

## PART 5 Taxable Amount

### Chapter 1 Taxable amount — principal provisions

#### Definitions — Chapter 1. VATA s. 10(10) (in part)

##### 36.— In this Chapter—

“open market price”, in relation to—

(a) the supply of any goods or services (other than an interest in immovable goods which is not a freehold interest), or

(b) the intra-Community acquisition of goods,

means the price (excluding tax) which the goods might reasonably be expected to fetch or which might reasonably be expected to be charged for the services if sold in the open market at the time of the event in question;

“open market value”, in relation to a supply of goods or services—

(a) subject to paragraph (b), means the total consideration (excluding tax) that a customer, at a marketing stage which is the same as the stage at which the supply of the goods or services takes place, would reasonably be expected to pay to a supplier at arm's length under conditions of fair competition for a comparable supply of such goods or services,

(b) if there is no comparable supply of goods or services, means—

(i) in respect of goods, an amount that is not less than the purchase price of the goods or of similar goods or, in the absence of a purchase price, the cost price, determined at the time of supply,

(ii) in respect of services, an amount that is not less than the full cost to the supplier of providing the service.