

# NOTES FOR GUIDANCE

## STAMP DUTIES CONSOLIDATION ACT 1999

(as amended by subsequent Acts up to and including  
the Finance (No.2) Act 2023)

### Part 11 – Management Provisions



**These notes are for guidance only and do not purport to be a definitive legal interpretation of the provisions of the Stamp Duties Consolidation Act 1999 (No. 31 of 1999) as amended by subsequent Acts up to and including the Finance (No.2) Act 2023.**

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## PART 11 MANAGEMENT PROVISIONS

### Overview

This Part includes those provisions which were previously contained in the Stamp Duties Management Act, 1891. It is divided into 8 Chapters as follows:

- **Chapter 1** contains definitions and care and management provisions. It also sets out the scope of the provisions contained in this Part;
- **Chapter 2** sets out how moneys received for duty or fees payable by means of stamps but not appropriated to that duty or those fees are to be recovered;
- **Chapter 3** creates a number of offences in relation to the misuse of dies and stamps. In addition to these offences, sections 5 and 8 of the Forgery Act, 1913, create offences relating to the forgery of dies and the possession of forged stamps and dies. **Sections 10(5), 12(4), 128(2), 147(1) and 149(1)** also create offences as do sections 1078 and 1079 of the Taxes Consolidation Act, 1997;
- **Chapter 4** contains provisions relating to the sale, and licensing for sale, of stamps and the distribution of stamps. The Revenue Commissioners have not licensed any person to sell or deal in Revenue stamps. Neither have they appointed any person to be a distributor of revenue stamps. The 30 cent adhesive stamp on bills of exchange and promissory notes may only be purchased from the Revenue Commissioners and stamps which are impressed by means of a die on instruments may only be impressed by the Revenue Commissioners;

This Chapter also applies to postage stamps issued by An Post. The amendment to section 20 of the Finance Act, 1911, contained in Part I of the Fourth Schedule to the Postal and Telecommunications Services Act, 1983, extends to An Post the provisions contained in this Chapter (i.e. **sections 146, 148 and 150**) relating to the licensing of persons to sell stamps. Section 69 of the 1983 Act provides that **sections 147 and 149** apply to postage stamps;

- **Chapter 5** enables the Revenue Commissioners to refund or give an allowance for stamp duty already paid in certain circumstances. Section 152 was re-written in Finance (No.2) Act 2023 to reflect a general right to repayment where stamp duty is overpaid in relation to an instrument or a relevant statement;
- **Chapter 6** contains a number of miscellaneous provisions;
- **Chapter 7** contains general provisions relating to claims for repayment of stamp duty, interest on repayment and time limits for enquiries and assessments by the Revenue Commissioners. Section 159A and section 159B were re-written in Finance (No.2) Act 2023 as part of a wider stamp duty modernisation program; and
- **Chapter 8** contains provisions for the calculation of interest on unpaid duty.

### CHAPTER 1

#### *Interpretation, Application and Care and Management*

#### **Section 135 Interpretation (Part 11)**

“duty”, “office of the Commissioners”, “officer” and “stamp” are self-explanatory.

#### **Section 136      Application (*Part 11*)**

*Part 11* applies to all—

- duties (see *section 135*), and
- fees which are for the time being directed to be collected or received by means of stamps.

The only fees which are now collected or received by means of stamps are property arbitration award fees.

#### **Section 137      Stamp duties under care and management of the Commissioners**

This section provides that all duties chargeable by law as stamp duties are to be under the care and management of the Revenue Commissioners.

#### **Section 137A      Information exchange with Property Registration Authority**

This section deals with the exchange of information between the Revenue Commissioners and the Property Registration Authority. It provides for the exchange of information between the Revenue Commissioners and the Property Registration Authority as may be necessary for the performance of the functions of either body. The information is to be supplied at such intervals specified by either body. Section 28 of the *Tailte Éireann Act 2022* transferred the functions of the Property Registration Authority to *Tailte Éireann* on 1 March 2023.

