Stamp Duties Consolidation Act 1999

Part 7: Section 83F - Repayment of stamp duty on cost rental dwellings

This document should be read in conjunction with sections 31E and 83F of the Stamp Duties Consolidation Act 1999.

Document last reviewed March 2025

Section 83F SDCA 1999 provided for a partial repayment of stamp duty paid at the higher 10% rate where, within 6 months of acquisition, a property was designated as a cost rental dwelling. The section was repealed by section 68 of Finance Act 2022, which came into operation on **1 June 2023** (S.I. No. 240 of 2023). Repayment claims in respect of cost rental dwellings can now be made under **section 83DB** SDCA 1999.

Please see <u>Section 83DB</u> Tax and Duty Manual – Repayment in respect of certain residential units for further details on the section 83DB repayment scheme.



The information in this document is provided as a guide only and is not professional advice, including legal advice. It should not be assumed that the guidance is comprehensive or that it provides a definitive answer in every case.

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1 Introduction

The standard rates of stamp duty applying on the acquisition of residential property are 1% on values up to €1m and 2% on values exceeding €1m. In 2021, a higher 10% rate of duty on multiple purchases of residential properties was introduced as part of the Government's response to the bulk-purchasing of residential properties by commercial institutional investors. The higher rate is provided for by **section 31E** of the Stamp Duties Consolidation Act (SDCA) 1999. It applies where a person acquires 10 or more residential properties (excluding apartments) in any 12-month period. For the purposes of the higher charge, such properties are referred to as "**relevant residential units**". Detailed guidance on the application of section 31E is contained in Stamp Duty Manual Part 5: section 31E: Stamp duty on certain acquisitions of residential property (10% rate of duty).

Section 83F SDCA 1999 provides for a partial repayment of stamp duty paid at the higher 10% rate where, within 6 months of acquisition, a property is designated as a **cost rental dwelling**. Section 83F was introduced by the Finance (Covid-19 and Miscellaneous Provisions) Act 2022 and came into effect on 3 June 2022. The amount to be repaid is the difference between the amount of stamp duty paid at the higher rate and the amount of duty that would have been payable had the standard rate applied.

Section 31E makes provision for stamp duty to be charged at the higher 10% rate where residential property is acquired either directly (e.g. on a conveyance on sale of a residential property) or indirectly (e.g. on a sale of shares in company owning residential property). It is important to note that the section 83F repayment scheme applies only to residential property that is acquired directly.

2 Cost rental dwellings

The Affordable Housing Act 2021 provides the statutory basis for the delivery of cost rental housing. Cost rental housing is a form of rental tenure where the rents charged only cover the cost of developing, financing, managing and maintaining the homes, calculated over a minimum period of 40 years.

The repayment available under section 83F is designed to facilitate access for all commercial and private providers of cost rental to the sector.

Under the Affordable Housing Act 2021, a cost rental designation is registrable with the Registry of Deeds as an act of the owner affecting the dwelling and will be a burden on the folio. This registration will be for a minimum of 40 years. This burden can only be removed with the Minister for Housing, Local Government and Heritage's consent.

3 Qualifying conditions for repayment

To qualify for a repayment under section 83F, the following conditions must be satisfied:

- stamp duty at the higher rate of 10% is paid in respect of an instrument effecting the acquisition of a relevant residential unit, and
- within the 6-month period commencing on the day after the date on which
 the instrument is executed, the relevant residential unit is designated as a
 cost rental dwelling by the Minister for Housing, Local Government and
 Heritage under Part 3 of the Affordable Housing Act 2021.

4 Amount of repayment

The amount to be repaid is calculated using the formula A - B where -

- A: is the stamp duty paid at the higher rate of 10% on the relevant instrument that was attributable to the qualifying relevant residential unit
- B: is the stamp duty that would have been payable had the 10% rate of duty not applied. (The standard rates of stamp duty applying on the acquisition of residential property are 1% on values up to €1m and 2% on values exceeding €1m.)

An instrument may have been executed in respect of a number of relevant residential units, but not all of these may subsequently be designated as a cost rental dwelling and thereby become a "qualifying relevant residential unit". Where this occurs, the stamp duty to be repaid must be apportioned between the relevant residential units that are designated, and those that are not.

