

Capital allowances in relation to construction or refurbishment of certain multi-storey car parks. FA94 s41B; FA95 s35(1)(f); FA96 s26(1) 344.—(1) In this section—

“multi-storey car park” means a building or structure consisting of 2 or more storeys wholly in use for the purpose of providing, for members of the public generally without preference for any particular class of person, on payment of an appropriate charge, parking space for mechanically propelled vehicles;

“qualifying multi-storey car park” means a multi-storey car park in respect of which the relevant local authority gives a certificate in writing to the person providing the multi-storey car park stating that it is satisfied that the multi-storey car park has been developed in accordance with criteria laid down by the Minister for the Environment and Local Government following consultation with the Minister for Finance;

“qualifying period” means the period commencing on the 1st day of July, 1995, and ending on the 30th day of June, 1998;

“the relevant local authority”, in relation to the construction or refurbishment of a multi-storey car park, means—

(a) the corporation of a county or other borough or, where appropriate, the urban district council, or

(b) in respect of the administrative county of Dún Laoghaire-Rathdown, the administrative county of Fingal or the administrative county of South Dublin, the council of the county,

in whose functional area the multi-storey car park is situated.

(2) (a) Subject to subsections (3) to (6), the provisions of the Tax Acts) relating to the making of allowances or charges in respect of capital expenditure incurred on the construction or refurbishment of an industrial building or structure shall, notwithstanding anything to the contrary in those provisions, apply as if a qualifying multi-storey car park were, at all times at which it is a qualifying multi-storey car park, a building or structure in respect of which an allowance is to be made for the purposes of income tax or corporation tax, as the case may be, under Chapter 1 of Part 9 by reason of its use for a purpose specified in section 268 (1)(a).

(b) An allowance shall be given by virtue of this subsection in respect of any capital expenditure incurred on the construction or refurbishment of a qualifying multi-storey car park only in so far as that expenditure is incurred in the qualifying period.

(3) In a case where capital expenditure is incurred in the qualifying period on the refurbishment of a qualifying multi-storey car park, subsection (2) shall apply only if the total amount of the capital expenditure so incurred is not less than an amount equal to 20 per cent of the market value of the qualifying multi-storey car park immediately before that expenditure is incurred.

(4) For the purposes of the application, by subsection (2), of sections 271 and 273 in relation to

capital expenditure incurred in the qualifying period on the construction or refurbishment of a qualifying multi-storey car park—

(a) section 271 shall apply as if—

(i) in subsection (1) of that section the definition of “industrial development agency” were deleted,

(ii) in subsection (2)(a)(i) of that section “to which subsection (3) applies” were deleted,

(iii) subsection (3) of that section were deleted,

(iv) the following subsection were substituted for subsection (4) of that section:

“(4) An industrial building allowance shall be of an amount equal to 50 per cent of the capital expenditure mentioned in subsection (2).”,

and

(v) in subsection (5) of that section “to which subsection (3)(c) applies” were deleted,

and

(b) section 273 shall apply as if—

(i) in subsection (1) of that section, the definition of “industrial development agency” were deleted,
and

(ii) subsections (2)(b) and (3) to (7) of that section were deleted.

(5) Notwithstanding section 274 (1), no balancing charge shall be made in relation to a qualifying multi-storey car park by reason of any of the events specified in that section which occurs—

(a) more than 13 years after the qualifying multi-storey car park was first used, or

(b) in a case where section 276 applies, more than 13 years after the capital expenditure on refurbishment of the multi-storey car park was incurred.

(6) (a) Notwithstanding subsections (2) to (5), any allowance or charge which apart from this subsection would be made by virtue of subsection (2) in respect of capital expenditure incurred on the construction or refurbishment of a qualifying multi-storey car park shall be reduced to one-half of the amount which apart from this subsection would be the amount of that allowance or charge.

(b) For the purposes of paragraph (a), the amount of an allowance or charge to be reduced to one-half shall be computed as if—

(i) this subsection had not been enacted, and

(ii) effect had been given to all allowances taken into account in so computing that amount.

(c) Nothing in this subsection shall affect the operation of section 274 (8).

(7) For the purposes only of determining, in relation to a claim for an allowance by virtue of subsection (2), whether and to what extent capital expenditure incurred on the construction or refurbishment of a qualifying multi-storey car park is incurred or not incurred in the qualifying period, only such an amount of that capital expenditure as is properly attributable to work on the construction or refurbishment of the qualifying multi-storey car park actually carried out during the qualifying period shall (notwithstanding any other provision of the Tax Acts as to the time when any capital expenditure is or is to be treated as incurred) be treated as having been incurred in that period.

(8) Where by virtue of subsection (2) an allowance is given under Chapter 1 of Part 9 in respect of capital expenditure incurred on the construction or refurbishment of a qualifying multi-storey car park, no allowance shall be given in respect of that expenditure under that Chapter by virtue of any other provision of the Tax Acts.