



AN COIMISIÚN UM ACHOMHAIRC CHÁNACH
TAX APPEALS COMMISSION

Between

41TACD2026

[REDACTED]

Appellant

and

The Revenue Commissioners

Respondent

Determination

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Introduction

1. This is an appeal to the Tax Appeals Commission (“the Commission”) pursuant to and in accordance with the provisions of section 949I of the Taxes Consolidation Act 1997 (“TCA 1997”). This appeal was brought by the Appellant against a refusal by the Revenue Commissioners (“the Respondent”) of a claim made by the Appellant for a refund of Value Added Tax (“VAT”) pursuant to Statutory Instrument No. 428/1981 Value Added Tax (Refund of Tax) (No. 15) Order, 1981 (“VAT Refund Order, 1981”).
2. This statutory instrument allows for a refund of VAT which has been incurred on the purchase of qualifying goods for the use of persons with a disability. The Appellant sought a refund from the Respondent for the VAT incurred, in the sum of €2,233.41 on the purchase of a domestic wastewater treatment system. This refund application was refused by the Respondent.
3. On 14 October 2025, the Appellant appealed this decision to the Commission.
4. In accordance with the provisions of section 949U of the TCA 1997 and by agreement with the parties, this appeal is adjudicated and determined without a hearing. The Appellant has confirmed by way of email that she wishes for her personal information to remain private, and therefore the determination will be redacted for publication on the Commission’s website, pursuant to section 949AO of the TCA 1997.

Background

5. The Appellant moved into her current dwelling situated at [REDACTED] [REDACTED] (“the Property”) in [REDACTED].
6. The Appellant lives in the Property with [REDACTED] [REDACTED] [REDACTED].
7. The Appellant suffers from several medical conditions; the Commissioner has not had sight of the Appellant’s medical reports. This is not disputed by the parties.
8. The Appellant sought and received planning permission for an onsite domestic wastewater treatment system, planning reference number [REDACTED]. The date of the granting of this planning permission was not provided to the Commissioner.
9. On [REDACTED] the Appellant entered into a credit agreement with her Credit Union for the sum of €6,500 to be paid towards the purchase of this domestic wastewater treatment system.

10. In or around February 2025, the Appellant applied to her local county council (“the County Council”) for a grant for a septic tank and associated works in accordance with the Prioritised Areas for Action (“PAA”) Domestic Wastewater Treatment Systems scheme (“DWWTS”). The Department of Housing, Local Government and Heritage (“The Department”) administers these grants, which are then managed by local authorities.
11. Grants are available to assist homeowners with the cost of works for the remediation, repair, upgrade or replacement of a domestic wastewater treatment system serving a house, to a maximum sum of €12,000. The eligibility requirements of the DWWTS are as follows:
 - 11.1. The house must be occupied by the applicants as their primary place of residence.
 - 11.2. The house must not be connected to a public sewerage scheme.
 - 11.3. The wastewater treatment system must not currently be under construction or constructed within the last 7 years.
 - 11.4. The residents have not been paid a grant for the DWWTS within the last 7 years.
 - 11.5. All work must be completed satisfactorily.
 - 11.6. The house must be situated in a prioritised area of action.
12. On 24 February 2025, when the County Council confirmed receipt of the Appellant’s grant application, it confirmed the Appellant’s application was deemed to be eligible and that works could proceed.
13. On 18 February 2025, the Appellant received a fee quote from [REDACTED] (“the Contractor”) for the installation of a wastewater treatment system described as “*a new Tricel wastewater treatment system (pumped) and 16 square metres tertiary sandcel percolation area and associated works*” (hereinafter “the Works”). This fee quote provided a detailed breakdown of the Works.
14. On 28 February 2025, the Appellant received a request from the Contractor for the deposit of €12,000 to be paid for the Works. The Appellant outlined in her submissions [REDACTED].
15. On 14 March 2025, the Contractor issued an invoice to the Appellant for the Works in the sum of €16,543.78 plus VAT at 13.5% of €2,233.41, the total amount showing on the invoice being €18,777.20.

