AN COIMISIÚIN UM ACHOMHAIRC CHÁNACH
TAX APPEALS COMMISSION

235TACD2025

Between

[redacted]

Appellant

and

The Revenue Commissioners

Respondent

Determination

Introduction

1. This is an appeal to the Tax Appeals Commission ("the Commission") by [redacted] ("the Appellant") against a determination of the Revenue Commissioners ("the Respondent") in relation to vehicle registration tax ("VRT"). That determination concerns additional VRT arising from the late registration of the Appellant's vehicle, registration number [redacted] ("the Vehicle").

2. The Commission notified the Appellant and the Respondent that the Appeal Commissioners intended to adjudicate on this appeal without a hearing and informed the parties that they could request a hearing within 21 days of that notification. Neither of the parties did so. Accordingly, this appeal is adjudicated without a hearing, in accordance with section 949U of the Taxes Consolidation Act, 1997, as amended ("TCA 1997").

Background

3. On [redacted] February 2023, the Appellant purchased the Vehicle from a third party ("the Vendor"). At time of its purchase, the Vehicle was located in the State but had not been registered in the State.

4. The Appellant has informed the Commission that, under his agreement with the Vendor, the Vendor had undertaken to register the vehicle in the State and discharge the VRT payable on its registration. As the Vendor did not do so, and after unsuccessfully pursuing the Vendor, the Appellant proceeded to register the Vehicle himself.

5. The Vehicle was registered in the State on [redacted] October 2024.

6. On registration, as the Vehicle was registered more than 30 days after it had entered the State, the Respondent imposed additional VRT of €14,250, which was included in the total VRT liability of €37,346.

7. The Appellant appealed to the Respondent against the imposition of the additional VRT of €14,250. In its determination dated 30 January 2025, the Respondent held that the Appellant's appeal was unsuccessful.

8. Aggrieved by that determination, the Appellant appealed to the Commission on 28 February 2025.

Legislation

9. The legislation relevant to the substantive issue in this appeal is set out below.

10. Section 132 of the Finance Act, 1992, as amended ("the 1992 Act") provides, among other things, as follows:

> *"(1) Subject to the provisions of this Chapter and any regulations thereunder, with effect on and from the 1st day of January, 1993, a duty of excise, to be called vehicle registration tax, shall be charged, levied and paid at whichever of the rates specified in subsection (3) is appropriate on -*
>
> *(a) the registration of a vehicle, and*
>
> *(b) …*
>
> *(2) Vehicle registration tax shall become due and be paid at the time of the registration of a vehicle … by -*
>
> *(a) …*
>
> *(b) the person who registers the vehicle,*
>
> *(c) …*
>
> *(d) …*

and where under paragraphs (a) to (d), more than one such person is, in any case, liable for the payment of a vehicle registration tax liability, then such persons shall be jointly and severally liable.

(3) …

(3A) Notwithstanding subsection (3), where the Commissioners are of the opinion that a vehicle has not been registered at the time specified in Regulation 8 of the Vehicle Registration and Taxation Regulations 1992 (S.I. No. 318 of 1992), the amount of vehicle registration tax due and payable in accordance with subsection (3) shall be increased by an amount calculated in accordance with the following formula:

A × P × N

where -

A is the amount of vehicle registration tax calculated in accordance with subsection (3),

P is 0.1 per cent, and

N is the number of days from the date the vehicle entered the State to the date of registration of the vehicle.

[…]"

11. Regulation 8 of the Vehicle Registration and Taxation Regulations, 1992 (S.I. No. 318 of 1992), as amended ("the Regulation"), states, among other things, as follows:

"(1) (a) A person not being an authorised person who manufactures or brings into the State a vehicle which is not exempt from registration under section 135 of the Act shall—

(i) make an appointment for a pre-registration examination with the competent person concerned not later than 7 days after the manufacture or arrival in the State of the vehicle, and

(ii) register the vehicle to the satisfaction of the [Respondent] not later than 30 days after its manufacture or arrival in the State.

