

## FINANCIAL RESOLUTION

### STAMP DUTIES

(1) THAT, for the purposes of stamp duty charged by virtue of the Stamp Duties Consolidation Act 1999 (No. 31 of 1999), that Act be amended—

(a) by the insertion of the following section after section 31D:

**“Stamp duty on certain acquisitions of residential property**

31E. (1) In this section—

‘Act of 1997’ means the Taxes Consolidation Act 1997;

‘apartment block’ means a multi-storey residential property that comprises, or will comprise, not less than 3 apartments with grouped or common access;

‘arrangement’ includes any agreement, understanding, scheme, transaction or series of transactions;

‘connected’ shall be construed in accordance with section 10 of the Act of 1997;

‘relevant residential unit’ shall be construed in accordance with subsection (5);

‘residential unit’ means residential property situated in the State comprising an individual dwelling.

(2) Subject to subsection (3), for the purposes of this section, a person shall be treated as acquiring a residential unit—

(a) in the case of a conveyance or transfer on sale of the residential unit, on the date of execution of the conveyance or transfer, as the case may be,

(b) in the case of a lease in respect of the residential unit for a definite term exceeding 35 years, on the date of execution of the lease,

(c) in the case of an instrument, referred to in section 29(2), effecting the sale of land on which the residential unit has been built or is in the course of being built, on the date of execution of the instrument,

(d) in the case of a conveyance or transfer, referred to in section 30(1), operating as a voluntary disposition *inter vivos* of the residential unit, on the date of execution

of the conveyance or transfer, as the case may be,

- (e) in the case of a contract or agreement, referred to in section 31(1), for the sale of any equitable estate or interest in the residential unit, on the date of execution of the contract or agreement, as the case may be,
  - (f) in the case of an instrument, referred to in section 33(1), whereby the residential unit is conveyed or transferred in contemplation of a sale of the residential unit, on the date of execution of the instrument, and
  - (g) in the case of an instrument, referred to in section 37, effecting a conveyance or transfer of the residential unit in exchange for any other property, on the date of execution of the instrument.
- (3) Where the acquisition of a residential unit is effected by more than one instrument referred to in subsection (2), the residential unit shall be treated as being acquired on the earliest to occur of the dates on which, under that subsection, it is so treated as being acquired.
- (4) In this section, a reference to acquisition shall include a reference to acquisition by way of a conveyance, transfer, lease, instrument, contract or agreement referred to in subsection (2).
- (5) Where—
- (a) a person acquires a residential unit on or after 20 May 2021, and
  - (b) the total of—
    - (i) the residential units acquired by that person or a connected person in the 12 months immediately preceding the day on which the residential unit referred to in paragraph (a) is acquired (in this subsection referred to as the ‘relevant day’),
    - (ii) the residential unit referred to in paragraph (a), and
    - (iii) any other residential units acquired by the person or a connected person on the relevant day,

is greater than or equal to 10 residential units,

each of the residential units comprised in that total shall be a relevant residential unit.

- (6) For the purposes of subsection (5)—
- (a) no account shall be taken of a residential unit in an apartment block, and
  - (b) in a case in which the person or a connected person referred to in subsection (5)(b)(i) or (iii) is an individual, no account shall be taken of the residential units acquired by the connected person where—
    - (i) the person and the connected person are not acting in concert in relation to the acquisition of those units, and
    - (ii) the acquisition of any of those units is not part of an arrangement, one of the main purposes of which is to avoid the unit being a relevant residential unit.
- (7) This subsection applies to—
- (a) stocks or marketable securities in a company (within the meaning of section 4 of the Act of 1997),
  - (b) units (within the meaning of section 88(1)(a)) in an IREF (within the meaning of section 31C), or
  - (c) interests in a partnership, being a partner's share or interest in a partnership,
- that derive value, directly or indirectly, from a residential unit.
- (8) For the purposes of subsection (7), the reference to deriving value indirectly from a residential unit shall include value that is derived from other stocks, marketable securities, units or interests, as the case may be, to which that subsection applies.
- (9) In calculating the part of the value of the stocks, marketable securities, units or interests, as the case may be, that is derived, directly or indirectly, from a residential unit for the purposes of subsection (7)—
- (a) account shall not be taken of any arrangement that—
    - (i) involves a transfer of money or other assets, apart from a residential unit, from a person who is connected with the

company, IREF or partnership, as the case may be, in which those stocks, marketable securities, units or interests are held,

- (ii) is made before a conveyance or transfer on sale of stocks, marketable securities, units or interests to which subsection (7) applies, and
- (iii) the main purpose, or one of the main purposes, of which is the avoidance of liability to any tax or duty, and

- (b) regard shall be had to the market value of the residential unit from which the value is derived.