16. On 17 March 2025, the Appellant completed a grant payment claim form, titled “Form DWWTSPAA” to seek payment from the County Council for the Works carried out on the Property and included the invoice and tax clearance certificate from the Contractor.
17. On 22 May 2025, the grant funding of €12,000 was paid from the County Council to the Appellant’s bank account and on 26 May 2025, the Appellant passed the sum of €12,000 to the Contractor and paid the balance of €6,777.20.
18. Subsequently, the Appellant sought a VAT refund in the sum of €2,233.41 relating to these Works from the Respondent, pursuant to the conditions set out in the VAT Refund Order, 1981.
19. On 3 September 2025, the Respondent wrote to the Appellant informing her that her application for this VAT refund was refused on the basis that the wastewater treatment system was not a “qualifying good” for the purposes of the VAT Refund Order, 1981.
20. On 14 October 2025, the Appellant appealed this decision to the Commission.

Legislation and Guidelines

21. S.I. No. 428/1981 Value Added Tax (Refund of Tax) (No. 15) Order, 1981, provides, *inter alia*, as follows:

[.....]

2. *In this Order—*

“the Act” means the Value-Added Tax Act, 1972;

“disabled person” means a person who, as a result of an injury, disease, congenital deformity or physical or mental illness, or defect, suffers from a loss of physical or mental faculty resulting in a specified degree of disablement; and cognate words shall be construed accordingly;

“qualifying goods” means goods other than mechanically propelled road vehicles which are aids or appliances, including parts and accessories, specially constructed or adapted for use by a disabled person and includes goods which, although not so specially constructed or adapted, are of such a kind as might reasonably be treated as so constructed or adapted having regard to the particular disablement of that person;

“specified degree of disablement” means, as regards a disablement to which the provisions of the Social Welfare (Occupational Injuries) Regulations, 1967 (No. 77 of 1967), apply, a degree of disablement which, if assessed in accordance with those

provisions, would be not less than 30 per cent and, as regards any other disablement, a degree of disablement of equivalent extent.

3. Where a person establishes to the satisfaction of the Revenue Commissioners that—

(a) he has borne or paid tax which became chargeable on or after the 1st day of March, 1981, in respect of the supply to or importation by him of qualifying goods, and

(b) he fulfils the conditions which are specified in paragraph 4 of this Order, and such other conditions as the said Commissioners may impose,

he shall be entitled to repayment of the amount of tax so borne or paid.

4. The conditions to be fulfilled by a person referred to in paragraph 3 of this Order are—

(a) he shall claim a refund of the tax by completing such claim form as may be provided for the purpose by the Revenue Commissioners and he shall certify the particulars shown on such claim form to be correct;

(b) (i) in case he is the person for whose use the goods referred to in paragraph 3 of this Order were supplied or imported, he shall, by the production of such evidence as may be acceptable to the said Commissioners, establish that he is a disabled person and that the goods are for the purpose of assisting him to overcome his disability in the performance of essential daily functions or in the exercise of a vocation, and that the goods are so used by him;

[....]

(c) he shall by the production of invoices, provided in accordance with section 17(12) (a)(i) of the Act, or by the production of receipts for tax paid on goods imported, establish the amount of tax borne or paid to which the claim relates;

(d) he shall establish that he is not entitled to a deduction under section 12 of the Act or a repayment under section 20(2) of the Act or under a regulation or order, other than this Order, made under the Act in respect of any portion of the tax specified in subparagraph (c) of this paragraph;

(e) he shall establish that the tax specified in subparagraph (c) of this paragraph does not form any part of expenditure incurred by him which has been or will be met, directly or indirectly, by the State, by any board established by statute, or by any public or local authority”.

22. The Water Services Act, 2007, provides, *inter alia*, as follows:

[...]

“60(1) A person who owns, has in his or her charge or otherwise has control over a wastewater works shall cause it to be properly maintained so as not to -

(a) cause, or be likely to cause a risk to human health or the environment, including risk to waters, the atmosphere, land, soil, plants or animals, or,

(b) create a nuisance through odours.

60(2) A person who contravenes subsection (1) commits an offence.

[...]

70(1) The occupier of a premises [...] shall not permit wastewater to be discharged from the premises to a sewer in a manner that-

(a) causes, or is likely to cause a risk to human health or the environment, including risk to waters, the atmosphere, land, soil, plants or animals, or,

(b) creates a nuisance through odours.

