

Companies Capital Duty

Part 08

This document should be read in conjunction with Part 8 SDCA 1999

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1 Introduction

Companies Capital Duty (CCD) is incompatible with EU rules and was abolished with effect from 7 December 2005. However, where transactions have an effective date prior to 7 December 2005 a stamp duty charge may still arise, subject to available reliefs.

2 What is CCD?

CCD was payable on the raising of capital by the issue of shares in a capital company and on certain other transactions such as restructuring arrangements. The most usual type of body falling within the charge to CCD was a limited company incorporated in Ireland. The issue of shares in an unlimited company was not subject to CCD.

The most common transactions which gave rise to a charge to CCD were:


- the formation of a capital company including the conversion into a capital company of a company, firm, association or legal person which was not a capital company;
- an increase in the issued share capital or assets of a capital company; and
- the transfer to Ireland of either the effective center of management or the registered office of a capital company.

3 Rate of CCD

For transactions occurring **before 1 December 2004**, CCD was charged at the rate of €1 per €100, or part of a €100 (rounded down to the nearest €1), subject to a minimum charge of €1.

For transactions occurring **on or after 1 December 2004 and before 7 December 2005**, CCD was charged at the rate of 0.5% (rounded down to the nearest €1), subject to a minimum charge of €1.

4 Payment of CCD

Where CCD is still chargeable on transactions occurring before 7 December 2005, the  [Form B5](#) must be completed. This is a return of share allotments (in accordance with section 117) and is a joint Companies Registration Office (CRO)/Revenue form. The following must be submitted to Revenue:

- payment of CCD, together with any interest due on late payment;
- the completed Form B5;

- where applicable, the CRO filing fee applicable at the time the Form B5 is being submitted; and
- where part of the consideration is shares in another company, a valuation of those shares.

5 Reliefs from the charge to CCD

There are a number of reliefs from the charge to CCD:

- section 115 (UCITS, investment companies and investment limited partnerships);
- section 119 (reconstructions and amalgamations);
- section 120 (supply of certain public services and cultural, charitable or educational purposes); and
- section 120A (losses and reduction in issued share capital).

To claim a relief, a completed Form B5 (see section 4 above) must be submitted to Revenue, together with supporting documentation and the CRO filing fee applicable at the time the Form B5 is being submitted.

6 Transactions occurring on or after 7 December 2005

A Form B5 received by Revenue in respect of transactions occurring on or after 7 December 2005 will be returned to the sender with an instruction to send the form, together with the applicable CRO fee, to the Companies Registration Office, O'Brien Road, Carlow.