(10) Where—

- (a) there exists a conveyance or transfer on sale of stocks or marketable securities, units or interests to which subsection (7) applies, and
- (b) such conveyance or transfer on sale results in a change in the person or persons having direct or indirect control over the residential unit concerned,

the conveyance or transfer on sale concerned shall be chargeable to stamp duty under paragraph (1) of the heading ‘CONVEYANCE or TRANSFER on sale of any property other than stocks or marketable securities or a policy of insurance or a policy of life insurance’ in Schedule 1 as respects that part of the value of the stocks, marketable securities, units or interests, as the case may be, that is derived from the residential unit.

(11) Where—

- (a) there is a change in the ownership of a company, IREF or partnership that results in a change in the person or persons having direct or indirect control over a residential unit, and
- (b) any contract or agreement giving direct or indirect effect to such change is not otherwise chargeable to stamp duty,

then the contract or agreement shall be treated as a conveyance or transfer on sale of stocks or marketable securities, units or interests for the purposes of subsection (10).

- (12) For the purposes of subsection (5), the person or persons acquiring direct or indirect control over a residential unit in the circumstances

described in subsection (10) or (11), as the case may be, shall be treated as acquiring the residential unit on the date of, as the case may be—

- (a) the execution of the conveyance or transfer on sale, or
  - (b) the execution of the contract or agreement.
- (13) Any stamp duty chargeable in respect of a relevant residential unit and any associated interest or other monetary penalty amount which is due and unpaid shall be and remain a charge on the relevant residential unit to which it relates and, notwithstanding the Statute of Limitations 1957, shall continue to apply without a time limit until such time as it is paid in full.
- (14) This subsection applies to—
- (a) a relevant residential unit in respect of the acquisition of which—
    - (i) a binding contract is entered into before 20 May 2021, and
    - (ii) the instrument effecting the acquisition is executed before 20 August 2021 and is accompanied by a statement, in such form as the Commissioners may specify, certifying that the instrument was executed solely in pursuance of a binding contract entered into before 20 May 2021,
- and
- (b) a relevant residential unit the acquisition of which was effected before 20 May 2021.
- (15) The furnishing of an incorrect certificate for the purposes of subsection (14)(a)(ii) shall be deemed to constitute the delivery of an incorrect statement for the purposes of section 1078 of the Act of 1997.
- (16) Sections 82(1), 82C(2) and 88(1)(b) shall not apply where the conveyance, transfer or lease concerned effects the acquisition of a relevant residential unit.”,

and

- (b) in Schedule 1—
  - (i) in the heading ‘CONVEYANCE or TRANSFER on sale of any property other than stocks or marketable securities or a policy of insurance or a policy of life

insurance' by substituting the following paragraph for paragraph (1):

“

<p>(1) Where the amount or value of the consideration for the sale is wholly or partly attributable to residential property and the transaction effected by that instrument does not form part of a larger transaction or of a series of transactions in respect of which, had there been a larger transaction or a series of transactions, the amount or value, or the aggregate amount or value, of the consideration (other than the consideration for the sale concerned which is wholly or partly attributable to residential property) would have been wholly or partly attributable to residential property:</p>	
<p>(a) for the consideration which is attributable to—</p> <p>(i) residential property which is not a relevant residential unit, within the meaning of section 31E, or</p> <p>(ii) residential property which is a relevant residential unit, within the meaning of section 31E, to which subsection (14) of that section applies.</p>	<p>1 per cent of the first €1,000,000 of the consideration and 2 per cent of the balance of the consideration thereafter, but where the calculation results in an amount which is not a multiple of €1 the amount so calculated shall be rounded down to the nearest €.</p>

(b) for the consideration which is attributable to a relevant residential unit, within the meaning of section 31E, other than a relevant residential unit to which subsection (14) of that section applies.	10 per cent of the consideration, but where the calculation results in an amount which is not a multiple of €1 the amount so calculated shall be rounded down to the nearest €.
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and

- (ii) in the heading ‘LEASE’, by substituting the following clause for clause (i) of paragraph (3)(a):

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(i) the amount or value of such consideration for the lease is wholly or partly attributable to residential property and the transaction effected by that instrument does not form part of a larger transaction or of a series of transactions in respect of which, had there been a larger transaction or a series of transactions, the amount or value, or the aggregate amount or value, of the consideration (other than the consideration for the lease concerned which is wholly or partly attributable to residential property and other than rent) would have been wholly or partly attributable to residential property:	
(I) for the consideration which is attributable to—  (A) residential property which is not a relevant residential unit, within the meaning of section 31E, or	1 per cent of the first €1,000,000 of the consideration and 2 per cent of the balance of the consideration thereafter, but where the calculation results in an amount which is not a multiple of €1 the amount so calculated shall be rounded down to the nearest €.

<p>(B) residential property which is a relevant residential unit, within the meaning of section 31E, in respect of instruments to which subsection (14) of that section applies.</p>	
<p>(II) for the consideration which is attributable to a relevant residential unit, within the meaning of section 31E, in respect of instruments other than a relevant residential unit to which subsection (14) of that section applies.</p>	<p>10 per cent of the consideration, but where the calculation results in an amount which is not a multiple of €1 the amount so calculated shall be rounded down to the nearest €.</p>

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- (2) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act 1927 (No. 7 of 1927).