4.1 Examples of calculation of repayment

4.1.1 Where all relevant residential units are designated as cost rental dwellings

Company A purchases 15 houses in September 2022 for €5.25m and pays stamp duty of €525,000. In December 2022, it obtains a cost rental designation from the Minister for Housing, Local Government and Heritage in respect of all 15 houses. As all of the houses are "qualifying relevant residential units", it can claim the maximum repayment of stamp duty possible.

If Company A had not been liable to the 10% rate of duty, it would have paid stamp duty of €95,000 (€1m @ 1% and €4.25m @ 2%). The amount to be refunded using the formula A - B is therefore: €430,000 (€525,000 - €95,000).

4.1.2 If not all relevant residential units are designated as cost rental dwellings

Company B purchases 12 houses in July 2022. The 12 houses cost €1.25 million in total and as more than 10 relevant residential units are purchased in a 12 month period, the 10% rate is applied: €1.25m X 10% = €125,000 Total Stamp Duty Paid.

In November 2022, 3 of the houses are designated as cost rental, so Company B is entitled to a partial repayment of stamp duty in respect of these 3 houses. The combined value of the 3 houses (when purchased in July) was €312,000.

Step 1 – calculate stamp duty @ 10% rate attributable to the cost rental units

The stamp duty paid that was attributable to 3 cost rental units is calculated as follows:

Stamp Duty paid x Value of cost rental units

Total Value of Units

€125,000 x €312,000

€1,250,000 = **€31,200**

Step 2 – calculate notional stamp duty @ standard rates attributable to the cost rental units

Had the 10% rate not applied to the acquisition of the 12 houses, the stamp duty that would have been payable on the transaction would have been:

$$((\le 1 \text{m X } 1\%) + (\le 250,000 \text{ x } 2\%)) = \le 15,000$$

Had the standard rates applied, the stamp duty that would have been attributable to the 3 cost rental units would have been:

Notional Stamp Duty Payable x Value of cost rental units

Total Value of Units

€15,000 x €312,000

€1,250,000 = **€3,744**

Step 3 - calculate the refund

A (Stamp Duty Paid) – B (Notional Stamp Duty Payable)

4.1.3 Time limit for obtaining a cost rental designation

Sean purchases 20 houses in February 2022 and pays stamp duty at the rate of 10%.

In June 2022, he obtains a cost rental designation from the Minister for Housing, Local Government and Heritage in respect of 4 of the houses and receives a partial repayment of stamp duty in respect of those 4 houses.

In October 2022, Sean obtains another cost rental designation in respect of 5 of the houses he purchased in February. Since it is over 6 months since he acquired the properties, he will not be entitled to a repayment of the stamp duty he paid in respect of those houses.

5 Making a repayment claim

A repayment may be claimed once the qualifying conditions are satisfied. However, there is a time limit of 4 years on making a claim, starting on the date on which the relevant residential unit is designated as a cost rental dwelling.

A repayment may be claimed online through the eRepayments facility on either <u>ROS</u> or <u>myAccount</u>. Detailed guidance on making a claim using:

- ROS is set out in Appendix 1, or
- myAccount is set out in Appendix 2.

The accountable person (or if there is more than one accountable person, one of them) or the filer of the stamp duty return (acting as agent of the accountable person(s)) may make the claim. If the accountable person(s) wish(es) to authorise a person other than the filer to make the claim they should first contact the National Stamp Duty Office (NSDO)¹ to update the filer details.

Before making a claim, claimants should:

- review the Stamp Duty Return to ensure the consideration is correct. For example, if the purchase price included VAT, ensure that the VAT-exclusive consideration has been entered on the return.
- have their bank details ready if they do not have a ROS Debit Instruction (RDI).
- save any supporting documentation electronically.

The following supporting documentation is required to make a claim:

- a <u>declaration</u> stating that a relevant residential unit has been designated as a cost rental dwelling within six months of acquisition,
- a copy of the cost rental designation, and
- where there is more than one accountable person, a claim requires the
 written consent of all the accountable persons to one of them making the
 claim and receiving the refund. (The filer of the return is only required to sign
 the consent form where they themselves are an accountable person i.e. a
 purchaser or transferee).