#### **Section 137B      Information exchange with Property Services Regulatory Authority**

This section provides for the provision of information within the e-stamping system to the Property Services Regulatory Authority in connection with their functions.

#### **Section 137C      Provision of information to Commissioner of Valuation**

This section provides for the provision of information within the e-stamping system to the Commissioner of Valuation in connection with the performance of their functions. Section 28 of the *Tailte Éireann Act 2022* transferred the functions of the Commissioner of Valuation to *Tailte Éireann* on 1 March 2023.

### CHAPTER 2

#### *Mode of recovering money received for duty*

#### **Section 138      Moneys received for duty and not appropriated to be recoverable in High Court**

No longer effective - Finance (No.2) Act 2008, Schedule 4.

### CHAPTER 3

#### *Offences*

**Section 139      Certain offences in relation to dies and stamps provided by the Commissioners to be offences**

This section creates a number of offences in relation to the fraudulent misuse of dies and stamps. The provisions of section 1078 of the Taxes Consolidation Act 1997, apply to these offences.

**Section 140      Proceedings for detection of forged dies, etc.**

Where information is given before a judge of the District Court that there is just cause for suspecting a person of committing one of the offences set out in *section 139* the judge may issue a warrant to enable any premises belonging to or occupied by the suspected person, or any premises suspected of being used by the suspected person in the commission of the offence or for hiding any machinery, etc., used in the commission of the offence, to be searched.

Any machinery, etc., found during the search may be seized. On seizure the machinery, etc., must be delivered up to the Revenue Commissioners.

**Section 141      Proceedings for detection of stamps stolen or obtained fraudulently**

When s/he has a reasonable suspicion that stamps were stolen or fraudulently obtained a judge of the District Court may issue a warrant for the seizure of stamps concealed or deposited in his or her jurisdiction and for bringing before him or her or any other judge of the District Court within the same jurisdiction the person in whose possession or custody the stamps were found. (1)

If the person does not satisfactorily account for the possession of the stamps, or does not prove that s/he bought the stamps from the Revenue Commissioners, or a person appointed to sell and distribute stamps, or a licensed person, then the stamps are forfeited and must be delivered up to the Revenue Commissioners. (2)

However, if within 6 months of the stamps being delivered up to the Revenue Commissioners, any person proves that s/he bought them from the Revenue Commissioners or from a person appointed to sell and distribute stamps or from a licensed person and that the stamps were stolen or fraudulently obtained from him or her then the Revenue Commissioners will return the stamps to that person. (3)

**Section 142      Licensed person in possession of forged stamps to be presumed guilty until contrary is shown**

If forged stamps are found in the possession of a person who was duly appointed to sell and distribute stamps or licensed to sell stamps that person is presumed, until the contrary is satisfactorily proved, to have known that they were forged and to have intended to sell them. Such a person is guilty of an offence and the provisions of section 1078 of the Taxes Consolidation Act, 1997, apply to that offence. (1)

If they have cause to suspect that a person who was duly appointed to sell and distribute stamps or licensed to sell stamps has forged stamps in his or her possession, the Revenue Commissioners may by warrant authorise the search, between 9 a.m. and 7 p.m., of any premises belonging to the suspected person. If entry is not allowed voluntarily then the authorised person may break in. (2)

Any stamps found on the premises or in the custody or possession of the suspected person may be seized. (2)

If requested to do so by an authorised person, members of the Garda Síochána must assist the authorised person in the execution of the warrant. If the garda refuses that garda is liable to a penalty of €1,265. (3), (4)

Any person who refuses admittance to the premises or opposes the authorised person in the execution of the warrant is liable to a penalty of €1,265. (4)

#### **Section 143 Mode of proceeding when stamps are seized**

When stamps are seized under a warrant, the person authorised by the warrant must give a receipt for the stamps so seized and permit them to be marked if the person in whose custody or possession they were found so requests.

