

Relief for service charges. FA95 s7(1) to (8) 477.—(1) (a) In this section—

“appropriate percentage”, in relation to a year of assessment, means a percentage equal to the standard rate of tax for that year;

“claimant” has the meaning assigned to it by subsection (2)

“financial year” means the period of 12 months ending on the 31st day of December in that year;

“group water supply scheme” means a scheme referred to in the Housing (Improvement Grants) Regulations, 1983 );

“service” means the provision by or on behalf of a local authority of—

- (i) a supply of water for domestic purposes,
- (ii) domestic refuse collection or disposal, or
- (iii) domestic sewage disposal facilities;

“service charge” means a charge imposed under—

- (i) the Local Government (Financial Provisions) (No. 2) Act, 1983 , or
- (ii) section 65A (inserted by the Local Government (Sanitary Services) Act, 1962 , and amended by the Local Government (Financial Provisions) (No. 2) Act, 1983 ) of the Public Health (Ireland) Act, 1878 ,

in respect of the provision by a local authority of any service or services, and “service charges” shall be construed accordingly;

“specified limit” means £150.

(b) References in this section to an amount paid on time shall mean payment of that amount by such date or dates as a local authority shall decide.

(2) Where in relation to income tax for a year of assessment an individual (in this section referred to as a “claimant”) proves that in the financial year immediately before the year of assessment the amount which he or she was liable to pay in respect of service charges for that financial year has been paid in full and on time, the income tax to be charged on the claimant for that year of assessment, other than in accordance with section 16 (2), shall, subject to subsections (3) and (5), be reduced by an amount which is the least of—

- (a) the amount equal to the appropriate percentage of the amount proved to be so paid,

(b) the appropriate percentage of the specified limit, and

(c) the amount which reduces that income tax to nil.

(3) (a) In the case of a claimant assessed to tax for the year of assessment in accordance with section 1017, any payments made by the spouse of the claimant, in respect of which that spouse would have been entitled to relief under this section if the spouse were assessed to tax for the year of assessment in accordance with section 1016 (apart from subsection (2) of that section), shall be deemed to have been made by the claimant.

(b) In the case of an individual who resides on a full-time basis in the premises to which the service charges relate and pays such service charges in accordance with the requirements of this section on behalf of the claimant, that claimant may disclaim the relief provided by this section in favour of the individual, and such disclaimer shall be in such form as the Revenue Commissioners may require.

(4) A claimant who wishes to claim relief under this section shall furnish to the local authority to which a payment in respect of the service charges referred to in subsection (2) is made the claimant's identifying number, known as the Revenue and Social Insurance (RSI) Number.

(5) (a) Any claim for relief under this section shall, unless the details referred to in subsection (6) in respect of a claimant are provided on the basis set out in paragraph (c) of that subsection, be accompanied by a certificate given in accordance with subsection (6) or, in a case to which paragraph (a)(i) of subsection (7) applies, a receipt or acknowledgement referred to in clause (III) of that paragraph.

(b) Failure to furnish a certificate or receipt or acknowledgment mentioned in paragraph (a), or to be included in the return referred to in subsection (6)(c), shall be grounds for refusal of the claim.

(6) (a) Where in a financial year—

(i) a claimant has furnished his or her identifying number in accordance with subsection (4),

(ii) the total amount which he or she was liable to pay in respect of service charges for that year has been paid on time, and

(iii) arrears, if any, of service charges have been paid in accordance with guidelines in relation to the payment of arrears of service charges entitled “ Finance Act, 1995 — Payment of Service Charges Arrears” issued to local authorities by the Department of the Environment,

the local authority to which payment was made shall, subject to paragraph (c), give to the claimant a certificate in respect of such payment.

(b) A certificate given in accordance with this subsection shall contain—

(i) the name, address and the identifying number, known as the Revenue and Social Insurance (RSI) Number, of the claimant,

(ii) the name and address of the local authority giving the certificate,

(iii) the amount paid and the financial year in respect of which it was paid, and

(iv) confirmation that the payment referred to in subparagraph (iii) was paid on time and represents the full amount of the service charges which the claimant was liable to pay for the financial year for which the certificate was given.

(c) Each local authority shall, within one calendar month after the end of every financial year, provide the Revenue Commissioners with a return in such computerised format as the Revenue Commissioners may require for the purposes of giving effect to the relief provided for in this section and containing, in respect of every claimant who has furnished an identifying number mentioned in subsection (4), the details specified in subparagraphs (i), (iii) and (iv) of paragraph (b); but where exceptionally the return provided by a local authority is not a complete return, a supplementary return in similar format shall be provided to the Revenue Commissioners not later than 2 months after the end of that financial year.

(d) Where a local authority makes a return in accordance with paragraph (c), the certificate mentioned in paragraph (a) need not be given to any claimant referred to in such return.

(7) (a) Where the service consisting of the provision of domestic refuse collection or disposal—

(i) is provided and charged for by a person or body of persons other than a local authority and where such person or body of persons has—

(I) notified its provision to the local authority in whose functional area such service is provided,

(II) furnished to that local authority such information as the local authority may from time to time request concerning that person or body of persons or the service provided by that person or body of persons, and

(III) given a receipt or acknowledgement to a claimant containing—

(A) the name, address and, as may be appropriate, the income tax or corporation tax reference number of the person or body of persons,

(B) the claimant's name and address,

(C) the amount paid, and

(D) the financial year in respect of which the payment for the service was paid,

or

(ii) if provided by a local authority or by a person or body of persons referred to in subparagraph (i)(I), is charged for other than by means of a specified annual charge in respect of that service,

a claimant shall for the purposes of this section be deemed to have made a payment of £50 in respect of that service and shall be entitled to relief in respect of such an amount subject to this section other than—

(I) in a case where subparagraph (i) applies, subsection (6), or

(II) in a case where subparagraph (ii) applies, subsections (5) and (6).

(b) Where a service charge is imposed in respect of the provision of a service other than the service referred to in paragraph (a), this subsection shall apply only where the claimant also qualifies for relief under this section in respect of such service charge.

(8) The provision of a supply of water for domestic purposes effected by a group water supply scheme shall be treated for the purposes of this section as if it were provided by a local authority, and a payment by an individual member of such a scheme in respect of such provision shall be deemed to be a payment in respect of service charges.

(9) Any deduction made under this section shall be in substitution for and not in addition to any deduction to which the individual might be entitled in respect of the same payment under any other provision of the Income Tax Acts.