The supporting documentation should be uploaded with the repayment application onto eRepayments. The claim will be processed online, and the repayment will be made to the claimant's nominated bank account.

Penalties will apply in the event of a false or incorrect declaration.

¹ 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.

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 Appeal Commissioners within a period of 30 days after the date of the written notification.

6 Incorrect claims

Provision is made for a repayment to be repaid to Revenue where it is subsequently found that it was incorrectly claimed. Section 83F(11) provides for a penalty to be applied where a claimant knowingly makes a false declaration or displays a reckless disregard for the truth when claiming a repayment. The amount of the penalty payable by the claimant 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, from the date on which the repayment was made to the date on which the penalty is paid to Revenue.

7 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 83F, subsection (10) 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 unit is designated as a cost rental dwelling.

7.1 Example of obligation to retain records for 6 years

Linda acquires 12 houses on 1 January 2023 and, on the same day, files a stamp duty return and pays stamp duty at a rate of 10%. The 6-year records retention period in relation to the stamp duty liability commences on 1 January 2023, in accordance with section 128A. On 1 March 2023, 3 of the 12 houses are designated as cost rental dwellings and Linda claims a stamp duty repayment under section 83F. The commencement of the 6-year record-retention period in relation to the repayment claim is 1 March 2023 (instead of 1 January 2023), by virtue of subsection (10).

Appendix 1 - Making a claim through ROS

Step 1:

Access the eRepayment Claims service by logging onto your ROS account. Once logged on, your ROS My Services home page will display. Click on eRepayment Claims.

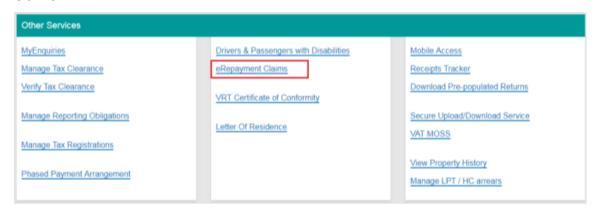


Figure 1: - eRepayments Service

Step 2:

You will be brought to the Welcome page of the eRepayments service. Click on Make a Claim.

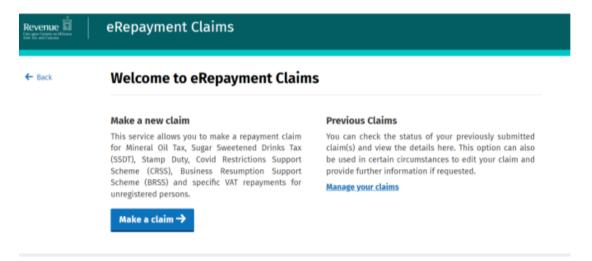


Figure 2: - eRepayments Welcome Page

Step 3:

Select STAMP. Click Continue.

Select a tax Please select the tax you are claiming. O STAMP - Stamp Duty O VAT - Value Added Tax Continue →

Figure 3: - Select Stamp Duty Option

Step 4:

Select Form STAMP – Stamp Duty Section 83F Refund Claim. Click Continue.

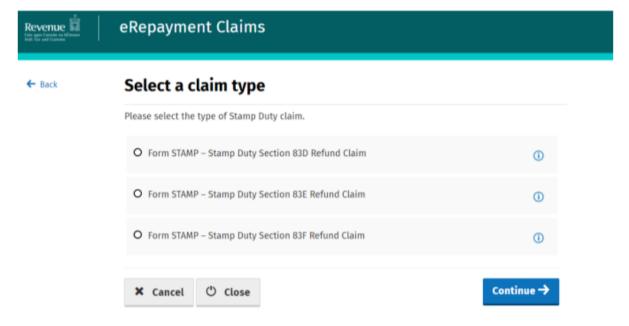


Figure 4: - Select Section 83F Refund Claim

Step 5:

The Overview Screen displays the information and documentation required to make the claim. If you are not familiar with making claims, you should print a copy of this screen for reference.