70(2) The owner of a premises shall ensure that all drains, manholes, gully traps and storage and treatment systems for wastewater, including related accessories, not in the charge of a water services provider, which serve that premises are kept so as not to-

(a) cause, or be likely to cause a risk to human health or the environment, including risk to waters, the atmosphere, land, soil, plants or animals, or,

(b) create a nuisance through odours”.

[...]”

Submissions

Appellant’s submissions

23. The Commissioner has set out below a summary of the submissions made by the Appellant in her Notice of Appeal dated 14 October 2025 and Statement of Case dated 26 November 2025, along with a summary of the supporting documentation which the Commissioner has reviewed.

“Living with an impossible situation where the toilet was overflowing into my disability shower room. This shower was blocked which was a very stressful time for me, I had to get a loan which these days with the cost of living and my disability is extremely tight”.

“My life was extremely stressful living with blocked pipes which would backup into my disability shower causing flooding with dirty grey water which was a hazard to my health. Cost of living is expensive”.

Supporting Documentation

24. The Appellant provided a copy of the decision letter received from the Respondent declining to issue a VAT refund, dated 3 September 2025 which stated *“We acknowledge and have considered the letters provided by your medical practitioner and the contractor who installed the system, clarifying the nature of the disability and the intended use of the septic tank and domestic wastewater system. However, under the provisions of the above Order, a septic tank, a domestic wastewater system is regarded as a standard household requirement that is typically considered necessary in most homes. For this reason, the goods claimed do not fall within the definition of qualifying aids of appliances and your claim for VAT relief on these goods has been refused”.*

25. The Works carried out, as outlined on the invoice from the Contractor dated 14 March 2025, were as follows:

“Unblocking and replacing damaged pipework coming from toilet/shower room (to septic tank)- the blockage had been causing the pipework to back up and flood the shower and bathroom floor, when in use. The flooding of the bathroom with dirty “greywater” water was a danger and a health hazard.

Existing greywater pipe (which was discharging to field) to be redirected into proposed new Waste Water Treatment Unit. Old pipe was discharging untreated effluent to an open hole beside the house. It was causing a smell around the house and too a health hazard and danger.

Discharge pipes from house to be checked for blockages etc.

Grounds to be left neat and tidy- soil to be seeded after works completed.

Note- previous to the new installation, there was no actual septic tank in existence but just a big hole dug out in the ground which was covered with old rusty corrugated sheets. It was totally unsealed and there was evidence of rat activity in the garden and

"I moved in [REDACTED]. I live with [REDACTED]. My disability shower room has improved 100 percent as I don't need to worry about it flooding after a shower and the toilet is never blocked anymore which was a complete nightmare".

Respondent's submissions

27. The Commissioner sets out a summary of the submissions made by the Respondent in its Statement of Case, dated 4 December 2025.

"Statutory provisions being relied on.

S.I. No. 428/1981 – Value-Added Tax (Refund of Tax) (No. 15) Order, 1981 provides for the repayment of VAT on goods other than mechanically propelled road vehicles, which are aids and appliances, including parts and accessories, specially constructed or adapted for use by a disabled person and includes goods which, although not so specially constructed or adapted, are of such a kind as might reasonably be treated as so constructed or adapted having regard to the particular disablement of that person;

Section 3 of the VAT Refund Order provides for a repayment of tax borne or paid where that person has established to the satisfaction of the Revenue Commissioners that-

(a) he has borne or paid tax which became chargeable on or after the 1st day of March 1981, in respect of the supply to or importation by him of qualifying goods, and

(b) he fulfils the conditions which are specified in paragraph 4 of this Order, and such other conditions as the said Commissioners may impose,

Section 4 provides for the following conditions to be fulfilled by a person referred to in paragraph 3 of this Order-

(a) he shall claim a refund of the tax by completing such claim form as may be provided for the purpose by the Revenue Commissioners and he shall certify the particulars shown on such claim form to be correct.