…"

12. Section 145 of the Finance Act 2001, as amended ("the 2001 Act") states, among other things, that:

"(3) Any person who is the subject of a decision of the [Respondent] in relation to any of the following matters and who is aggrieved by the decision may appeal to the [Respondent] against that decision:

(a) the registration of a vehicle, or the amendment of an entry in the register referred to in section 131 of the Finance Act 1992;

(b) the determination of the open market selling price of a vehicle under section 133 of the Finance Act 1992;

(c) the granting, refusal or revocation by the [Respondent] of an authorisation under section 136 of the Finance Act 1992, or the arrangements for payment of vehicle registration tax under that section;

(d) the liability to vehicle registration tax or the repayment of vehicle registration tax.

(4) An appeal under this section shall be made in writing and shall set out in detail the grounds of the appeal.

(5) An appeal under this section shall be lodged by the person concerned with the [Respondent] within 2 months from the date of the notification by the [Respondent] of the decision concerned, or within such longer period as they may, in exceptional cases, allow.

…

(12) Where an appeal has been lodged but not determined in accordance with subsection (6) there shall be deemed to have been a determination by the Commissioners on the last day of the period of 30 days from the date the appeal was lodged that the appeal was not upheld but such deeming shall cease to have effect if a determination is subsequently made by the Commissioners before a determination is made by the Appeal Commissioners under section 146 in respect of the matter concerned.

…"

13. Section 146(1A) of the 2001 Act states, among other things, that:

"Any person aggrieved by any of the following matters may appeal the matter to the Appeal Commissioners in accordance with section 949I of the Taxes Consolidation Act 1997 within the period specified in subsection (2):

(a) a determination of the [Respondent] under section 145;

…"

Submissions

Appellant

14. In the grounds of his notice of appeal, among other things, the Appellant submitted:

> *"I am appealing to the Tax Appeals Commission as I believe I paid an excessive level of VRT on my car in light of the specific circumstances I found myself in with regard to a duplicitous Irish car dealer.*
>
> *I fully respect and understand the VRT laws and regulations in place in Ireland, and by the absolute letter of the law and without any cognisance or sympathy for my case I can see how the VRT cost of €37,346 was arrived at by Revenue.*
>
> *However I don't believe my incredibly difficult circumstances were fully appreciated by Revenue and any level of compassion or leniency shown despite me providing significant evidence that I was defrauded by a car dealer.*
>
> *What I am seeking in this appeal is a reduction and hence refund in the VRT cost associated with my car. Were the VRT to have been paid on the car when it was first brought into the country in February '23 it would have cost approximately €26k. Per above I ended up paying €37,346 in October '24. The difference in cost equates to an additional late registration charge of €14,250 given that the car had been in the country but remained unregistered from February '23 to October '24.*
>
> *This is all technically correct, but what it is critical to my situation and to my appeal, is that I had absolutely no control over the VRT process as [the Vendor] the car dealer had committed to doing this and the paying relevant amount as part of the arrangement when I bought the car. I admit when I bought the car I was naïve to think I could trust this dealer as he was introduced to me by a mutual friend. Hence when I traded my previous car against this new car which came from NI, I paid him in full for the price of the new car including trade-in and of course including VRT being paid. At the time he promised to have the registration completed and VRT paid within the requisite 30 days. This did not happen and started a tortuous time for me and my family chasing this dealer for the next 20 months or so to complete his side of the deal.*
>
> *I chased and chased, text message after text message, whatsapp message after whatsapp message. There wasn't a day that passed that I didn't think about this situation, and it created a huge amount of stress and strain in my life and for my family.*

[redacted] *I felt utterly helpless and completely at the mercy of this dealer. As you can see from the correspondence, I have included in this appeal there were a number of occasions where he made me believe he was actually going to complete the VRT process – I could even see this on the NCTS system when I called them to see what was going on. So for almost 18 months this dragged on until I decided to take legal recourse.*

However as you can see in more detailed document below, this has so far failed to trigger any action on the dealer's part. [redacted] *In light of this there was a major risk I had to spend even more money and I decided to temporarily pause that process.*

So, I decided to take a different course of action. I decided I would try to register the car myself and pay the VRT. At least I would then have the car in my name and be legally in a position to drive it in Ireland. I would then continue to pursue the dealer [redacted].

I knew this route was not without difficulty or risk and my first problem was how to register the car without any of the vehicle documentation (UK V5 form) in my possession – the dealer had all of this. However, Revenue were kind enough to accept the electronic version of the V5 form which was on the NCTS system from the previous occasions the dealer 'attempted' to pay the VRT.