If you have all the information and documentation ready, click Continue

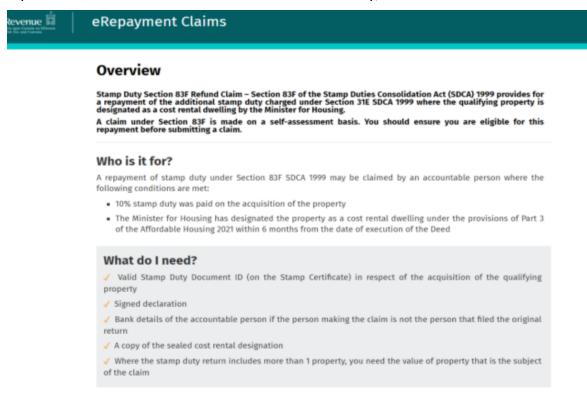


Figure 5: - Overview Screen

Step 6:

Enter the Stamp Duty Document ID and click Continue.

Stamp Duty Return Document ID

Section 83F of the Stamp Duties Consolidation Act (SDCA) 1999 provides for a repayment of the additional stamp duty charged under Section 31E SDCA 1999 where the qualifying property is designated as a cost rental dwelling by the Minister for Housing.

Please enter a valid Stamp Duty Document ID			
Stamp Duty Do	cument ID		
₩ Back	() Close	Save & Close	Continue →

Figure 6: - Document ID Screen

Step 7:

Some fields on the Claim Details Screen are pre-populated from the Stamp Duty Return Document ID that you entered on the previous screen. You cannot edit these fields. You should complete the following fields in the claim:

- The number of Relevant Residential Units acquired. Enter the number of Relevant Residential Units purchased under the Document ID.
- Qualifying lease date. Enter the date the property was designated as a cost rental dwelling.
- The number of properties included in this claim. Enter the number of properties under the Document ID that have been designated as a cost rental dwelling
- Total value of properties on the Stamp Duty Return. Enter the consideration paid for all properties transferred under the Document ID that are liable to 10% Stamp Duty.
- Value of properties included in this claim. Enter the consideration paid for properties under the Document ID that have been designated as a cost rental dwelling.

Once all the fields are complete, click Continue.

Overview	Claim Details			
Document ID	Section 83F of the Stamp Duties Consolidation Act (SDCA) 1999 provides for a repayment of the additional stamp			
Claim Details	data shared and a faction 245 CDC4 1000 when the smallfully appropriate indesignated as a second			
Attachments	the minister for frousing.			
Bank Details	Enter the details requested below.			
Review	Stamp Duty Document ID:	0.115		
	Total Number of Relevant Residential Units Acquired	1		
	Duty Paid at 10.0%:	110000.00		
	Qualifying lease date	04/08/2022	0	
	Value of properties in this claim	500000.0	0	
	Number of properties included in this claim	1		
	Number of previous claims made	Θ		
	Total value of Properties on Stamp Duty Return	500000.0		
	₩ Back Save & Close		Continue →	

Figure 7: - Claim Details Screen

Step 8:

This screen lists the supporting documentation that you need to include with your claim

The form of wording for both the declaration and consent of accountable persons is available here.

Click Add each time you wish to attach a document. When all documents have been attached, click Continue.

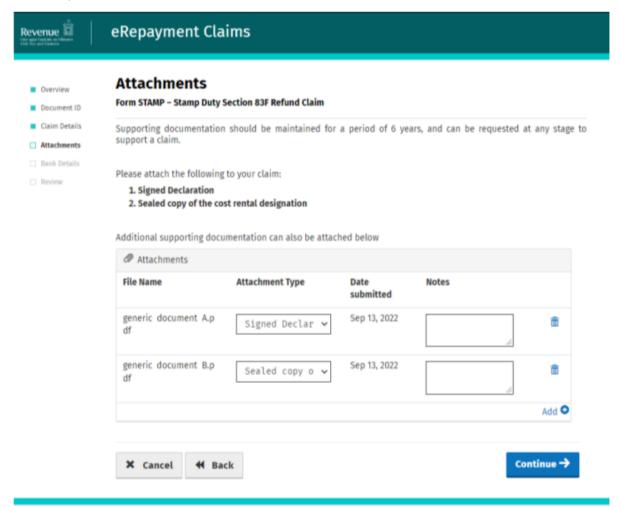


Figure 8: - Supporting Documentation Screen

Step 9:

If you are the filer of the Stamp Duty Return, you may already have a ROS Debit Instruction (RDI). If you do, the RDI bank details will be pre-populated. You cannot edit these fields.

