

Vehicle Registration Tax Manual 6

VRT Appeals

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6.0 VRT Appeals and Legislation

This section of the VRT Manual deals exclusively with the formal VRT appeals procedure which was first introduced as part of an overall appeal procedure for duties of excise on 1 January, 1996. The current appeals procedure is provided for in sections 145 and 146 of the Finance Act 2001 as amended by the Finance (Tax Appeals) Act 2015. This section concentrates on the first stage appeal process: the procedures and processes relevant to the Tax Appeals Commission (TAC) are set out in detail on its website at: <http://www.taxappeals.ie/en/rules-procedures>

6.1 Appeal Procedures

An appeal against a VRT decision must be made within a period of 2 months after the date of notification of the decision. The appeals procedure itself is a process carried out over two stages. The first stage consists of a re-examination of the decision under appeal by an official within Revenue who was not involved in the original decision. Where a person is not satisfied with the outcome of the first stage appeal, they may proceed to the second stage of the process by further appealing the decision directly to the TAC.

6.2 Reasons to Appeal

An appeal may be made where a person is subject to and aggrieved by a decision in relation to the following:

- The amount of VRT charged by Revenue in respect of the registration or conversion of a vehicle: typically these are matters arising from the valuation of vehicles or their classification for VRT purposes;
- The refusal of a repayment or remission of VRT;
- The refusal to grant an exemption from VRT;
- A decision in relation to the registration of a vehicle, or the amendment of an entry in the register;
- The determination of an open market selling price (OMSP) of a vehicle by Revenue which supersedes a declaration of OMSP made by a franchised distributor;
- The granting, refusal or revocation of a VRT authorisation;
- The granting, refusal or revocation of arrangements for payment of VRT by an authorised person.

Please note that before any appeal can be made the VRT due as determined by the Revenue Commissioners must be paid. If the VRT is not paid the application to appeal will be refused.

The VRT appeal procedure does not apply to cases involving criminal proceedings or seizure of goods, as separate remedies are available in such cases, e.g. the seizure of a vehicle for failure to pay VRT as a result of a classification decision cannot be appealed under this procedure, but the classification decision itself can.

6.3 First Stage Appeal Process

The first stage appeal process is governed by section 145 of the Finance Act 2001 and should only arise where the issue cannot be resolved locally and where there is a fundamental disagreement between the person and the Revenue decision-maker. This appeal is held internally and in practice is determined by an officer appointed for that purpose and who will not have been involved in the original decision.

However, before making an appeal the person involved should satisfy themselves that the initial decision made by Revenue has taken into account all of the facts of the case and that all of the necessary supporting documents were submitted at the time of the application.

The initial decision will have been given in writing (except for valuation and classification cases that go to first stage appeal) and will state the precise reason(s) why the decision was made in relation to the application. If there are any doubts regarding the reason(s), these should be raised and clarified with the person who made the original decision and whose name and contact details should be on the letter issued.

If all matters have been clarified and the person still wishes to make an appeal, they must do so within two months from the date of the initial decision. The appeal, along with the appropriate documentation, should be made in writing to the Appeals Officer in the relevant Revenue Tax District, for addresses see: <http://www.revenue.ie/en/tax/vrt/leaflets/vrt-appeals.html>.

The appellant must quote either their PPSN, their Revenue Customer Number or their Trader Account Number (TAN). The appeal must outline clearly the grounds or the reason for the appeal.

The following should be included where the appeal is against the determination of the chargeable value or the amount of VRT charged:

- The appellant's opinion of the arm's length retail value, including VRT and VAT, of the vehicle in the Republic of Ireland, at the time the VRT was charged;
- The appellant's opinion of the amount of VRT that should have been charged;
- The appellant's opinion of the amount of refund that is due.

The appellant should enclose evidence, obtained at their own expense, to support the opinion of the chargeable value. The evidence might include:

- Signed dealer or valuer opinions of the price, including VRT and VAT, that a dealer in the Republic of Ireland might have been expected to achieve for the vehicle in an arm's length sale at the time VRT was charged; and
- Copies of VRT and VAT inclusive advertisements by dealers in the Republic of Ireland for similar vehicles relevant to the time that the VRT was charged.

Where the appellant believes that the valuation of a vehicle should be based on its unique history, they should enclose evidence, e.g. list of repairs, photographs of the vehicle, estimates and invoices in relation to the work carried out on the vehicle and any other documentation that they think is appropriate.

If the appellant is a dealer and sold the vehicle having paid the VRT, their should enclose a copy of their sales invoice along with other evidence as outlined above, to indicate the arm's length retail value, including VRT and VAT, of the vehicle in the Republic of Ireland at the time the VRT was charged.

It should be noted that a dealer who is an authorised person (a TAN holder) who received a repayment of VRT in respect of a vehicle, is obliged to pay that amount, minus an amount of not more than 10%, to the person who was the registered owner of that vehicle at the time of registration. An appeal received that does not provide evidence in support of the appellant's opinion of the chargeable value will be returned.