When I went in for my appointment in [redacted] *NCTS centre in October '24 I had all of the relevant documentation and the NCTS person dealing with my case was aware she was to use the electronic version of the V5 form. Everything went fine and I was expecting that I would have to pay c€25k but she then told me there was this additional €14k to be paid given the period of the time since the car arrived in the country. I had hoped that given my difficult circumstances that this was understood by Revenue and passed on to the NCTS official, but sadly it was not. The NCT official told me that I had to pay the full amount including the additional penalty/amount, and that an appeals process was available thereafter.*

I did not pay that day and sent an email back to the Revenue to ask them if they could help me avoid this additional €14k charge, but they came back to me to say they could not as this was the letter of the law. Hence I had no choice but to return to the NCTS centre shortly after that and pay the full amount of €37,346.

I then formally appealed this to Revenue but was unsuccessful and they simply quoted back the regulations to me. I was absolutely gutted to hear this as I had thought Revenue were typically understanding of the uniqueness of every Irish citizen's situation when it comes to tax matters. I was so surprised their response didn't even show any sign of sympathy with my situation at all – it felt as if they hadn't even read my appeal and did not understand my situation.

To conclude, I fully understand and respect the VRT laws and regulations in this country, and I am not challenging those in any way. What I am seeking is an understanding that my circumstances led to a situation where an excessive level of VRT was required to be paid on my car, and unfortunately paid by me in effect for a second time. Given that I did not deliberately import the car myself nor avoid paying the VRT myself for c20 months, and in parallel was chasing and chasing the car dealer, I feel I am deserving of some leniency in regards to the VRT amount to be paid.

I sadly have to accept that the c€23k of core VRT I paid in October '24 is completely down to me to recover from the dealer [redacted] *I hope that the Tax Appeals commission can understand that the additional €14,250 car charge is excessive in light of my situation and see to it to have that reduced and a refund paid to me.*

I have attached the details of my original appeal to Revenue and evidence to support my case in terms of communications with the dealer and pictures he sent to me from where he led me to believe he was going to pay the VRT on the car."

15. In his statement of case, among other things, the Appellant also submitted:

"I am appealing the assessment and payment of Vehicle Registration Tax (VRT) and associated penalties totaling €37,357.20 in relation to my vehicle, a [redacted] *(registration number* [redacted]*), on the grounds that this liability arose due to fraud perpetrated by the motor dealer from whom I purchased the vehicle.*

On 13 February 2023, I purchased the vehicle from [the Vendor] The vehicle was sold to me while still on UK registration plates. [The Vendor] explicitly assured me that he would register the vehicle in Ireland and would pay all applicable VRT as part of the purchase arrangement. I paid him the full agreed amount up front, in good faith, based on these assurances.

When [the Vendor] failed to follow through on his promises, I pursued the matter persistently. I contacted him almost daily through phone calls and messages, trying

everything within my power to prompt him to complete the registration and pay the VRT. The issue never left my mind — it caused me constant stress and worry.

Eventually, I sought legal advice and engaged a solicitor in an effort to force [the Vendor] into action. [redacted]

In the end, I had no choice but to register the vehicle myself to ensure compliance with Irish law. This required me to pay the full VRT amount, totaling €37,357.20, broken down as follows:

- €23,006.00 – VRT1: the standard Vehicle Registration Tax

- €14,250.00 – VRT2: the penalty for the prolonged period during which the vehicle was in the State but unregistered

These charges were incurred entirely due to the fraudulent and deceptive conduct of the dealer. I did everything reasonably expected of a purchaser and took every step possible to resolve the issue through legitimate channels.

I am not disputing the legal basis upon which the VRT and penalties were assessed, nor am I challenging the underlying legislation. Instead, I am appealing on the basis of fairness, equity and justice. I believe that I have borne a financial and emotional burden that I could not have foreseen or avoided, despite acting in good faith and with diligence throughout.

In this regard, I respectfully ask the Commission to consider this appeal under the discretionary relief provisions — particularly Section 146 of the Finance Act 2001, which as I understand allows for remission or repayment of duties in cases involving hardship, injustice, or exceptional circumstances.