If you do not have an RDI, you need to provide bank account details that the repayment can be made.

Following review, or entry of bank account details where appropriate, click Continue.

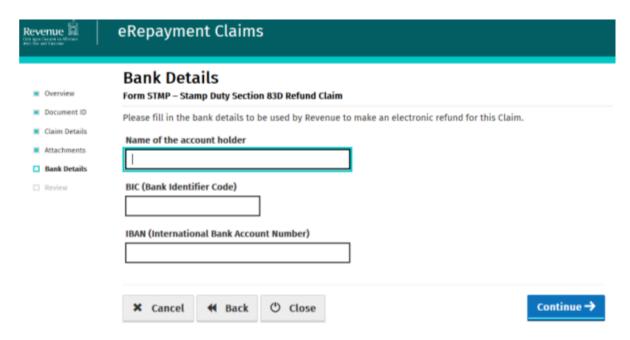


Figure 9: - Bank Details Screen

Step 10:

The Summary Screen displays details of the claim entered. This includes a calculation of the repayment and the nominated bank account details.

There are two mandatory declaration tick boxes on this screen. You should read the declarations and tick them if they are correct.

If you are not the accountable person, choose the third option "I am acting as agent for the accountable person(s)".

Check that the claim details entered by you are correct. Once you are satisfied that the claim is correct click Submit.

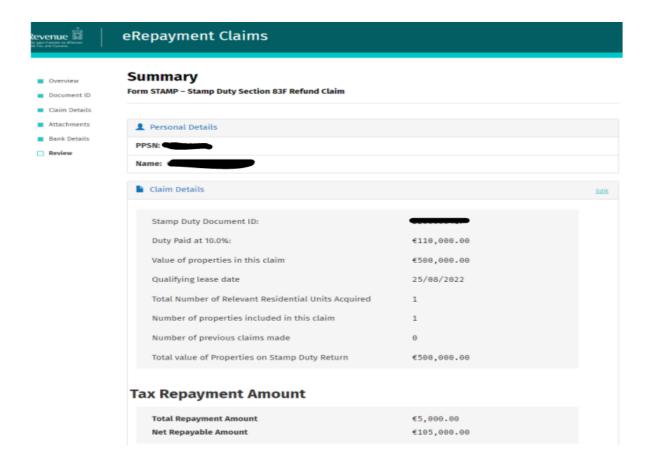


Figure 10: - Summary Screen

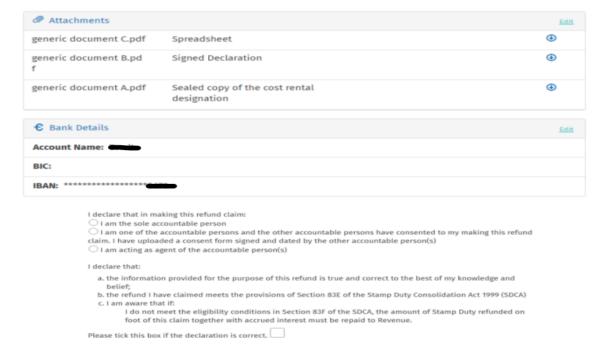


Figure 11: - Summary Screen Continued

Step 11:

Enter your ROS password and click the Sign & Submit button to complete the transaction.

Sign & Submit Screen

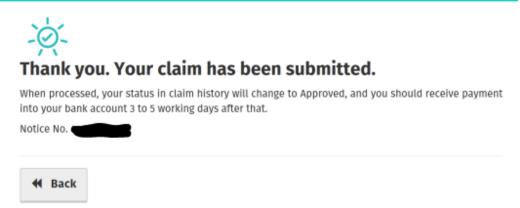
Sign & Submit			
Certificate	-		1 Help
Enter Password	Password		
		Sign & Submit	
		0%	

Figure 12: - Sign and Submit Screen

Step 12:

The Acknowledgement Screen acknowledges you have submitted your repayment claim.

