



STATUTORY INSTRUMENTS.

S.I. No. 31 of 2024



VALUE-ADDED TAX REGULATIONS 2010 (REGULATION 34B)
(AMENDMENT) REGULATIONS 2024

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The Revenue Commissioners, in exercise of the powers conferred on them by section 120(10)(l) of the Value-Added Tax Consolidation Act 2010 (No. 31 of 2010), hereby make the following regulations:

1. These Regulations may be cited as the Value-Added Tax (Regulation 34B) (Amendment) Regulations 2024.

2. These Regulations come into effect on 1 February 2024.

3. The Value-Added Tax Regulations 2010 (S.I. No. 639 of 2010) are amended by the insertion of the following Regulation after Regulation 34A –

“Deposit Return Scheme

34B.

(1). In this Regulation “deposit”, “deposit return scheme”, “in-scope bottle”, “in-scope container”, “in-scope product”, “operator”, and “Regulations of 2021” have the meanings assigned to them by section 92A(1) of the Act.

(2). (a) Where section 92A(3) of the Act applies, the operator of the deposit return scheme shall calculate an amount in each taxable period in accordance with the following formula:

$$(A - B) \times \frac{C}{100 + C}$$

where -

A is the total amount of deposits receivable by the operator in the taxable period, in respect of supplies of in-scope products,

B is the total amount of deposits refundable by the operator in the taxable period, in respect of returns of in-scope bottles and in-scope containers in accordance with the Regulations of 2021, and

C is the percentage rate of tax specified in section 46(1)(a) of the Act.

(b) Where in accordance with paragraph (a)—

(i) A is greater than B, then the amount calculated in accordance with the formula set out in paragraph (a) shall be tax due and payable by the operator for the taxable period, or

- (ii) B is greater than A, then the operator is entitled to increase the amount of tax deductible for the purposes of Chapter 1 of Part 8 of the Act by the amount calculated in accordance with paragraph (a) for the taxable period.”.

GIVEN under my hand,
31 January 2024

NIALL CODY,
Revenue Commissioner

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend the Value-Added Tax Regulations 2010 (S.I. No. 639 of 2010) by inserting a new Regulation 34B, in relation to the Deposit Return Scheme. The Regulation provides for the method of calculating the Value-Added Tax on deposits which relate to containers and bottles which are not returned. In accordance with Section 92A of the Value-Added Tax Consolidation Act 2010, the operator shall account for the Value-Added Tax which arises on deposits which relate to containers and bottles which are not returned and shall calculate the Value-Added Tax in accordance with the formula provided for in these Regulations.

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