#### **Section 144 Defacement of adhesive stamps**

Any person who defaces an adhesive stamp is liable to a penalty of €630. The penalty will not apply, however, where the defacement was sanctioned by the Revenue Commissioners.

#### **Section 145 Penalty for frauds in relation to duties**

Any person who engages in a fraudulent act, etc., intending to defraud the State of stamp duty is guilty of an offence and the provisions of section 1078 of the Taxes Consolidation Act, 1997, apply to that offence.

### CHAPTER 4

#### *Sale of stamps*

#### **Section 146 Power to grant licences to deal in stamps**

This section enables the Revenue Commissioners to license persons to sell stamps. The licence will specify the name of the licensed person and the place where that person may sell the stamps. The licensed person must give security of €1,265 to the Revenue Commissioners. Where a number of persons are carrying on business in partnership only one licence and one security is required. The security is not liable to stamp duty. (1) – (4)

The licence may be revoked at any time by the Revenue Commissioners. (4)

A notice containing the name of the licensed person together with the words “Licensed to sell stamps” must be displayed prominently on the outside of the place where the stamps are licensed to be sold. Licensed persons who fail to display the notice are liable to a penalty of €1,265. (5)

#### **Section 147 Penalty for unauthorised dealing in stamps, etc.**

A person who— (1)

- deals in stamps without being licensed to sell and distribute stamps,
- deals in stamps at a premises which is not specified in his or her licence,

is guilty of an offence and section 1078 of the Taxes Consolidation Act, 1997, applies to that offence.

A person who— (2)

- is not duly appointed to sell and distribute stamps, or
- licensed to sell stamps,

but who displays any kind of notice to the effect that s/he deals in stamps or is authorised to deal in stamps, is liable to a penalty of €1,265.

#### **Section 148 Provisions as to determination of a licence**

When the period for which the licence is granted comes to an end either because the licence has expired or been revoked or because the licensed person has died or become bankrupt, any stamps which that person had in his or her possession may be returned to the Revenue Commissioners within 6 months after the date the licence expired or was revoked or of the date of death or bankruptcy. (1)

The Revenue Commissioners may reimburse the person who returned the stamps, subject to the deduction of any discount, if they are satisfied that the stamps were in the possession of the person whose licence has expired or was revoked, or who died or became bankrupt at the relevant time for the purpose of sale and that they were obtained by that person from them or from some other person duly appointed to sell and distribute stamps or licensed to sell stamps. (2)

#### **Section 149 Penalty for hawking stamps**

Stamps may only be sold by a licensed person at the place specified in the licence. If the licensed person sells the stamps at a place not specified in the licence or an unlicensed person sells stamps s/he is guilty of an offence and section 1078 of the Taxes Consolidation Act, 1997, applies to that offence. (1)

In addition all the stamps are forfeited and must be delivered up to the Revenue Commissioners who may dispose of them as they think fit. (1)

Any person may arrest a person found committing an offence under this section and bring that person before a judge of the District Court having jurisdiction where the offence was committed. That judge will hear and determine the matter. (2)

#### **Section 150 Discount**

This section enables the Minister for Finance to sell stamps at a discount.

### CHAPTER 5

#### *Allowance for spoiled or misused stamps*

#### **Section 151 Allowance for spoiled stamps**

This section enables the Revenue Commissioners to repay duty where a stamp, or stamped material, has been spoiled. The relief only applies in certain specified cases and claims for a refund must be made within 4 years—



- after the stamp is spoiled, or
- after the date the instrument is stamped, in the case of an executed instrument.

See also *section 159A* in relation to the time limits for claiming a repayment of stamp duty and *section 159B* in relation to the payment of interest on repayments.

In the case of an executed instrument—

- no action must have commenced in which the instrument could have been given in evidence, and
- the instrument must not have already been used for the purpose of registering title, and
- the instrument must be given up to be cancelled.