Acknowledgement Screen



We will process your claim online and, if it is in order, we will make the refund to the bank account on the **Bank Details Screen**.

Figure 13: - Acknowledgment Screen

Step 13:

To edit or view a claim already filed, click on Manage your claims in the Welcome to eRepayment Claims Screen.

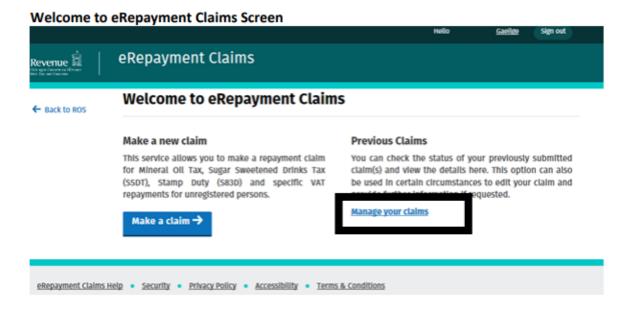


Figure 14: - Welcome Screen

Appendix 2 - Making a claim through myAccount

Step 1:

Access the eRepayment Claims service by logging onto your myAccount account. Once logged on, your ROS My Services home page will display. Click on eRepayment Claims

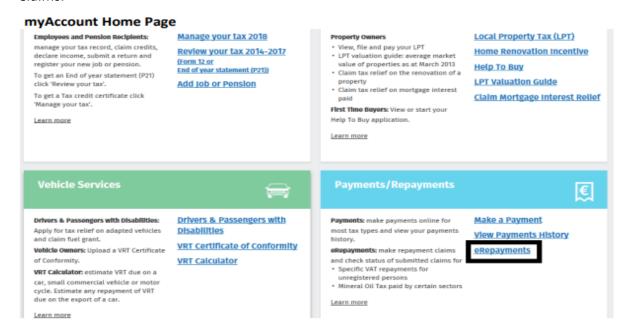


Figure 15: - eRepayments Service

Step 2:

You will be brought to the Welcome page of the eRepayments service. Click on Make a Claim.

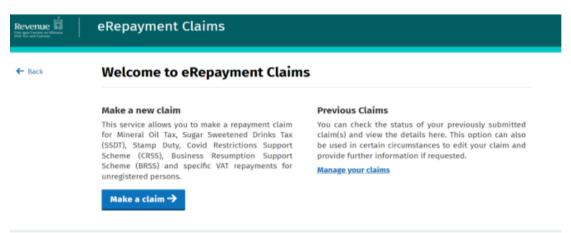


Figure 16: - eRepayments Welcome Page

Step 3:

Select STAMP. Click Continue.

Select a tax Please select the tax you are claiming. O STAMP - Stamp Duty O VAT - Value Added Tax Continue →

Figure 17: - Select Stamp Duty Option

Step 4:

Select Form STAMP – Stamp Duty Section 83F Refund Claim. Click Continue.

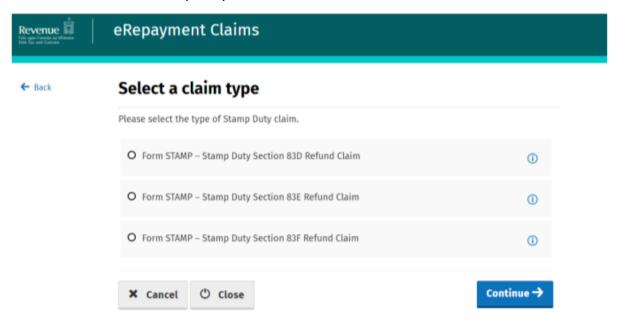


Figure 18: - Select Section 83F Refund Claim

Step 5:

The Overview Screen displays the information and documentation required to make the claim. If you are not familiar with making claims, you should print a copy of this screen for reference.