Checklist for appeals against the valuation of the vehicle for VRT

1. State the Irish registration number;
2. State the payer's PPSN or tax number or TAN;
3. Enclose proof of payment, e.g. NCTS VRT receipt;
4. State an opinion of the tax and duty inclusive retail valuation at the time of registration and an opinion of the VRT that was due;
5. Enclose documentary/photographic evidence to support the opinion;
6. Enclose the sales invoice (applies to dealers only);
7. Include contact details (address and telephone/fax/email).

6.4 Decision Process

The Appeals Officer will review all the data submitted and may, in certain circumstances, contact the appellant for further clarification on a certain point. They may also contact the appellant if a decision cannot be made within the time limit and may advise of the expected date of the decision.

In considering an appeal the Appeals Officer will consider all aspects of the appeal including:

- **Valuation appeals:** the original OMSP should be reviewed through fresh research to ensure it reflects the market price;
- **Distributor OMSP:** review market research data on hands;
- **Deletions/Amendments:** review evidence of residency/establishment;
- **Exemptions:** review eligibility criteria and the legal provisions

In most cases a decision will be made within 30 days of receiving the appeal application and the appellant will be informed in writing of the decision. All decision letters should contain the email address of the Appeals Officer so that if the decision is appealed to the TAC, Revenue can be notified using the IC system. The reason(s) for the decision will be outlined clearly. The decision letter will also include details on how to proceed to the second stage appeal process if the appellant is unhappy with the decision.

If a decision is not made within the 30 days and the appellant has not heard from the Appeals Officer, the appeal application is deemed to have been refused and the appellant may appeal directly to the TAC.

6.5 Second Stage Appeal Process

A separate Revenue Manual deals with Appeals that are sent directly to the TAC from 21 March 2016. Section 3 of the Manual deals with the procedures for these appeals and is at the following link: [Tax and Duty Appeals Manual \(PDF, 1 MB\)](#). Certain aspects of the section may not be relevant to VRT as VRT still has a two-stage appeal system and also VRT must be paid prior to the first stage appeal being accepted.

If the appellant is dissatisfied with the decision made by the Revenue Appeals Officer they may apply to have the case heard by the TAC. This right also applies where the Appeals Officer has not replied to the first stage appeal within 30 days.

If the appellant wishes to appeal to the TAC they must do so within 30 days of the date of the first stage appeal decision by completing and submitting a “*Notice of Appeal form to the TAC*”. This form can be found on the TAC Website <http://www.taxappeals.ie/en/notice-of-appeal>

The appellant will be required to submit a copy of the first stage appeal decision with the Notice of Appeal. The TAC can be contacted by email at infor@taxappeals.ie

6.6 The Tax Appeals Commission

The TAC comprises Appeal Commissioners who are appointed by the Minister for Finance and are completely independent of Revenue. The TAC has sole responsibility for accepting and refusing appeals. Its function is to adjudicate on the correctness or otherwise, in law, of assessments and decisions made by Revenue in relation to tax matters. It has no powers to alter or set aside any relevant provision of the law. Comprehensive details of the Rules and Procedures relating to appeals are on the TAC website at the following link: <http://www.taxappeals.ie/en/rules-procedures>

6.7 Determinations of the Appeal Commissioners

Determinations/decisions of the Appeal Commissioners are based on findings of fact made from the evidence presented and applied to VRT law as interpreted by them. An appeal may be allowed or refused, in whole or in part.

A number of determinations or findings may result from the TAC in respect of the amount of VRT paid, the refusal to repay or remit VRT, the refusal to grant relief or exemption, the refusal to amend the register, the determination of an OMSP, and the refusal or revocation of an authorisation.

6.8 Format of Determinations of the Tax Appeals Commission

Determinations may be given orally or in writing at the discretion of the Appeal Commissioners, and may be given at the conclusion of the hearing or at a later date (advised to the parties).

It is the policy of the TAC to give the reason(s) for their determinations when they are handed down. They are written down in a prescribed format and transmitted to the VRT Appeals Officer within 10 days of being handed down. Determinations of the TAC are final and conclusive but are not binding in future hearings, i.e. they are not recorded and do not form precedents.

6.9 Case Stated

Where an appellant, or the VRT Appeals Officer, is dissatisfied with a determination of the TAC as being erroneous in law, they can declare their dissatisfaction to the Appeal Commissioner who heard the appeal. In addition, they can also require the Appeal Commissioner to state and sign a case for the opinion of the High Court. This must be done in writing within 21 days of the determination.

6.10 Post-Hearing Procedure

Following the hearing the VRT Appeals Officer should speak (where possible) with the appellant and outline the available options and their consequences, allow sufficient time for the appellant to choose and agree an option, and advise that VRT payable (where appropriate) must be paid within 30 days.

Any arrangements subsequently agreed between the parties should be confirmed in writing by the VRT Appeals Officer to the appellant. A copy of the letter should be sent to the local SCD for information and any follow-up action, if required.

6.11 Costs

Irrespective of the outcome of an appeal, the TAC has no power to award costs to either party.