
Stamp Duties Consolidation Act 1999

Part 11: Management Provision

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11.1 Section 137A of the SDCA

Information exchange with the Property Registration Authority

Section 137A was inserted into the SDCA in Finance Act 2010, enacted on the 3rd April 2010. This section provides for the exchange of information between the Revenue Commissioners and the Property Registration Authority.

11.2 Section 155 of the SDCA

Lost Instruments

Where an instrument has been lost and a replacement instrument is presented for stamping, the following information should be submitted.

1. A statutory declaration by a person or persons fully cognisant of the facts, (i.e. those engaged in the actual sending, delivery, etc. of the missing deed to the Revenue Commissioners), covering the following points:
 - date of stamping of the original deed;
 - evidence of stamping of the original deed;

- evidence of the loss of the original deed.
2. Original or copy correspondence (if any) with this office on the stamping of the original deed.
 3. Original or copy correspondence (if any) with An Post on the subject.
 4. A copy of the missing deed, preferably of the stamped deed.
 5. A copy (front and back) of cashed cheque, bank draft or payable order relating to the payment of stamp duty in respect of the missing stamped deed.
 6. A substitute deed (unstamped).
 7. An undertaking that the missing deed, if found, will be surrendered to the Revenue Commissioners.

11.3 Section 159A of the SDCA

Time limits for claiming a repayment of stamp duty

This section restricts the repayment of stamp duty to a valid claim (within the meaning given in section 159B (see below)) made within 4 years of the date of stamping of an instrument by the Revenue Commissioners,

11.4 Section 159B of the SDCA

Interest on repayments of stamp duty

This section provides that interest on a repayment will only be paid where the repayment has not been made by the Revenue Commissioners within the period of 93 days (for repayments made before 2 April 2007 it was 183 days) of receiving a valid claim for repayment and then only from the expiration of that period to the date of repayment. An exception to this general rule is that interest will be paid from the date of payment giving rise to the repayment where the Revenue Commissioners have made an error in the operation of stamp duty. The section also provides that the rate of interest on such repayments is at the rate of 0.011 per cent per day or part of a day.

11.5 Section 159C of the SDCA

Time Limits for making enquiries etc and assessments by the Revenue Commissioners

This section restricts the period within which the Revenue Commissioners may make enquiries or raise assessments in relation to underpayments of stamp duty to a period of 4 years from the date the instrument was stamped by the Revenue Commissioners, the date the statement of liability (e.g. in the case of levies and companies capital duty) was delivered to the Revenue Commissioners or the date the instruction of the type referred to in *section 76* (CREST provisions) was made. This restriction does not apply where the underpayment arises from fraud or neglect. The 4 year time limit came into operation on 1 January 2005 by virtue of S.I. No. 514 of 2003 entitled “Finance Act 2003 (Commencement of Section 142) Order 2003”.

11.6 Section 159D of the SDCA

Calculation of interest on unpaid duty and other amounts

This section provides for the rate of interest applicable on unpaid duty and other amounts, due to be paid whether before, on or after 1 April 2005, for periods of delay arising on or after 1 April 2005.

Please see section 159D of the SDCA Guidance Notes for the formula to be used in calculating interest due.