In addition to this section, *sections 18, 29(4)(b) and (7), 31(4), 33(2), 36(2), 50A, 53(4)(b) and (7), 77, 80(9), 81(5), 81A(9), 81AA(11), 81C(5), 83D, 83E, 83F, 84, 117(2)(b)(ii), 148(2), 152, 154 and 159A* contain refund provisions.

## **Section 152      Repayment of overpaid stamp duty**

### **Summary**

This section provides for a general right to repayment of stamp duty where stamp duty is overpaid in relation to an instrument or a relevant statement, either because the instrument or relevant statement is not liable to duty or because the instrument or relevant statement is liable to a lesser amount of duty.

### **Detail**

The following definitions and interpretations are provided by the section: (1)

“relevant statement” means an account delivered to Revenue under section 5 or a statement delivered to Revenue under Part 9.

“return” means an electronic return or a paper return made to Revenue in relation to an instrument – the terms electronic return, paper return and instrument are defined in section 1.

Where a person has paid stamp duty (including any interest, surcharge or penalty), under any provision of the Act : (2)

- which was not due, or
- which, but for an error or mistake in a return or statement made by the person, would not have been due,

the person will be entitled to a repayment of the stamp duty. This entitlement will be subject to the person making an application for repayment to Revenue and the requirements of section 159A being met.

## **Section 153      Allowance, how to be made**

Allowance for spoiled or misused stamps (*sections 151 and 152*) may be made in stamps or in money at the discretion of the Revenue Commissioners.

**Section 154      Stamps not wanted may be repurchased by the Commissioners**

Unwanted stamps may be repurchased by the Revenue Commissioners if the Revenue Commissioners are satisfied they were properly acquired in the first place. Such stamps must be delivered up to be cancelled and the person claiming the repayment must prove to the satisfaction of the Revenue Commissioners that the stamps were purchased from them or from a person appointed to sell and distribute stamps or from a licensed person. The stamps must have been purchased within the period of 4 years before the application for a refund is made.

**Section 155      Allowance for lost instruments**

In certain circumstances the Revenue Commissioners will stamp a replacement instrument free of charge if the original instrument has been lost.

Where the lost instrument was stamped under the e-stamping system, the replacement instrument can be stamped, without the payment of any additional stamp duty, by downloading another stamp certificate relating to the original lost instrument and attaching the stamp certificate to the replacement instrument.

Where the lost instrument was stamped prior to the introduction of e-stamping, a stamp duty return should be filed under the e-stamping system in respect of the replacement instrument and the following information should be submitted to the Revenue Commissioners—

- a statutory declaration by a person or persons fully cognisant of the facts covering the following points:
  - date of stamping the original instrument,
  - evidence of stamping the original instrument (where the instrument was stamped with an impressed stamp), and
  - evidence of the loss of the original instrument;
- the original or copy correspondence (if any) with the Revenue Commissioners on the stamping of the original instrument;
- the original or copy correspondence (if any) with the postal service or courier firm on the subject;
- a copy of the lost instrument, preferably of the stamped instrument;
- a copy (front and back) of the cashed cheque, bank draft or payable order relating to the payment of stamp duty in respect of the lost instrument (where the instrument was stamped with an impressed stamp);
- a substitute instrument (unstamped); and
- an undertaking that the lost instrument, if found, will be surrendered to the Revenue Commissioners.

A Stamp Certificate will issue in respect of the substitute deed, without payment of any additional stamp duty, once the Revenue Commissioners are satisfied with the bona fides of the circumstances.

## CHAPTER 6

### *Miscellaneous*

#### **Section 156      Discontinuance of dies**

If the Revenue Commissioners—

- discontinue the use of any die and give public notice of that fact in *Iris Oifigiúil*, or
- discontinue the use of any die and replace the discontinued die with a new die and give public notice in *Iris Oifigiúil*,

the new die will come into effect on the date specified in the public notice.

