

Taxes Consolidation Act, 1997

Acquisition, enhancement and disposal costs. **552.**—(1) Subject to the Capital Gains Tax Acts, the sums allowable as a deduction from the consideration in the computation under this Chapter of the gain accruing to a person on the disposal of an asset shall be restricted to—

[CGTA75 s51(1) and
Sch1 par3(1) to (5);
CTA76 s140(2) and
Sch2 PtII par9]

- (a) the amount or value of the consideration in money or money's worth given by the person or on the person's behalf wholly and exclusively for the acquisition of the asset, together with the incidental costs to the person of the acquisition or, if the asset was not acquired by the person, any expenditure wholly and exclusively incurred by the person in providing the asset,
- (b) the amount of any expenditure wholly and exclusively incurred on the asset by the person or on the person's behalf for the purpose of enhancing the value of the asset, being expenditure reflected in the state or nature of the asset at the time of the disposal, and any expenditure wholly and exclusively incurred by the person in establishing, preserving or defending the person's title to, or to a right over, the asset, and
- (c) the incidental costs to the person of making the disposal.

(2) For the purposes of the Capital Gains Tax Act as respects the person making the disposal, the incidental costs to the person of the acquisition of the asset or of its disposal shall consist of expenditure wholly and exclusively incurred by that person for the purposes of the acquisition or, as the case may be, the disposal, being fees, commission or remuneration paid for the professional services of any surveyor, valuer, auctioneer,

accountant, agent or legal advisor and costs of transfer or conveyance (including stamp duty), together with—

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(b) in the case of a disposal, costs of advertising to find a buyer and costs reasonably incurred in making any valuation or apportionment required for the purposes of the computation under this Chapter of the gain, including in particular expenses reasonably incurred in ascertaining market value where required by the Capital Gains Tax Acts.

(3) (a) Where—

- (i) a company incurs expenditure on the construction of any building, structure or works, being expenditure allowable as a deduction under *subsection (1)* in computing a gain accruing to the company on the disposal of the building, structure or works, or of any asset comprising the building, structure or works,
- (ii) that expenditure was defrayed out of borrowed money,
- (iii) the company charged to capital all or any part of the interest on that borrowed money referable to a period ending on or before the disposal, and
- (iv) the company is chargeable to capital gains tax in respect of the gain, then, the sums so allowable under *subsection (1)* shall include the amount of that interest charged to capital except in so far as such interest has been taken into account for the purposes of relief under the Income Tax Acts, or could have been so taken into account but for an insufficiency of income or profits or gains.

(b) Subject to *paragraph (a)*, no payment of interest shall be allowable as a deduction under this section.

(4) Without prejudice to *section 554*, there shall be excluded from the sums allowable as a deduction under this section any premium or other payment made under a policy of insurance of the risk of any kind of damage or injury to, or loss or depreciation of, the asset.

(5) In the case of a gain accruing to a person on the disposal of, or of a right or interest in or over, an asset to which the person became absolutely entitled as legatee or as against the trustees of settled property—

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(a) any expenditure within *subsection (2)* incurred by the person in relation to the transfer of the asset to the person by the personal representatives or trustees, and

(b) any such expenditure incurred in relation to the transfer of the asset by the personal representatives or trustees,

shall be allowable as a deduction under this section.

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