

105.—(1) For the purposes of this section—

“claimant” means a person who submits a valid claim for a refundable amount;

“overpaid amount” means an amount which is a refundable amount as a result of a claimant having made a payment of tax;

“refundable amount” means an amount which a person is entitled to receive from the Revenue Commissioners in accordance with this Act or any order or regulations made under this Act and which is claimed within the period provided for in section 99 (4), but such amount does not include interest payable under this section;

“valid claim” means a return or a claim, furnished in accordance with this Act or any order or regulations made under this Act, and which includes all information required by the Revenue Commissioners to establish the refundable amount.

(2) Where a mistaken assumption in the operation of the tax is made by the Revenue Commissioners and, as a result, a refundable amount is payable to a claimant, interest at the rate set out in subsection (4) or prescribed by order under subsection (7) shall, subject to section 1006A(2A) of the Taxes Consolidation Act 1997, be payable by the Revenue Commissioners on that amount from—

(a) in the case of an overpaid amount, the day that overpaid amount was received by the Revenue Commissioners,

(b)(i) subject to subparagraph (ii), in the case of any other refundable amount, the 19th day of the month following the taxable period in respect of which a claimant would have been entitled to receive a refundable amount but for the mistaken assumption in the operation of the tax by the Revenue Commissioners,

(ii) where a return was due in accordance with Chapter 3 of Part 9 from the claimant referred to in subparagraph (i) in respect of the taxable period referred to in that subparagraph, the day such return was received,

to the day on which the refundable amount is paid by the Revenue Commissioners to the claimant.

(3) Where, for any reason other than a mistaken assumption in the operation of the tax made by the Revenue Commissioners, a refundable amount is payable to a claimant but is not paid until after the expiry of 93 days from the day the Revenue Commissioners receive a valid claim for that amount, interest at the rate specified in subsection (4) or prescribed by order under subsection (7) shall, subject to section 1006A(2A) of the Taxes Consolidation Act 1997, be payable by the Revenue Commissioners on that amount from the day on which that 93 days expires to the day on which the refundable amount is paid by the Revenue Commissioners to the claimant.

(4) Interest payable in accordance with this section shall be simple interest payable at the rate of 0.011 per cent per day or part of a day, or such other rate as may be prescribed by the Minister by order under subsection (7).

(5) Interest shall not be payable if it amounts to less than €10.

(6)(a) The Revenue Commissioners shall not pay interest in respect of any amount under this Act except as provided for by this section.

(b) This section shall not apply in relation to any refund of tax in respect of which interest is payable under or by virtue of any provision of any other enactment.

(7)(a) The Minister may, from time to time, make an order prescribing a rate for the purposes of subsection (4).

(b) Every order made by the Minister under paragraph (a) shall be laid before Dáil Éireann as soon as may be after it is made and, if a resolution annulling the order is passed by Dáil Éireann within the next 21 days on which Dáil Éireann has sat after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done under it.

(8) The Revenue Commissioners may make regulations as necessary governing the operation of this section.