An instrument which is dated and stamped with the discontinued die after the date specified in the public notice is deemed not to be duly stamped.

The discontinued die will not be a lawful die from the date specified in the public notice.

#### **Section 157      Declarations, affidavits and oaths, how to be made**

This section sets out the persons before whom statutory declarations, affidavits and oaths may be made for the purposes of this Act or any other Act for the time being in force relating to duties. The persons are the Revenue Commissioners or any person authorised by them, commissioners for oaths, peace commissioners or notaries public. The powers of commissioners for oaths is extended to solicitors who hold a practising certificate by section 72 of the Solicitors (Amendment) Act, 1994.

#### **Section 158      Mode of granting licences**

The Revenue Commissioners may authorise any person to issue on their behalf a licence or certificate under this Part or under any other Act for the time being in force in relation to duties.

#### **Section 158A      Delegation**

An officer or officers, or a class of officer or officers, of the Revenue Commissioners may be authorised by the Commissioners to carry out any functions required to be done by the Commissioners under the Stamp Duties Consolidation Act 1999. (1)

The section specifically excludes those functions that should be carried out personally by the Commissioners, such as the making of Regulations, and those functions that should require written authorisation such as the carrying out of audits and inspections. (2)

#### **Section 159      Recovery of penalties, etc.**

No longer effective - Finance (No.2) Act 2008, Schedule 4.

## CHAPTER 7

### *Time limit for repayment of stamp duty, interest on repayment and time limits for enquiries and assessments*

#### **Section 159A General provisions on claims for repayment of stamp duty**

##### **Summary**

This section sets out the general requirements that must be met before Revenue will make a repayment of stamp duty where a repayment of stamp duty is claimed under a provision of the SDCA 1999.

##### **Details**

This section provides the following definitions: (1)

‘relevant statement’ has the same meaning it has in section 152, being:

- an account delivered to Revenue under section 5 or
- statement delivered to Revenue under Part 9

‘return’ has the same meaning it has in section 152, being an electronic return or a paper return made to Revenue in relation to an instrument

‘repayment’ means a repayment of stamp duty including any interest, surcharge or penalty incurred and paid under any provision of the SDCA 1999.

‘valid claim’ is to be construed in accordance with subsection (3) of this section.

Revenue will not make a repayment to a person unless the conditions as set out in paragraphs (a), (b) and (c) are met, as follows: (2)

- there is a provision in the Act under which such a repayment may be made; (2)(a)
- a valid claim has been made to Revenue in respect of the repayment (2)(b)
- without prejudice to any other provision of the Act containing a shorter time limit for the making of a claim (in which case that shorter period will apply), the valid claim has been made within the period of 4 years from whichever of the following dates is relevant in the circumstances of the case: (2)(c)
  - in respect of an instrument stamped by the Commissioners, the latest date the instrument was required to be stamped under section 2,
  - in respect of a relevant statement delivered to the Commissioners:
    - in the case of an account delivered to the Commissioners under section 5, the latest date the account was required to be delivered to the Commissioners in accordance with the agreement entered into under that section, or
    - in the case of a statement delivered to the Commissioners under Part 9, the latest date the statement was required to be delivered to the Commissioners under that Part,

- the date the transfer order referred to in section 78B was executed,
- the date the person achieved the standard within the meaning of section 81AA(11)(a),
- the date of acknowledgement referred to in section 83D(10)(c) in relation to a relevant residential development within the meaning of that section,
- the date the condition specified in section 83DA(2)(b) is satisfied, or
- the qualifying date within the meaning of section 83DB.