(b) (i) in case he is the person for whose use the goods referred to in paragraph 3 of this Order were supplied or imported, he shall, by the production of such evidence as may be acceptable to the said Commissioners, establish that he is a disabled person and that the goods are for the purpose of assisting him to overcome his disability in the performance of essential daily functions or in the exercise of a vocation, and that the goods are so used by him.

(ii) in case he is not the person for whose use the said goods were supplied or imported, he shall, by the production of such evidence as may be acceptable to the said Commissioners, establish that the goods were supplied by him, other than in the course of business, to a particular person who is a disabled person for the purpose of assisting that person to overcome his disability in the performance of essential daily functions or in the exercise of a vocation, and that the goods are so used by that other person.

Outline of relevant facts.

[The Appellant] made an application for a refund of VAT on aids and appliances for use by persons with a disability under the VAT Refund Order. The person with disabilities is [the Appellant]. The claim was in respect of the installation of a septic tank and replacement and repair of pipework at [the Appellant's] property.

A doctor's letter supplied with the claim lists multiple medical histories including,

[REDACTED]
[REDACTED] The doctors letter states that [the Appellant] has had great difficulties in the plumbing of her house leading to flooding and leaking from her septic tank which has all led to great stress exacerbating her medical conditions and asking that her case is looked at favourably. Evidence provided with the claim includes the invoice for the work carried out and a grant approval letter from the local authority. The grant approval letter confirms that the application was made under the Housing (Domestic Wastewater Treatment Systems Financial Assistance in Prioritised Areas for Action) Application for a PAA septic tank grant for a new onsite wastewater treatment system.

The grant approval letter confirms that the application in question is deemed to be eligible subject to the standard terms and conditions applicable to this scheme. An application for the grant form and remittance advice of payment by EFT show that an amount of €12,000 was issued under the grant scheme for works for the remediation, repair, upgrade or replacement of Domestic Wastewater Treatment System (DWWTS) in a Prioritised Area for action.

The invoice supplied in support of the claim lists the work carried out for the installation of a new trichel wastewater treatment system (pump) and 16 mt square Tertiary sandcel percolation area and associated works at the address. The work includes unblocking and replacing damaged pipework coming from the toilet/shower, redirecting existing greywater pipe (which was discharging into field), discharge pipes from house to be checked for blockages, grounds to be left neat and tidy. A note on the invoice outlines that prior to the new installation, there was no actual septic tank in

existence, just a big hole dug out in the ground, which was covered with old rusty corrugated sheets. It was totally unsealed and there was evidence of rat activity in the garden and yard adjacent to the house. It further mentions that this too posed a serious health risk to the occupants of the house.

Prior to the receipt of the application form for the VAT refund claim from [the Appellant], telephone contact was received from [the Appellant]. During this conversation [the Appellant] was advised that a claim for a septic tank replacement did not qualify for the VAT refund scheme.

Following the receipt of the application from [the Appellant], the application form and the supporting documentation was examined. The VAT refund claim was subsequently refused on the basis that the work carried out on the installation of a septic tank and replacement pipework would not fall within the definition of qualify [sic] goods for the purposes of the scheme.

The meaning of 'Qualifying Goods' within the Order are goods other than mechanically propelled road vehicles which are aids and appliances, including parts and accessories, specially constructed or adapted for use by a disabled person and includes goods which, although not so specially constructed or adapted, are of such a kind as might reasonably be treated as so constructed or adapted having regard to the particular disablement of that person.

The VAT Refund Order provides reliefs on goods which have been specially constructed or adapted for use by a disabled person or might reasonably be treated as so constructed or adapted having regard to the disablement of the person.

The VAT Refund Order also provides that a person must provide evidence that is acceptable to the Commissioners to establish that the goods are for the purpose of assisting the disabled person overcome his disability in the performance of essential daily functions.

[The Appellant] has lodged an appeal of the decision to refuse the refund claim. In her grounds for an appeal [the Appellant] states that she was living with an impossible situation whereby the toilet was overflowing into her disability shower room. The shower was blocked which was causing a stressful time for her. She contends that she had to get a loan to pay for the works which with the cost of living and her disability is extremely tight.

