

Reverse charge for certain supplies. VATA s. 8(1B), (1C) and (1D)

16.—(1)(a) In this subsection—

“NAMA” has the meaning assigned to it by the National Asset Management Agency Act 2009 ;

“NAMA entity” means a person or body of persons to which NAMA is connected within the meaning of section 97 (3);

“recipient”, in relation to a relevant supply, means NAMA and any NAMA entity;

“relevant supply” means a supply of goods being a transfer of ownership of goods effected by a vesting order made in accordance with section 153 of the National Asset Management Agency Act 2009 ;

“supplier”, in relation to a relevant supply, means the chargor referred to in section 153 of the National Asset Management Agency Act 2009 .

(b) Where a relevant supply occurs—

(i) the recipient shall, in relation to that supply, be an accountable person and shall be liable to pay the tax chargeable as if that recipient made that supply in the course or furtherance of business, and

(ii) the supplier shall not be accountable for or liable to pay such tax in relation to that supply.

(2)(a) In this subsection—

“allowance” has the meaning assigned to it by Article 3 of the Directive;

“Directive” means Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 2 (as amended) establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC;

“greenhouse gases” has the meaning assigned to it by Article 3 of the Directive;

“greenhouse gas emission allowances” means allowances to emit greenhouse gases transferable in accordance with the Directive and other units that may be used by operators for compliance with the Directive;

“operator” has the meaning assigned to it by Article 3 of the Directive.

(b) Where a taxable person who carries on a business in the State (in this subsection referred to as a “recipient”) receives greenhouse gas emission allowances from another taxable person who carries on a business in the State, then—

(i) the recipient shall, in relation to that supply, be an accountable person or be deemed to be an accountable person and shall be liable to pay the tax chargeable as if that recipient made that supply in the course or furtherance of business, and

(ii) the person who supplied those greenhouse gas emission allowances shall not be accountable for or liable to pay such tax in respect of that supply.

(3)(a) Paragraph (b) and sections 59 (2)(i) and 66 (4) shall be construed together with Chapter 2 of Part 18 of the Taxes Consolidation Act 1997 .

(b) Where a principal to whom section 531 (1) of the Taxes Consolidation Act 1997 applies (other than a principal to whom subparagraphs (ii) or (iii) of section 531 (1)(b) of the Taxes Consolidation Act 1997 applies) receives services consisting of construction operations (as defined in paragraphs (a) to (f) of section 530(1) of that Act) from a subcontractor, then—

(i) that principal shall, in relation to that supply, be an accountable person or be deemed to be an accountable person and shall be liable to pay the tax chargeable as if that principal supplied those services in the course or furtherance of business, and

(ii) the subcontractor shall not be accountable for or liable to pay such tax in respect of that supply.