This situation has had a profound impact on me and my family. The constant uncertainty over the vehicle's legal status, the anxiety of dealing with a dishonest seller, and the repeated frustration of failed attempts to resolve the matter caused significant emotional distress. I have always sought to resolve the situation lawfully and responsibly, and the entire process has taken a serious toll.

I would also like to highlight that I am an Irish taxpayer in good standing and have always fulfilled my obligations to the Revenue Commissioners. This case is not about

avoiding tax — it is about seeking fair treatment in light of being misled and financially harmed by a third party.

I have provided a wide range of supporting documents with this appeal and can provide more as required. These include

- Proof of payment to and invoice from [the Vendor]

- Copies of extensive correspondence with [the Vendor]

- VRT payment receipts

I respectfully request that the Tax Appeals Commission consider this appeal with the view to refunding some or all of the VRT and penalties paid, given the exceptional and unjust circumstances of the case.

…

I respectfully ask the Commission to consider this appeal under the discretionary relief provisions — particularly Section 146 of the Finance Act 2001, which as I understand allows for remission or repayment of duties in cases involving hardship, injustice, or exceptional circumstances.

…

I respectfully ask the Tax Appeals Commision [sic] to recognise the clear injustice of this situation. I was the victim of a fraud by a motor dealer who deliberately misled me, leaving me to shoulder the full cost of registration and penalties through no fault of my own. Despite my best efforts - including daily follow-ups, solicitor [sic] involvement and attempted legal proceedings - I was left with no choice but to pay the VRT and penalties myself.

This experience has not only resulted in substantial financial loss, but has also caused ongoing stress, anxiety, and disruption to both me and my family. I have acted responsibly and in good faith throughout, and I kindly ask that this appeal be considered with compassion, fairness and an understanding of the exceptional hardship and emotional toll I have endured."

Respondent

16. In the Respondent's statement of case, among other things, the Respondent submitted:

"This is an appeal against addition VRT (VRT 2) being charged to the appellant on the late registration of his vehicle [redacted].

The vehicle was imported on [redacted] February 2023 and was registered on [redacted] October 2024 (617 days later).

In accordance with Section 62 FA (No. 2) a vehicle must be registered within 30 days of its entry into the State.

The additional VRT due, when a vehicle is not registered within the 30-day limit, is calculated at 0.1% of the VRT due multiplied by the number of days the vehicle has been unregistered in the State (i.e from the date of entry into the State until the date of registration).

In this case the addition VRT was calculated as follows:

€23,096 x 0.1% x 617 = €14,250

The additional VRT of €14,250 was correctly charged in accordance with Section 62 FA (No.2) 2008.

Any delay incurred in the registration of this vehicle was not the fault of the Office of the Revenue Commissioners or of the National Car Testing Service (NCTS), therefore, there is no refund due in this case."

Material Facts

17. Having considered the documentation submitted, the Commissioner makes the following findings of material fact:

    17.1. The Vehicle is a [redacted].

    17.2. The Vehicle was previously registered outside the State.

    17.3. The Vehicle arrived in the State on or about [redacted] February 2023.

    17.4. The Vehicle was brought into the State by a person other than the Appellant.

    17.5. On [redacted] February 2023, the Appellant purchased the Vehicle from the Vendor.

    17.6. The Vehicle was registered in the State on [redacted] October 2024.

    17.7. The Appellant is the person who registered the Vehicle in the State.

    17.8. The quantum of VRT calculated in accordance with section 132(3) of the 1992 Act was €23,096.

    17.9. The Respondent imposed additional VRT of €14,250 in respect of the late registration of the Vehicle.

17.10. On 28 February 2025, the Appellant appealed to the Commission against the Respondent's determination dated 30 January 2025.

Analysis

18. The burden of proof in this appeal rests on the Appellant, who must establish that the Respondent erred in determining that he was liable to pay additional VRT of €14,250 arising from the late registration of the Vehicle. This is the sole issue for determination in this appeal.