The installation of the new septic tank and the works carried out to repair and replace pipework at the property still does not meet the condition of the Order which

specifically state that the specially constructed or adapted items must be for the use of the person with disabilities and the qualifying goods purchased are for the purpose of assisting that person to overcome his disability in the performance of essential daily functions or in the exercise of a vocation, and that the goods are so used that person.

[.....]

The legislation clearly states the conditions that must be met to qualify for a VAT refund. As the conditions of the legislation are not met by the remedial works carried out to the property the matter cannot be settled by agreement.”

Material Facts

28. Having reviewed the submissions and supporting documentation, the Commissioner makes the following findings of material fact:

- 28.1. The Appellant moved into the Property in [REDACTED]
- 28.2. The Appellant lives in the Property with [REDACTED]
- 28.3. It is accepted that the Appellant suffers from a number of medical conditions. It is not disputed by the parties that the Appellant falls within the definition of “*disabled person*” pursuant to section 2 of the VAT Refund Order, 1981.
- 28.4. The Property did not have a septic tank or wastewater treatment system prior to the Works being carried out; there was a hole dug in the ground which was covered by corrugated iron sheeting (“the Previous Site”).
- 28.5. Prior to the Works being carried out, the Appellant’s disability shower was flooding due to the lack of a functioning, domestic wastewater treatment system at the Property.
- 28.6. On a date not known to the Commission, the Appellant received planning permission for a new onsite wastewater treatment system.
- 28.7. On 24 February 2025, the County Council approved the Appellant’s grant application for a domestic wastewater treatment system under the PAA scheme.
- 28.8. In or around February and March 2025, the Contractor carried out the Works at the Property including the installation of a wastewater treatment system described as “a new *Tricel wastewater treatment system (pumped) and [...] percolation area*” and “*associated works*” being the “*emptying, decommissioning and filling in*

the existing tank, pipework system, track machine/dumper and driver, electrical work, construction labour and engineering consultancy”.

- 28.9. On 14 March 2025, the Contractor issued an invoice to the Appellant for the Works in the sum of €16,543.78 plus VAT of €2,233.41, the total cost of the Works being €18,777.20.
- 28.10. On 22 May 2025, the grant funding of €12,000 was paid from the County Council to the Appellant and on 26 May 2025, the Appellant passed the sum of €12,000 to the Contractor as payment towards the 14 March 2025 invoice.
- 28.11. The remaining amount being €6,777.20 (inclusive of VAT), was paid from the Appellant to the Contractor to settle the 14 March 2025 invoice.
- 28.12. Subsequently, the Appellant sought a VAT refund from the Respondent for the full VAT element of the costs of the Works being €2,233.41, pursuant to the VAT Refund Order, 1981.
- 28.13. On 3 September 2025, the Respondent wrote to the Appellant informing her that her application for a VAT refund in the sum of €2,233.41 was refused, on the basis that the Works did not meet the requirements of “qualifying goods” pursuant to the requirements of the VAT Refund Order, 1981. This decision is disputed by the Appellant.
- 28.14. On 14 October 2025, the Appellant appealed this decision to the Commission.
- 28.15. A wastewater treatment system is not an aid or appliance specially constructed for the use of a person with a disability, in which to assist the person in overcoming the impact their disability has on their daily tasks and in exercising their vocation.
- 28.16. The VAT rate applied to the full amount of the Contractor’s invoice was the reduced rate of VAT, being 13.5%.

Analysis

29. The burden of proof in this appeal rests on the Appellant, who must show that the Respondent’s failure to grant the VAT refund of €2,233.41 was incorrect, on the balance of probabilities.
30. This legal principle was confirmed by Charleton J. in the High Court case of *Menolly Homes Limited v Appeal Commissioners* [2010] IEHC 49 (“*Menolly Homes*”), where he stated at paragraph 22 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”.

31. In this appeal, it is an enquiry by the Appeal Commissioner (“the Commissioner”) as to whether the Appellant as the taxpayer has shown that the relevant tax is refundable.

32. Charleton J. in *Menolly Homes* at paragraph 12 also outlined that:

“Revenue law has no equity. Taxation does not arise by virtue of civic responsibility but through legislation”.

