

Residential accommodation: allowance to owner-occupiers in respect of certain expenditure on construction or refurbishment. FA86 s44(1)(a), (b) and (e) and (2); FA88 s25; FA94 s35(1)(c)(ii) and (v) and (2)(a) and (b); FA95 s32(1)(c) and (2) 328.—(1) In this section—

“qualifying expenditure”, in relation to an individual, means an amount equal to the amount of the expenditure incurred by the individual in the specified period on the construction or, as the case may be, refurbishment of a qualifying premises which is a qualifying owner-occupied dwelling in relation to the individual after deducting from that amount of expenditure any sum in respect of or by reference to—

(a) that expenditure,

(b) the qualifying premises, or

(c) the construction or, as the case may be, refurbishment work in respect of which that expenditure was incurred,

which the individual has received or is entitled to receive, directly or indirectly, from the State, any board established by statute or any public or local authority;

“qualifying owner-occupied dwelling”, in relation to an individual, means a qualifying premises the site of which is wholly within the Custom House Docks Area and which is first used, after the qualifying expenditure has been incurred, by the individual as his or her only or main residence;

“qualifying premises”, in relation to the incurring of qualifying expenditure, means, subject to subsections (4) and (5) of section 329, a house—

(a) which is used solely as a dwelling,

(b) in respect of which, if it is not a new house of the Housing (Miscellaneous Provisions) Act, 1979 ) provided for sale, there is in force a certificate of reasonable cost the amount specified in which in respect of the cost of construction or, as the case may be, refurbishment of the house is not less than the expenditure actually incurred on such construction or refurbishment, as the case may be, and

(c) the total floor area of which—

(i) is not less than 30 square metres and not more than—

(I) 125 square metres, or

(II) as respects expenditure incurred before the 12th day of April, 1995, on the construction of a house, and expenditure incurred before the 26th day of January, 1994, on the refurbishment of a house, 90 square metres,

in the case where the house is a separate self-contained flat or maisonette in a building of 2 or more storeys, or

(ii) in any other case, is not less than 35 square metres and not more than 125 square metres;

“refurbishment” has the same meaning as in section 327.

(2) Where an individual, having made a claim in that behalf, proves to have incurred qualifying expenditure in a year of assessment, the individual shall be entitled, for that year of assessment and for any of the 9 subsequent years of assessment in which the qualifying premises in respect of which the individual incurred the qualifying expenditure is the only or main residence of the individual, to have a deduction made from his or her total income of an amount equal to—

(a) 5 per cent of the amount of that expenditure, or

(b) in the case where the qualifying expenditure has been incurred on or after the 26th day of January, 1994, on the refurbishment of the qualifying premises, 10 per cent of the amount of that expenditure.

(3) (a) Where the qualifying expenditure in relation to a qualifying premises is incurred by 2 or more persons, each of those persons shall be treated as having incurred only such amount of the expenditure as the inspector, to the best of his or her knowledge and judgment, considers to be just and reasonable, and the expenditure shall be apportioned accordingly.

(b) An apportionment made under paragraph (a) may be amended by the Appeal Commissioners or by the Circuit Court on the hearing or rehearing of an appeal against any deduction granted on the basis of the apportionment.

(4) Section 329 shall apply for the purposes of supplementing this section.