

Retail export scheme. VATA s. 13(1A) to (1D), (3B) and (3C)

58.—(1) In this section—

“traveller” means a person whose domicile or habitual residence is not situated within the Community and includes a person who is normally resident in the Community but who, at the time of the supply of the goods, intends to take up residence outside the Community in the near future and for a period of at least 12 consecutive months;

“traveller’s qualifying goods” means goods (other than goods transported by the traveller for the equipping, fuelling and provisioning of pleasure boats, private aircraft or other means of transport for private use) which are supplied within the State to a traveller and which are exported by or on behalf of that traveller by the last day of the 3rd month following the month in which the supply takes place;

“VAT refunding agent” means a person who supplies services which consist of the procurement of a zero-rating (within the meaning of subsection (2)) or repayment of tax in relation to supplies of a traveller’s qualifying goods.

(2) The Revenue Commissioners shall, subject to and in accordance with regulations (if any), allow the application of section 46 (1)(b) (in this section referred to as “zero-rating”) to—

(a) the supply of a traveller’s qualifying goods, and

(b) the supply of services by a VAT refunding agent consisting of the service of repaying the tax claimed by a traveller in relation to the supply of a traveller’s qualifying goods or the procurement of the zero-rating of the supply of a traveller’s qualifying goods,

where they are satisfied that the supplier of the goods or services, as the case may be—

(i) has at the time of the supply of the goods taken all reasonable steps to confirm that the purchaser is a traveller as defined in this section,

(ii) has proof that the goods were exported by or on behalf of the traveller by the last day of the 3rd month following the month in which the supply takes place,

(iii) has proof that, where an amount of tax has been charged to the traveller in respect of a supply of goods covered by paragraph (ii), that the amount to be repaid to the traveller has been repaid to that traveller no later than the 25th working day following receipt by the supplier of the traveller’s claim to repayment,

(iv) notifies the traveller in writing of any amount (including the mark-up) charged by the supplier for procuring the repayment of the amount claimed or arranging for the zero-rating of the supply and where an amount so notified is expressed in terms of a percentage or a fraction, such percentage or fraction shall

relate to the tax remitted or repayable under this subsection,

(v) uses, as the exchange rate in respect of moneys being repaid to a traveller in a currency other than the currency of the State—

(I) unless subparagraph (II) applies, the latest selling rate recorded by the Central Bank of Ireland for the currency in question at the time of the repayment,

(II) if there is an agreement with the Revenue Commissioners for a method to be used in determining the exchange rate, the exchange rate obtained using that method,

and

(vi) has made known to the traveller such details concerning the transaction as may be specified in regulations.

(3) Regulations may make provision for the authorisation, subject to certain conditions, of accountable persons or a class of accountable persons for the purposes of zero-rating of the supply of a traveller's qualifying goods or to operate as a VAT refunding agent in the handling of a repayment of tax on the supply of a traveller's qualifying goods and such regulations may provide for the cancellation of such authorisation and matters consequential to such cancellation.

(4) A VAT refunding agent acting as such may, in accordance with regulations, treat the tax charged to the traveller on the supply of that traveller's qualifying goods as tax that is deductible by the agent in accordance with section 59 (2) provided that that agent fulfils the conditions set out in subsection (2) in respect of that supply.

(5) Where, in relation to a supply of goods, any of the conditions of paragraphs (i) to (vi) of subsection (2) are not complied with or are not complied with within the time limits specified in those paragraphs, where applicable, then—

(a) that supply is not a supply of traveller's qualifying goods, and

(b) zero-rating is not applicable to the supply of services by a VAT refunding agent (if any) in respect of those goods.

(6) For the purposes of this section, and subject to the direction and control of the Revenue Commissioners, any power, function or duty conferred or imposed on them may be exercised or performed on their behalf by an officer of the Revenue Commissioners.