A claim for repayment will be treated as a valid claim where the conditions as set out in paragraphs (a), (b) and (c) are met, as follows: **(3)**

- the claim is to be made in the form and manner specified, if any, in the provision (or provisions) under which the claim was made, for example, if the repayment is made under section 83DB, the claim must satisfy the requirements specified in subsection (9) of that section; **(3)(a)**
- all information which Revenue may reasonably require to enable them to determine if, and to what extent, a repayment is due, has been furnished to them; **(3)(b)**
- Where a claim is made under section 152, then the original return or statement which was submitted to Revenue must be amended to reflect the correct amount of stamp duty payable (if any). **(3)(c)**

Where Revenue determines that any of the requirements specified in subsections (2) or (3) are not met, they must decide to refuse a claim for repayment. These general requirements are in addition to the specific requirements for repayment set out in the provision under which the claim has been made. If Revenue do refuse a claim for repayment under this section, they must notify the claimant of the decision in writing. **(4)**

A taxpayer may appeal a decision by Revenue to refuse a repayment claim under this section. If a taxpayer wishes to appeal such a decision to the Appeal Commissioners, the taxpayer must do so in accordance with section 949I of the Taxes Consolidation Act 1997 within the period of 30 days after the date of the notification of the decision. **(5)**

## **Section 159B Interest on repayments of stamp duty**

### **Summary**

This section makes provision for the payment of interest where stamp duty is repaid, subject to certain conditions being met. The section was rewritten to provide greater clarity and to ensure it operates as intended. The revised version was provided for by Finance (No. 2) Act 2023.

This section provides that interest on a repayment will only be paid where the repayment has not been made by the Revenue Commissioners within the period of 93 days (for repayments made before 2 April 2007 it was 183 days) of receiving a valid claim for repayment and then only from the expiration of that period to the date the repayment is made. The section also provides that the rate of interest on such repayments is at the rate of 0.011 per cent per day or part of a day (or such other rate (if any) prescribed by the Minister for Finance.

## Details

“relevant date” means— (1)

- (i) the date which is 93 days after the date on which a valid claim in respect of the repayment is made to the Revenue Commissioners, or
- (ii) where the repayment is due to a mistaken assumption in the operation of stamp duty on the part of the Revenue Commissioners, the date which is the date of the payment of stamp duty, interest, a surcharge or penalty, as the case may be, which has given rise to that repayment.

“repayment” has the same meaning it has in section 159A SDCA 1999, being a repayment of stamp duty including any interest, surcharge or penalty incurred and paid under any provision of the Act;

“valid claim” is to be construed in accordance with section 159A(3) SDCA 1999.

Subject to the provisions of the section, where a person is entitled to a repayment in accordance with any provision of the Act, the amount of the repayment will carry simple interest at the rate of 0.011% (or such other rate (if any) prescribed by the Minister for Finance by order under subsection (5)(a)) for each day or part of a day for the period commencing on the relevant date and ending on the date upon which the repayment is made. (2)

This is subject to the following conditions:

- a valid claim in respect of the repayment was made to Revenue;
- the contrary intention does not appear in the provision relating to the repayment, for example, section 83DB(10)(b) states that a repayment made under that section will not carry interest;
- section 960H(4) TCA 1997, which provides for the offset of tax, does not apply.

Interest is not payable under this section where the amount is €10 or less. (3)

Any interest payable under this section will not have any income tax deducted from it, nor will that interest be included in the taxable income of a taxpayer for the purpose of any of the Tax Acts. (4)

The Minister for Finance may make an order prescribing a rate for the purposes of subsection (2) (5)(a)

Every order made by the Minister for Finance must be laid before the Dáil Éireann as soon as may be after it is made and, if a resolution annulling the order is passed by Dáil Éireann within the next 21 days on which Dáil Éireann has sat after the order is laid before it, the order will be annulled accordingly, but without prejudice to the validity of anything previously done under it. (5)(b)

## Section 159C Time limits for making enquiries etc. and assessments by the Commissioners

## Summary

This section restricts the period within which the Revenue Commissioners may make enquiries or raise assessments in relation to underpayments of stamp duty to a period of 4 years from the date the instrument was stamped by the Revenue Commissioners, the date the statement of liability (e.g. in the case of levies and companies capital duty) was delivered to the Revenue Commissioners or the date the transfer order referred to in section 78B was entered in a securities settlement system. This restriction does not apply where the underpayment arises from fraud or neglect. The 4 year time limit came into operation on 1 January 2005 by virtue of S.I. No. 514 of 2003 entitled “Finance Act 2003 (Commencement of Section 142) Order 2003”.

