Stamp Duties Consolidation Act 1999 Work Manual Introduction

Reference to the SDCA in this manual is to the Stamp Duties Consolidation Act 1999.

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1. Purpose of manual

The purpose of this manual is to provide assistance to staff in dealing with stamp duty issues. It should be read in conjunction with the Stamp Duty Notes for Guidance. It should be noted that this manual is for guidance only and does not purport to be a definitive legal interpretation of the provisions of the Stamp Duties Consolidation Act 1999.

Revised February 2016

Self-Assessment

This manual sets out the stamp duty position in relation to instruments executed on or after 7 July 2012 – to which the new self-assessment regime for Stamp Duties applies by reference to:

- the Finance Act 2012 – which contains the main self assessment provisions;
- Finance Act 2012 (Section 107) (Specified Date) Order 2012 (S.I. No 228 of 2012) – which specifies the commencment date of 7 July 2012;
- Stamp Duty (E-Stamping Of Instruments And Self-Assessment) Regulations 2012 (S.I. No. 234 of 2012) – which contains the e-stamping Regulations to take account of self-assessment.

2. What is Stamp Duty?

Stamp duty is a tax on instruments. Duty is charged on any document which falls into charge under Schedule 1 of the Stamp Duties Consolidation Act 1999 (SDCA) and which falls within the territoriality provisions in section 2 (1)(b), which states that any instrument that

"is executed in the State or, wherever executed, relates to any property situated in the State or any matter or thing to be done in the State, shall be chargeable with stamp duty."

The stamp duties chargeable in Ireland fall into two main categories.

1. The first comprises the duties payable on a wide range of legal and commercial documents, including (but not limited to) conveyances of property, leases of property, share transfer forms and certain agreements. Prior to 31 December 2009, the duties in this category were denoted by means of stamps affixed to or impressed on the document. Following the introduction of the eStamping system, all instruments must be stamped by means of attaching the stamp certificate, obtained under the eStamping system, to the instrument and, depending on the nature of the document, may be either ad valorem or of fixed amount.

2. The second category comprises duties and levies payable by reference to statements. These duties and levies mainly affect banks and insurance companies and include a duty in respect of financial cards (e.g. Credit, ATM, Laser and Charge cards) and levies on certain insurance premiums and pension schemes.

The SDCA also sets out how stamp duty is to be paid and denoted and the person liable to pay the duty. To be liable to duty the instrument must fit into one of the heads of charge set out in Schedule 1.

3. Unstamped instruments

Instruments which are chargeable to stamp duty but which have not been duly stamped cannot be used as evidence or be available for any purpose, except in a criminal case or in a civil proceedings by the Revenue Commissioners to recover stamp duty.

[Part 10, section 127]

4. Late stamping of instruments

Where stamp duty is not paid by the due date a statutory interest charge is incurred. Similarly, late filing of a stamp duty return will incur a surcharge. Where an interest charge / surcharge is incurred, the eStamping system will automatically calculate the amounts due. The due date for payment of stamp duty and filing a return is within 30 days of execution of the instrument, but in practice where a return is filed and the duty paid within 44 days of execution of an instrument, interest /surcharge is not imposed.

[Part 2, sections 14 and 14A]

5. Adjudication

Adjudication was a feature of the pre-self-assessment stamping process. It no longer applies to instruments executed on or after 7 July 2012 – to which self-assessment procedures now apply.

[Part 4, section 20]

6. Self-Assessment & EStamping

The eStamping system commenced on 30 December 2009. Self-assessment applies to instruments executed on or after 7 July 2012. Under self-assessment and eStamping a stamp duty return must be filed electronically through the Revenue-on-line service (ROS) together with the appropriate stamp duty liability in order to obtain a Stamp Certificate. Filing of this return constitutes a self-assessment of any stamp duty due. The system will generate a Stamp Certificate and an instrument is stamped once the Stamp Certificate is attached to the instrument.
[Part 2, section 17A]

7. Mandatory e-Filing

Stamp duty returns and payments made to Revenue on or after 1 June 2011, must be filed electronically, regardless of the date the instrument was executed.
From that date, stamp duty returns in paper format can be filed only in the following exceptional cases.

- An instrument executed prior to 2002
- An instrument presented to Revenue prior to the introduction of e-Stamping on 30th December 2009.

Guide to filing a return online

8. Payment of Registry of Deeds Fee

A Registry of Deeds Fees Order was introduced on 1st May 2008, under which fees are **only** be payable directly to the Property Registration Authority by cash, cheque or electronically.

Previously, the fee in relation to a Memorial could be paid directly to the Registry of Deeds or alternatively the fee could be paid through Revenue by having a stamp impressed on the Memorial. The payment method by means of a Revenue stamp has ceased under the new Fees Order. This change will have limited impact as the majority of fees in respect of Memorials were paid directly to the Registry of Deeds.

All Memorials should be sent directly to the Registry of Deeds, Kings Inns, Henrietta Street, Dublin 7 together with the appropriate fee.

9. Stamp duty office

The Stamping Office,
Dublin Castle,
Dublin 2

Lo-call: 1890 48 25 82

dublinstamp@revenue.ie

10. Revenue Technical Service

Pease see the RTS guidelines for details of the RTS

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