

**Place of supply of cultural, artistic and entertainment services  
Saffron Burrows**

The case concerned the meaning of cultural, artistic and entertainment services in Article 9 2 c of the EC Sixth Directive. The appellant had been paid a fee by a New Zealand company for filming in New Zealand and argued the place of supply was where the service had been carried out, which was New Zealand.

HMRC argued that cultural, artistic and entertainment services had to involve a performance by a live person in front of a live audience and hence could not cover filming. They argued that a fee for acting in a film should be taxed where the supplier belongs, which was the UK in this case. This is in line with the guidance they give in the Place of Supply notice. HMRC wanted to apply the same definition of a cultural or entertainment service that applies to a cultural performance, which Tribunals have found does have to involve live actors in front of a live audience and which prevents cinemas who could meet the eligible body conditions for exempting rights of admission to films.

The Appellant won the case and the place of supply was held to be New Zealand.

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**Exempt admission  
Twycross Zoo East Midland Zoological Society Ltd**

The issue was the meaning of right of admission in Schedule 9, Group 13 of the VAT Act 1994. Twycross Zoo provides animal adoption services and animal encounters (both of which require a separate payment from the standard admission fee), which HMRC argued should be exempt as the exemption covered all rights to view and interact with the animals on zoo premises.

The Sixth Directive exempted 'certain cultural services' and did not dictate that 'admission' be restrictively confined solely to the admission supplied for the standard fee.

The Tribunal found that the payment for these supplies was not payment for any rights of admission and HMRC could not apply the wider phrase used in Article 13 of the Sixth Directive (which allows Member States to exempt 'certain cultural services') since they had used their discretion to only exempt certain admission services under UK law.

The tribunal allowed Twycross Zoo's appeal, holding that the supply of the animal encounters is a single taxable supply and falls outside the scope of the exemption.