33. The Commissioner has to consider if the Works are aids or appliances specially constructed for a person with a disability or disabilities (or of such a kind) to assist them in overcoming a disability, within the ordinary, natural and plain meaning of those words. The Commissioner has considered the dicta of the Supreme Court in *Inspector of Taxes v Kiernan* [1981] 1 I.R. 117, as applied by Donnelly J. in *Coleman v Revenue Commissioners* [2014] IEHC 662 which held:

“Where statutory provisions are addressed to the public generally, a word should be given the meaning which an ordinary member of the public would intend it to have when using it ordinarily”.

34. McKechnie J. in the Supreme Court case of *Dunnes Stores v Revenue Commissioners & Ors* [2019] IESC 50, also considered the application of statutory interpretation and held at paragraph 63 that:

“[I]f the words used are plain and their meaning self-evident, then save for compelling reasons to be found within the instrument as a whole, the ordinary, basic and natural meaning of those words should prevail...Context is critical: both immediate and proximate, certainly within the Act as a whole, but in some circumstances perhaps even further than that”.

35. This appeal must consider the context and the plain, natural and ordinary meaning of the words used by the draftsman when listing the criteria set out in legislation under sections 2, 3 and 4 of the VAT Refund Order, 1981, to determine whether the Appellant is entitled to a refund of the VAT incurred on the Works.

Qualifying Goods

36. To be eligible for a VAT refund under the VAT Refund Order, 1981, a person must produce evidence to show that they have a disability and how the relevant items meet their needs and assists them in their daily tasks of living or in exercising their vocation.
37. Section 2 of the VAT Refund Order, 1981 defines “qualifying goods” as “**goods other than mechanically propelled road vehicles which are aids or appliances, including parts and accessories, specially constructed or adapted for use by a disabled person and includes goods which, although not so specially constructed or adapted, are of such a kind as might reasonably be treated as so constructed or adapted having regard to the particular disablement of that person**” [emphasis added].
38. The Commissioner is satisfied that in order to meet the definition of “qualifying goods” for the purposes of this Order, two criteria apply: first, they must be goods which are aids or appliances; and second, such goods must have been specially constructed or adapted for use by a person with a disability **or** be of such a kind that might reasonably be treated as constructed or adapted for use by a person with a disability, bearing in mind the specific disablement of the person in question.
39. The Commissioner has considered whether the Works could be viewed as qualifying goods being aids or appliances pursuant to section 2 of the VAT Refund Order, 1981. Overall, from a review of the invoice for the Works, the main elements of the Works appear to relate to emptying, decommissioning and filling in the Previous Site and installing the new wastewater treatment system.
40. Applying McKechnie J’s approach of considering the plain and ordinary meaning of the words in the legislation, the Commissioner has considered the definitions as set out in the Oxford English Dictionary to determine the plain and ordinary meaning of the words used. Therein, an “aid” is defined as “*a means or source of help or assistance; anything used to assist in performing a task, esp. (in later use) a tool, device, or other object used in this way*”. The Commissioner is not satisfied that a septic tank or equivalent could be deemed an aid, being a tool or something specifically constructed to assist a person in performing daily tasks, within the context of a person using such an aid to overcome a disability.
41. An “appliance” is defined by the Oxford English Dictionary as “*something applied as a means to an end; a piece of apparatus, a utensil or other piece of (electrical) equipment designed to perform a specific (usually domestic) task.*” The Commissioner is also not satisfied that a septic tank or equivalent could be deemed an appliance, being a utensil

or piece of equipment designed to perform domestic tasks within the context of being used specifically by a person with a disability. A wastewater treatment system is a much more significant and fundamental element of a property, where such a property is not already connected to a general mains drainage.

