persons registered in other member States in the period of one year beginning at that or any later time will not exceed £11,000.

(11) A taxable person who is permitted under regulation 25 to make a return in respect of periods longer than 3 months may make a statement under paragraph (1) in respect of a period identical to the period allowed for making the return provided that none of the goods which are the subject of the statement are a new means of transport and the Commissioners are satisfied either that—

(a) at the end of any month, the value of the taxable person's taxable supplies in the period of one year then ending is less than £145,000, or

(b) at any time, there are reasonable grounds for believing that the value of the taxable person's taxable supplies in the period of one year beginning at that or any later time will not exceed £145,000,

and either that—

(c) at the end of any month, the value of the taxable person's supplies to persons registered in other member States in the period of one year then ending is less than £11,000, or

(d) at any time, there are reasonable grounds for believing that the value of the taxable person's supplies to persons registered in other member States in the period of one year beginning at that or any later time will not exceed £11,000.

(12) A taxable person may submit a statement required under this regulation on paper or on-line by using a portal provided by the Commissioners for that purpose.

(13) A taxable person who is required under this regulation to submit a statement must do so —

(a) where the statement is submitted on line, not later than 21 days from the end of the period to which the statement relates,

(b) in every other case, not later than 14 days from the end of the period to which the statement relates.

22A

Every taxable person who in any period of a quarter has made a supply of a new means of transport to a person for the purpose of acquisition by him in another member State shall in relation to that period submit to the

Commissioners no later than 14 days after the end of that period a statement containing the particulars (including the declaration) set out in the form numbered 13 in Schedule 1 to these Regulations,

provided that where the Commissioners consider it necessary in a particular case, they may allow or direct a taxable person to submit the statement to specified address.

Final statements

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Any taxable person who ceases to be registered under Schedule 1 to the Act shall, unless another person has been registered with the registration number of and in substitution for him under regulation 6(3), submit to the Commissioners a final statement on either of the forms in Schedule 1 to these Regulations numbered 12 or 13 or both, as the case may require and which is in accordance with the notes on completion and contains the particulars (including the declaration) set out in the relevant form and the statement shall be submitted—

(a) where a statement is made on Form 12—

(i) which is submitted on line, not later than 21 days from the date with effect from which that person's registration has been cancelled,

(ii) and in any other case not later than 14 days from the date with effect from which that person's registration has been cancelled;

(b) where a statement is made on Form 13 not later than 14 days from the date with effect from which that person's registration has been cancelled.