

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL  
BY DEPUTY M.R. HIGGINS OF ST. HELIER  
ANSWER TO BE TABLED ON TUESDAY 21st JANUARY 2020**

**Question**

Will H.M. Attorney General advise members whether it is an offence to charge customers V.A.T. on all postal items that are being sent to the United Kingdom, including any items that would not be subject to V.A.T. under the rules and regulations of Her Majesty's Revenue and Customs?

**Answer**

The Postal Services (Jersey) Law 2004 allows for the publication of a "postal scheme" (see Articles 57 and 59). If there is a postal scheme, then the postal services provider (in this case Jersey Post), must supply its services according to that scheme (Article 58(1)).

According to answers previously provided by the Minister for Treasury and Resources to Written Questions 1240/5(6948), 508/2019 and 510/2019, Jersey Post offers a VAT prepayment scheme to minimise the delays and extra costs to Island residents and businesses caused by the need for Her Majesty's Revenue and Customs (HMRC) to inspect items entering the UK from Jersey to determine whether UK VAT is payable. The service is provided by Jersey Post to Jersey residents and businesses not to HMRC. It is understood that pre-payment is optional, that Jersey Post does not decide on when VAT is or is not payable, and that it is for the individual sending the item to determine whether VAT is payable and whether they wish to prepay it to avoid delay and an administration charge levied by HMRC.

As to operation of the VAT prepayment scheme it is also understood that this is subject to an MOU between Jersey Post and HMRC which I have not seen and am unable to comment on.

No offence is committed by Jersey Post in operating the VAT prepayment scheme. No offence could be said to be committed by Jersey Post in forwarding on the prepaid VAT to HMRC in accordance with the terms of the scheme as set out in the previous answers to written questions.

If Jersey Post were to deliberately operate the scheme in a way that breached the terms of the scheme then it is possible that an offence might be committed. However, it is emphasised that the possible commission of any such offence would be a highly fact sensitive matter and it is impossible to give any more specific advice without knowing the facts.