19. In the High Court case of *Menolly Homes Ltd v. Appeal Commissioners and Anor.* [2010] IEHC 49, Charleton J stated at paragraph 22, among other things, that:

> *"The burden of proof in this appeal process is, as in all taxation appeals, on the taxpayer. This is not a plenary civil hearing. It is an enquiry by the Appeal Commissioners as to whether the taxpayer has shown that the relevant tax is not payable."*

20. The standard of proof applicable in this appeal is the balance of probabilities.

21. Section 132(1) of the 1992 Act provides that VRT shall be imposed on the registration of a vehicle in the State, unless a relief applies.

22. In accordance with section 132(2) of the 1992 Act, the person who registers a vehicle is liable to pay the VRT arising on its registration. In the present case, as the Appellant is the person who registered the Vehicle in the State, he was liable to pay the VRT arising on its registration.

23. The quantum of VRT calculated in accordance with section 132(3) of the 1992 Act was €23,096. The Appellant does not contend that he was not liable to pay this sum, nor does he dispute its amount. In his notice of appeal, he stated "*I sadly have to accept that the c€23k of core VRT I paid in October '24 is completely down to me to recover from the dealer …*".

24. In accordance with section 132(3A) of the 1992 Act, as the Vehicle was registered more than 30 days after its arrival in the State, which is the time specified in the Regulation, the total amount of VRT payable on its registration was increased by €14,250. The Commissioner is satisfied that this amount was calculated correctly in accordance with the formula prescribed in section 132(3A) of the 1992 Act.

25. Section 132(3A) of the 1992 Act has mandatory effect and affords no discretion or exception by which the additional VRT may be mitigated.

26. The Commissioner has considered the Appellant's submissions in respect of "*discretionary relief provisions — particularly Section 146 of the Finance Act 2001, which as I understand allows for remission or repayment of duties in cases involving hardship, injustice, or exceptional circumstances*". The Commissioner is satisfied that the VRT legislation, including section 146 of the 2001 Act, does not afford him the discretion to reduce or waive the additional VRT arising from the late registration of the Vehicle.

27. As the Appellant is the person who registered the Vehicle in the State, he was liable to pay the additional VRT arising from its late registration, even though he was not the person who brought it into the State.

28. The Commissioner's jurisdiction is limited to considering and applying tax law, and he has no equitable power or wider discretion to disapply statutory provisions on the ground that he sympathises with an appellant's personal circumstances. The Commissioner appreciates that the Appellant's circumstances are unfortunate and difficult.

29. As the Commissioner is satisfied that the Respondent has correctly applied the law, the appeal cannot succeed.

Determination

30. Having considered all the documentation submitted by the parties, for the reasons set out above, the Commissioner determines that the Appellant has not shown, on the balance of probabilities, that the Respondent erred in determining that he was liable to pay additional VRT of €14,250 arising from the late registration of the Vehicle.

31. The Respondent's determination of 30 January 2025 shall stand.

32. This appeal is determined in accordance with Part 40A of the TCA 1997 and in particular sections 949AL and 949U thereof. This determination contains full findings of fact and reasons for the determination, as required under section 949AJ(6) of the TCA 1997.

33. The Commissioner recognises that this determination will be disappointing for the Appellant and is empathetic to the personal circumstances described on appeal. The Commissioner is, however, bound to apply the provisions of the legislation.

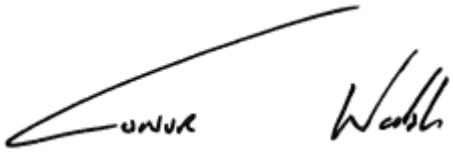
Notification

34. This determination complies with the notification requirements set out in section 949AJ of the TCA 1997, in particular sections 949AJ(5) and 949AJ(6) of the TCA 1997. For the avoidance of doubt, the parties are hereby notified of the determination under section 949AJ of the TCA 1997 and in particular the matters as required in section 949AJ(6) of

the TCA 1997. This notification under section 949AJ of the TCA 1997 is being sent via digital email communication **only** (unless the Appellant opted for postal communication and communicated that option to the Commission). The parties will not receive any other notification of this determination by any other methods of communication.

Appeal

35. Any party dissatisfied with the determination has a right of appeal on a point or points of law only within 42 days after the date of the notification of this determination in accordance with the provisions set out in section 949AP of the TCA 1997. The Commission has no discretion to accept any request to appeal the determination outside the statutory time limit.



Conor Walsh
Appeal Commissioner
24 September 2025