

Chapter 4 Tax due on moneys received

Tax due on moneys received basis. VATA s. 14

80.—(1) A person who satisfies the Revenue Commissioners that—

(a) taking one period with another, at least 90 per cent of the person's turnover is derived from taxable supplies to persons who are not registered persons, or

(b) the total consideration which the person is entitled to receive in respect of the person's taxable supplies has not exceeded and is not likely to exceed €1,000,000 in any continuous period of 12 months,

may, in accordance with regulations, be authorised to determine the amount of tax which becomes due by the person during any taxable period (or part thereof) during which the authorisation has effect by reference to the amount of the moneys which the person receives during that taxable period (or part thereof) in respect of taxable supplies.

(2) Where an authorisation to which subsection (1) relates has not been cancelled under subsection (4), then—

(a) the rate of tax due by the person concerned in respect of a supply shall be the rate of tax chargeable at the time the goods or services are supplied,

(b) if tax on a supply has already been due and payable under any other provisions of this Act prior to the issue of that authorisation, tax shall not be due again in respect of any such supply as a result of the application of subsection (1), and

(c) if no tax is due or payable on a supply made prior to the issue of that authorisation, tax shall not be due in respect of any such supply as a result of the application of subsection (1).

(3)(a) The Minister may, by order—

(i) increase the amount specified in subsection (1)(b), or

(ii) where an amount stands specified by virtue of an order under this paragraph, including an order relating to this subparagraph, further increase the amount so specified.

(b) An order 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 sitting 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 thereunder.

(4) The Revenue Commissioners—

(a) may, in accordance with regulations, cancel an authorisation under subsection (1), and

(b) may, by regulations, exclude from the application of subsection (1) any tax due in respect of specified descriptions of supplies of goods or services and any moneys received in respect of such supplies.

(5) Where an authorisation has issued to any person in accordance with subsection (1) and the person fails to issue a credit note in accordance with section 67 (1)(b) in respect of any supply where the consideration as stated in the invoice issued by that person for that supply is reduced or a discount is allowed, then, at the time when a credit note should have issued in accordance with section 70 (1)—

(a) such tax as is attributable to the reduction or discount shall be treated as being excluded from the application of subsection (1), and

(b) the person shall be liable for that tax as if it were tax due in accordance with Chapter 3 at that time.

(6) This section does not apply to tax provided for by section 3 (b), (d) or (e).