

## Companies Capital Duty

### Part 08

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

Document reviewed April 2023

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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, Bloom House, Gloucester Place Lower, Dublin 1.