



---

*Number 31 of 2007*

---

**FINANCE (NO. 2) ACT 2007**

---

ARRANGEMENT OF SECTIONS

Section

1. Amendment of section 92B (residential property first time purchaser relief) of Stamp Duties Consolidation Act 1999.
  2. Short title and construction.
-

[No. 31.]

*Finance (No. 2) Act 2007.*

[2007.]

ACTS REFERRED TO

Stamp Duties Consolidation Act 1999

1999, No. 31



---

Number 31 of 2007

---

**FINANCE (NO. 2) ACT 2007**

---

AN ACT TO PROVIDE FOR THE AMENDMENT OF THE  
STAMP DUTIES CONSOLIDATION ACT 1999.

[9th July, 2007]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) Section 92B of the Stamp Duties Consolidation Act 1999 is amended—

Amendment of  
section 92B  
(residential  
property first time  
purchaser relief) of  
Stamp Duties  
Consolidation Act  
1999.

(a) by substituting the following for subsection (2):

“(2) Stamp duty shall not be chargeable under or by reference to paragraphs (2) to (6A) 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’ or clauses (ii) to (vii) of paragraph (3)(a) of the Heading ‘LEASE’, as the case may be, in Schedule 1 on any instrument to which this section applies.”,

(b) in subsection (3)—

(i) in paragraph (a) by substituting “first time purchaser,” for “first time purchaser, or”,

(ii) in paragraph (b) by substituting “during that period, and” for “during that period.”,

and

(iii) by inserting the following after paragraph (b):

“(c) any instrument, executed on or after 31 March 2007 and on or before the date of the passing of the *Finance (No. 2) Act 2007*, that does not contain such a statement as is referred to in paragraph (a) or (b)—

(i) where—

(I) section 92 applies to that instrument, and

(II) the purchaser has complied with, and has undertaken to continue to be bound by, the conditions, liabilities and obligations under section 92 and has satisfied, or, as the case may be, undertaken to be bound by, the conditions (including the condition set out in such a statement as is referred to in paragraph (a) notwithstanding that the said instrument does not contain such a statement), liabilities and obligations referred to in this section,

or

(ii) where—

(I) had that instrument contained a statement such as is referred to in paragraph (b), such statement would have been true and correct, and

(II) the purchaser has satisfied, or, as the case may be, undertaken to be bound by, the conditions (including the conditions set out in such a statement as is referred to in paragraph (b) notwithstanding that the said instrument does not contain such a statement), liabilities and obligations referred to in this section.”,

(c) in subsection (4)(a) by deleting “the difference between” and “and the amount of duty which was actually charged”,

and

(d) by inserting the following after subsection (8):

“(9) Where, by virtue of the amendment of this section by the *Finance (No. 2) Act 2007*, an instrument is one in respect of which stamp duty is not chargeable under or by reference to any of the paragraphs or, as the case may be, clauses referred to in subsection (2), the Commissioners, on a claim being made to them in that behalf and on the conditions set out in subsection (10) being satisfied, shall cancel and repay such duty paid as would not have been charged had this section been so amended before the instrument was executed.

(10) The conditions required by this subsection are that the purchaser (in this subsection referred to as the

‘claimant’), when making a claim for repayment, shall produce to the Commissioners—

- (a) the stamped instrument,
- (b) a declaration made in writing by the claimant, in such form as the Commissioners may specify, confirming to the satisfaction of the Commissioners that—
  - (i) where the instrument is one to which this section applies by virtue of paragraph (a) or (b) of subsection (3), the claimant has complied with the conditions, liabilities and obligations under either or both this section and section 92, as the case may be, and has undertaken to continue to be bound by those conditions, liabilities and obligations,
  - (ii) where the instrument is one to which subsection (3)(c)(i) applies, the claimant has complied with, and has undertaken to continue to be bound by, the conditions, liabilities and obligations under section 92 and has satisfied, or, as the case may be, undertaken to be bound by, the conditions (including the condition set out in such a statement as is referred to in paragraph (a) of that subsection notwithstanding that the said instrument does not contain such a statement), liabilities and obligations referred to in this section, or
  - (iii) where the instrument is one to which subsection (3)(c)(ii) applies, the claimant has satisfied, or, as the case may be, undertaken to be bound by, the conditions (including the conditions set out in such a statement as is referred to in paragraph (b) of that subsection notwithstanding that the said instrument does not contain such a statement), liabilities and obligations referred to in this section,

and

- (c) such information as the Commissioners may reasonably require for the purposes of this subsection.

(11) A reference in subsection (3)(c) or subsection (10) to the purchaser, shall be construed as including a reference, where there is more than one purchaser, to each and every one of the purchasers.”.

(2) This section applies as respects instruments executed on or after 31 March 2007.

[No. 31.]

*Finance (No. 2) Act 2007.*

[2007.]

Short title and  
construction.

2.—(1) This Act may be cited as the Finance (No. 2) Act 2007.

(2) This Act shall be construed together with the Stamp Duties Consolidation Act 1999 and the enactments amending or extending that Act.