

Stamp Duties Consolidation Act 1999

Part 7: Section 83DA – Repayment of stamp duty under affordable dwelling purchase arrangements

This document should be read in conjunction with section 83DA of the Stamp Duties Consolidation Act 1999.

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A more recent version of this manual is available.

1 Introduction

Section 83DA of the Stamp Duties Consolidation Act (SDCA) 1999 was introduced by section 68 of Finance Act 2022 and came into operation on 1 June 2023.¹ It provides for a full repayment of stamp duty paid on the acquisition of residential property where the property is sold, within 12 months of its acquisition, for the purposes of an affordable dwelling purchase arrangement under the Affordable Housing Act 2021².

Where the qualifying conditions are met, the accountable person will be entitled to a full repayment of the stamp duty that was paid on the acquisition, irrespective of the rate of stamp duty that applied - currently 1% or 2% on individual purchases or 10% on multiple purchases pursuant to **section 31E** SDCA 1999³.

The repayment scheme is intended to reduce the cost of delivering affordable housing in the State. Only those persons that are directly involved in the provision of affordable housing under the Affordable Housing Act 2021 will be entitled to claim a repayment under section 83DA.

2 Qualifying conditions

Eligibility for a repayment under section 83DA will arise where, within 12 months of the acquisition of a residential property, the following conditions are met:

- the accountable person (i.e. the purchaser) enters into a **direct sales agreement** with a local authority in relation to the sale of the property to an **eligible applicant** nominated by the local authority.
- the accountable person then sells the property to such an eligible applicant in accordance with the terms of the direct sales agreement.

The terms **direct sales agreement** and **eligible applicant** take their meaning from the Affordable Housing Act 2021.

A **direct sales agreement** means an agreement between a local authority and a **direct sales developer**. A **direct sales developer** is a person with whom a local authority has made arrangements for the provision of affordable housing. A direct sales agreement will provide for the direct sale of a property by a direct sales developer to a person deemed eligible for affordable housing by the local authority.

An **eligible applicant** is an applicant assessed by a local authority under the Affordable Housing Act 2021 as being eligible for an affordable dwelling purchase arrangement under the Act.

¹ Section 68 was commenced on 1 June 2023 by S.I. No. 240 of 2023.

² <https://www.irishstatutebook.ie/eli/2021/act/25/enacted/en/print>.

³ Further guidance on section 31E SDCA is available in the [Section 31E: Stamp duty on certain acquisitions of residential property \(10% rate of duty\) Tax and Duty Manual](#).

3 Making a repayment claim

A repayment may be claimed once the qualifying conditions have been satisfied.

This is subject to an overall time limit of 4 years, starting on the date on which the accountable person sells the property concerned to an eligible applicant.

Revenue is currently developing its stamp duty e-Repayment system to facilitate the repayment of stamp duty under section 83DA. When the development is complete, this document will be updated with full instructions on how to submit a claim using the system.

In the interim, instructions on how to submit a section 83DA repayment claim may be obtained by contacting the National Stamp Duty Office (NSDO)⁴ (quoting the relevant DOC ID Number) via Revenue's online MyEnquiries facility, through ROS or myAccount. When submitting the claim, the accountable person will be required to include a declaration stating that the qualifying conditions have been met. The NSDO will provide a declaration form for this purpose.

Where a repayment claim is refused, Revenue will notify the claimant in writing, setting out the reasons for the refusal. An accountable person may appeal such a decision to the Tax Appeals Commission within a period of 30 days after the date of the written notification.

4 Retention of records

Section 128A SDCA 1999 provides that an accountable person is obliged to retain records relating to a stamp duty liability, relief or exemption for a 6-year period. The 6-year period commences on the date a stamp duty return is filed or the date the duty is paid, whichever date is the later.

Where a person claims a repayment of stamp duty under section 83DA, subsection (8) provides that the date on which the 6-year period referred to in section 128A commences in relation to the repayment claim is the date on which the residential property is sold to an eligible applicant.

Example

An Approved Housing Body (AHB) acquires a house on 1 January 2024 and, on the same day, files a stamp duty return and pays stamp duty at a rate of 1%. The 6-year records retention period in relation to the stamp duty liability commences on 1 January 2024, in accordance with section 128A.

On 1 March 2024, the AHB sells the house to an eligible applicant and claims a stamp duty repayment under section 83DA. The commencement of the 6-year record-retention period in relation to the repayment claim is 1 March 2024 (instead of 1 January 2024), by virtue of subsection (8).

⁴ The NSDO can be contacted using the secure 'MyEnquiries' service available in MyAccount or ROS. Alternatively, the NSDO can be contacted by phone at 01 7383646 or by post at 14/15 Upper O'Connell Street, Dublin 1, D01 YT32.

Subsection (8) provides that where an accountable person makes a repayment claim under this section, the records that are to be retained must include the following:

- a copy of the direct sales agreement, and
- a copy of the contract for sale in relation to the sale of the residential property to the eligible applicant.

5 Penalty for incorrect claim

Section 83DA(9) provides for a penalty to be applied where Revenue repays stamp duty under this section and it is subsequently found that the declaration by the accountable person that the qualifying conditions were met –

- was untrue in any material respect that would have resulted in the repayment (or part of the repayment) not being made, or
- was made knowing same to be true or in reckless disregard for the truth.

The amount of the penalty payable is 125% of the stamp duty that should not have been repaid together with interest on that amount charged at a daily rate of 0.0219% in accordance with **section 159D** SDCA 1999, calculated from the date on which the repayment was made to the date on which the penalty is paid to Revenue.