If you have all the information and documentation ready, click Continue

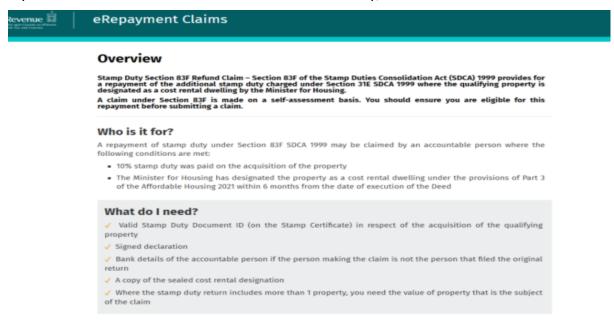


Figure 19: - Overview Screen

Step 6:

Enter the Stamp Duty Document ID and click Continue.

Stamp Duty Return Document ID

Section 83F of the Stamp Duties Consolidation Act (SDCA) 1999 provides for a repayment of the additional stamp duty charged under Section 31E SDCA 1999 where the qualifying property is designated as a cost rental dwelling by the Minister for Housing.

Please enter a valid Stamp Duty Document ID

Stamp Duty Document ID

We Back Close Save & Close

Figure 20: - Document ID Screen

Step 7:

Some fields on the Claim Details Screen are pre-populated from the Stamp Duty Return Document ID that you entered on the previous screen. You cannot edit these fields. You should complete the following fields in the claim:

- The number of Relevant Residential Units acquired. Enter the number of Relevant Residential Units purchased under the Document ID.
- Qualifying lease date. Enter the date the property was designated as a cost rental dwelling.
- The number of properties included in this claim. Enter the number of properties under the Document ID that have been designated as a cost rental dwelling
- Total value of properties on the Stamp Duty Return. Enter the consideration paid for all properties transferred under the Document ID that are liable to 10% Stamp Duty.
- Value of properties included in this claim. Enter the consideration paid for properties under the Document ID that have been designated as a cost rental dwelling.

Once all the fields are complete, click Continue.

ocument ID	Section 83F of the Stamp Duties Consolidation Act (SDCA) 1999 provides for a repayment of the additional sta duty charged under Section 31E SDCA 1999 where the qualifying property is designated as a cost rental dwelling		
tachments	the Minister for Housing.		
ank Details	Enter the details requested below.		
eview	Stamp Duty Document ID:	0/45	
	Total Number of Relevant Residential Units Acquired	1	
	Duty Paid at 10.0%:	110000.00	
	Qualifying lease date	04/08/2022	
	Value of properties in this claim	500000.0	0
	Number of properties included in this claim	1	_
	Number of previous claims made	0	
	Total value of Properties on Stamp Duty Return	500000.0	

Figure 21: - Claim Details Screen

Step 8:

This screen lists the supporting documentation that you need to include with your claim.

The form of wording for both the declaration and consent of accountable persons is available here.

Click Add each time you wish to attach a document. When all documents have been attached, click Continue.

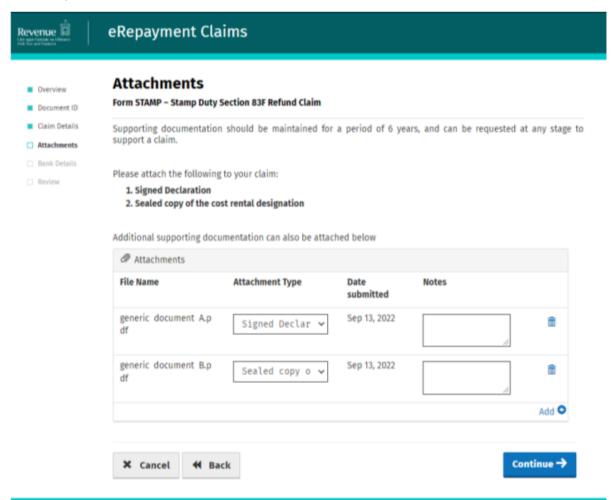


Figure 22: - Supporting Documentation Screen

Step 9:

Enter the bank account details to which the Section 83F repayment is to be made.