42. Homeowners whose properties are not connected to a general mains drainage system have a legal obligation and duty of care to ensure a wastewater treatment system (be it a septic tank system or a packaged treatment system), is installed correctly, registered with the Environmental Protection Agency, operated, maintained and emptied at regular intervals so it does not pose a risk to human health or the environment. This is set out in section 70 of the Water Services Act, 2007. A septic tank or equivalent is required for all houses, regardless of the resident's medical status.
43. A domestic wastewater treatment system is such a fundamental element of a residential property that the Department provides grants for these systems to be constructed or repaired where not maintained to a sufficient standard. The grants are not only available to persons with a disability, but the grants are also open to members of the public to apply where the criteria, set out in paragraph 11 of this Determination are met. The medical needs of residents do not form part of the eligibility criteria.
44. The Commissioner has also considered whether the specific wastewater treatment system constructed by the Contractor on the Appellant's Property, was specially adapted or constructed for use by a person with a disability or of a kind reasonably accepted as being constructed or adapted for such a person. Section 4(b)(i) of the VAT Refund Order, 1981 provides that an applicant must provide evidence that is acceptable to the Respondent to establish that the "*goods are for the purpose of assisting the disabled person to overcome their disability in the performance of essential daily functions or in the exercise of a vocation*".
45. This is the context in which a refund under the VAT Refund Order, 1981 is anticipated and allowed. The refund is for certain aids and appliances, which may be specifically constructed or adapted for a person with disabilities or reasonably accepted as constructed or adapted as such, that assist a person with a disability or disabilities, to overcome these in the performance of essential daily functions or in the exercise of their vocation. The Oxford English Dictionary defines to "overcome" as "*to surmount (a difficulty or obstacle), to recover from (a blow, disaster)*".
46. The Commissioner acknowledges that the Appellant's previous wastewater provisions, which lacked a functional septic tank/wastewater treatment system constituted a health hazard. The Commissioner also notes that the previous system caused the Appellant's

specially constructed shower to be flooded. The Commissioner is satisfied however, that regardless of the medical status of any of the residents in the Property, which is to say the Appellant [REDACTED] or a guest visiting the Property, the same Works would still have needed to be completed for overall health and wellbeing, their environmental impact and in accordance with the law.

47. The new wastewater system installed at the Property was not a requirement only because the Appellant has specific health needs. It does not seem to have been specifically constructed or adapted for the Appellant. The new wastewater system appears to be a typical, domestic wastewater treatment system, in the circumstances where there had been no existing septic tank at the Property prior to the Works being carried out.
48. The Commissioner can understand that the new wastewater system and the cessation of the flooding of the disability shower would be of benefit to the Appellant but does not accept that a working wastewater treatment system could assist the Appellant to overcome or to surmount a disability, in the performance of essential daily functions; considering the wording of the legislation and the plain and ordinary meaning of the words as defined by the Oxford English Dictionary.
49. The case would be different if the Appellant were to seek a VAT refund for aids or appliances such as a commode chair, a mobility aid, a shower chair, a stairlift or shower rail set at a specific [REDACTED] specifically constructed to assist the Appellant due to her disability, and which would assist her in overcoming her disability in the performance of daily functions, however this is not the case here.
50. Based on all the above, the Commissioner agrees with the Respondent that such works are required in most rural dwellings and were not a specific requirement for the Appellant due to her particular medical needs. The Commissioner is not satisfied that a functioning domestic wastewater treatment system could be viewed as an aid or appliance specifically constructed for use by a person with a disability to assist them in overcoming their disability. The same Works would have been required regardless of the medical status of the Appellant and therefore on this basis, the requirements for a VAT refund under the VAT Refund Order 1981 have not been met. The Respondent's refusal of this VAT refund request in the amount of €2,233.41 should stand.
51. However, if it were to be found that the Commissioner is incorrect on the conclusion drawn from the above analysis, the Commissioner has also considered two further, pertinent points.

VAT rate on the face of the invoice

52. Based on a review of the Contractor's invoice, the main elements of the Works appear to relate to services; the hire of a driver of a track machine with a dumper, an electrician, a contractor providing supervision and labour in emptying, decommissioning and filling in the Previous Site, installing the new wastewater filtering system; and a consulting engineer to supervise and sign off the installation.
53. The goods described on the invoice include pipework, electrical cables, a percolation stone bed and a polishing filter constructed from fibreglass composite panels in addition to certified sand and pea gravel.
54. There are a variety of VAT rates set down in the VAT Consolidation Act, 2010. The relevant VAT rate applicable depends on what is being supplied, a good or a service, and to whom, and a large range of other considerations, most of which are not relevant in this instance.
55. The reduced rate of VAT (currently 13.5%) typically applies to services such as the maintenance, renovation and repair of permanent structures in relation to 'immovable property' such as systems for sewerage for a residential property. In contrast, the VAT rate applicable to goods such as pipes, sand, gravel and cables is the standard rate of VAT (currently 23%).

