

## **Stamp Duty Returns and Contracts and Agreements under Section 31 SDCA**

The property involved in transactions effected by Contracts or Agreements under Section 31 SDCA 1999 (e.g. Business Asset Purchase Agreements) is sometimes intangible in nature, e.g. Goodwill, Book Debts, etc. Accordingly, the data to be input differs from the usual data on a property conveyance, such as addresses, etc and are a description of the property rather than its location. The following guideline is intended to advise the filer on how the stamp duty return for such transactions should be completed and what information should be entered.

### **Online Return**

When filing a stamp duty return through ROS, it should be filed under the Category of Instrument type "Conveyance/Transfer of Property". All screens following should be completed as normal until the "Property Address" and 'Consideration' screens appear.

The system guides the filer through the usual screens up to the "Property Address" screen where certain mandatory details of the property are to be input. If an address is not applicable to the property, the data to be input in the mandatory address fields is as follows -

- **Address Line 1** – should be completed with the term "Contract / Agreement - S31 SDCA 1999
- **Address Line 2** (and any remaining fields for the address) - should be completed with a short description of the property chargeable such as "Goodwill, Book Debts etc. subject to a maximum of 35 characters.
- **County** - If it is not feasible to enter a County name, enter "Dublin".

After the "Property Address" screen the filer will be brought to the "Consideration Screen". A contract/agreement chargeable under Section 31 SDCA 1999 may involve an apportionment of the consideration between the different classes of chargeable and non-chargeable assets where there is a contract/agreement chargeable under Section 31 SDCA 1999. When filing a return for e-Stamping, only the total consideration apportioned to the chargeable assets is required to be input. At adjudication or post-stamping audit, the filer will be requested to complete the form ADJN 14 which will declare the details of the apportionment of the consideration between the different classes of chargeable and non-chargeable assets.

### **Paper Return**

If filing by means of the paper return (SDR1) the details on property and chargeable consideration should be input at Sections 12.1 and at Section 12.8.5 of the form, respectively.