Take care to ensure that your BIC and IBAN are entered correctly. After you have entered your bank account details and checked that they are correct, click Continue.

Revenue 🖺	eRepayment Claims			
■ Overview	Bank Details Form STMP – Stamp Duty Section 83D Refund Claim			
Document ID	Please fill in the bank details to be used by Revenue to make an electronic refund for this Claim.			
Claim Details	Name of the account holder			
Attachments				
 Bank Details 				
Review	BIC (Bank Identifier Code) IBAN (International Bank Account Number)			
	X Cancel			

Figure 23: - Bank Details Screen

Step 10:

The Summary Screen displays details of the claim entered. This includes a calculation of the repayment and the nominated bank account details.

There are two mandatory declaration tick boxes on this screen. You should read the declarations and tick them if they are correct.

Check that the claim details entered by you are correct. Once you are satisfied that the claim is correct click Submit.

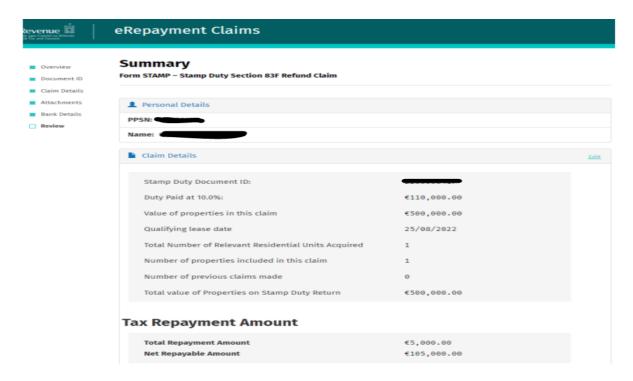


Figure 24: - Summary Screen

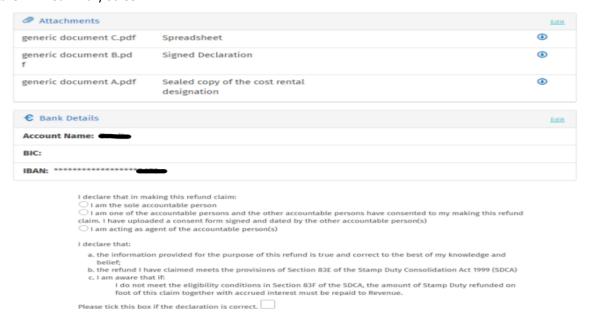


Figure 25: - Summary Screen Continued

Step 11:

Enter your myAccount password and click the Sign & Submit button to complete the transaction.

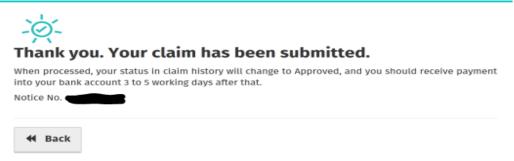
eRepayments Secure sign and submit Secure sign and submit PPS Number 1234567A Enter myAccount Password Sign and Submit →

Figure 26: - Sign and Submit Screen

Step 12:

The Acknowledgement Screen acknowledges you have submitted your repayment claim.

Acknowledgement Screen



We will process your claim online and, if it is in order, we will make the refund to the bank account on the **Bank Details Screen**.

Figure 27: - Acknowledgement Screen

Step 13:

To edit or view a claim already filed, click on Manage your claims in the Welcome to eRepayment Claims Screen.

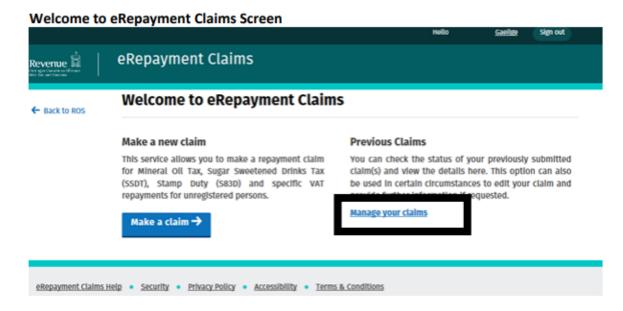


Figure 28: - Welcome Screen