Two-Thirds Rule

56. There is a concession by the Revenue Commissioners called the "two-thirds rule", which acknowledges that goods are often supplied in the provision of a service and allows one overarching VAT rate to be applied to the supply as a whole, depending on whether the main element of the supply is of goods or of services. Where the cost of the goods supplied as part of the service provided, does not exceed two-thirds of the total price of the invoice, then the applicable VAT rate is the VAT rate which applies to the services. The lower VAT rate for services is then applied to the total transaction amount including any goods which typically attract a higher rate of VAT.
57. A VAT rate of 13.5% has been charged on the total invoice amount from the Contractor which highlights that much of the Works relate to services and not goods. It is a requirement for a VAT refund under the VAT Refund Order, 1981 that the items must be "qualifying **goods**". Therefore, even if the Commissioner is incorrect in her assessment as outlined above, this is another factor as to why the Works are not a "qualifying good" for the purposes of this appeal.

The County Council Grant

58. The Appellant received a grant of €12,000 from the County Council, the maximum amount, available to construct the new wastewater treatment system and remove the remnants of the Previous Site. Where an invoice amount has been partially paid by way of a grant, a taxpayer is not entitled to recover the full VAT element of the invoice. This restriction is laid down in section 4(f) of the VAT Refund Order, 1981.
59. As the Appellant only paid a sum of €6,777.20, being €5,971.10 with VAT at 13.5% per the Contractor's invoice, the VAT element of her payment would have been €806.10. Therefore, even if the Commissioner is incorrect on all of the above points, the Appellant at most would only have been entitled to a VAT refund of €806.10, where all the other criteria were met and evidence of same, provided to the Respondent. The Appellant would not be entitled to a VAT refund in the amount of €2,233.41, as included on the VAT refund claim.

Summary of Analysis

60. In summary, based on a review of all the submissions and supporting documentation, a wastewater treatment system is a legal requirement for all houses not benefiting from a connection to a mains sewerage system. It is a fundamental element of every rural dwelling. It cannot be viewed as an aid or appliance specifically constructed or adapted for use by the Appellant, a person with a disability to assist her in overcoming the disability in her daily functions. Therefore, the domestic wastewater treatment system does not meet the requirements of a "qualifying good" for the purposes of the VAT Refund Order, 1981.
61. Further, the main elements of the invoice provided relate to services and not goods and this VAT refund scheme only applies to "qualifying goods" as outlined in section 2 of the VAT Refund Order 1981.
62. In addition, even where all of the conditions were met and evidence was furnished to the Respondent (which was not the case in this Appeal), the Appellant would only be entitled, in such a circumstance, to the element of the VAT she incurred directly and not the full VAT amount shown on the face of the invoice. This is because the County Council provided a grant for the majority of the Work in line with section 4(f) of the VAT Refund Order, 1981.
63. The Commissioner has every sympathy for the Appellant in this instance and acknowledges the difficult personal circumstances arising resulting in the VAT refund application.

64. The Commissioner appreciates that this decision will be disappointing for the Appellant and the Appellant was correct to check whether the Respondent's refusal of this claim for repayment of VAT was correct in this challenging area of legislation.

Determination

65. For the reasons set out herein, the Commissioner determines that the Appellant has not succeeded in demonstrating that the Respondent was incorrect to refuse the Appellant's claim for a repayment of VAT in the amount of €2,223.41 in accordance with the VAT Refund Order, 1981.

66. 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.

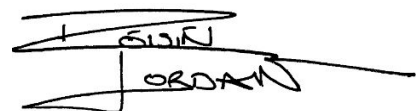
Notification

67. This determination complies with the notification requirements set out in section 949AJ of the TCA 1997, in particular section 949AJ(5) and section 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.

68. 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

69. 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.

A handwritten signature in black ink, appearing to read 'Róisín Jordan', with a horizontal line drawn through it.

Róisín Jordan
Appeal Commissioner
25 February 2026