Section 63 of Finance Act 2017 extended the 4-year time limit for the making of enquiries and raising of assessments in relation to those stamp duty exemptions that are subject to clawback.

## Details

“neglect” means—

(1)

- in the case of an instrument or specified statement, a failure to disclose in the instrument, or as the case may be, in the specified statement, all the facts and circumstances affecting the liability to duty of such instrument or specified statement,
- in the case of an instrument to which *section 8(2)* applies, as between both the instrument and the statement referred to in that section, a failure to disclose all the facts and circumstances affecting the liability to duty of such instrument, or
- in the case of transfer order referred to in *section 78B*, a failure to enter a correct transfer order in a securities settlement system within the meaning of *section 78A*.

“relevant instrument” means an instrument stamped by the Revenue Commissioners, a specified statement delivered to the Revenue Commissioners or a transfer order referred to in section 78B.

“relevant period” means the period of 4 years commencing on-

- Subject to paragraph (b), the date the instrument was stamped by the Revenue Commissioners, (a)
- the date the statement was delivered to the Revenue Commissioners, or the date the instruction was made,
- the date the transfer order was entered or
- the last date that all of the conditions should have been met in relation to an exemption or relief. (b)

“specified statement” means -

- an account delivered to the Revenue Commissioners under *section 5* (in respect of composition duty),

- a statement that is required to be delivered to the registrar under *section 117(1)(b)* (in respect of companies capital duty), or
- a statement that is required to be delivered to the Revenue Commissioners under *Part 9* (in respect of levies (e.g. financial cards and the 2% insurance levy)).

Any enquiries or other action made or taken by the Revenue Commissioners to satisfy themselves as to the correctness of a stamp duty charge on a relevant instrument (as defined above) may not be initiated after the expiry of the relevant period (as defined above). (2)

An assessment made by the Revenue Commissioners in connection with or in relation to any relevant instrument (as defined above) may not be made after the expiry of the relevant period (as defined above). (3)

The 4 year time limit imposed by this section on the Revenue Commissioners to make enquiries, take action and raise assessments will not apply where the Revenue Commissioners have reasonable grounds for believing that any form of fraud or neglect has been committed by or on behalf of any person in connection with or in relation to any relevant instrument. (4)

## CHAPTER 8

### *Calculation of interest on unpaid duty and other amounts*

#### **Section 159D Calculation of interest on unpaid duty and other amounts**

##### **Summary**

This section provides for the rate of interest applicable on unpaid duty and other amounts, due to be paid whether before, on or after 1 April 2005, *for periods of delay arising on or after 1 April 2005*. The interest is to be calculated in accordance with the formula below based on the periods of delay set out in column 1 of the Table below.

Where the duty remains unpaid for a period of time which falls into the two periods set out in column 1 of the Table, then the interest is calculated separately for each such period and then aggregated to give the total amount of interest payable for the full period of delay.

##### **Details**

“period of delay” and “specified provision” are self-explanatory. (1)

The amount of interest chargeable is determined by the following formula— (2)

$$A \times D \times P$$

- A is the duty or other amount due and payable under a provision of this Act which remains unpaid,
- D is the number of days (including part of a day) forming the period of delay, and



- P is the appropriate percentage in column (2) of the Table below opposite the period of delay in column (1).

<b>Table</b>	
(Period)	(Percentage)
(1)	(2)
From 1 April 2005 to 30 June 2009	0.0273%
From 1 July 2009 to the date of payment	0.0219%