



**AC Ref: 07TACD2016**

**NAME REDACTED**

**Appellant**

**V**

**REVENUE COMMISSIONERS**

**Respondent**

**DETERMINATION**

**Introduction**

This case concerns the valuation of a vehicle for the purposes of ascertaining the open market selling price ('OMSP') in respect of the calculation of Vehicle Registration Tax ('VRT') which is charged at a percentage rate of the OMSP.

**Background**

The vehicle, the subject matter of this appeal, is a [YEAR REDACTED] Bentley Continental GT V8, coupe with automatic transmission, registration number [REDACTED]. Mileage at the time of purchase was 11,770 miles

The OMSP was initially valued at €155,000. The valuation of €155,000 was a rounded down average of the following valuations;

- a) Valuation by a Revenue consultant of €142,500
- b) Valuation by a second Revenue consultant of €178,335
- c) Valuation by [MOTOR DEALERSHIP A] of €150,000
- d) Estimate from [MOTOR DEALERSHIP B] of €151,800.





On or about [DATE REDACTED] 2015, pursuant to an internal re-examination of the valuation, the OMSP was reduced to €152,000. This reduction gave rise to a repayment of €1,080.

The figure of €152,000 was arrived at by averaging the following three valuations;

- a) Valuation undertaken by a Revenue officer of €155,000,
- b) [MOTOR DEALERSHIP A], maximum valuation of €160,000 and
- c) [MOTOR DEALERSHIP C], maximum valuation of €140,000

On [DATE REDACTED] 2015 the Appellant appealed this valuation pursuant to section 146 of the Finance Act 2001 which provides;

*“A person who is aggrieved by a determination of the Commissioners under section 145 may, in accordance with this section, appeal to the Appeal Commissioners against such determination and the appeal is to be heard and determined by the Appeal Commissioners whose determination is final and conclusive unless a case is required to be stated in relation to it for the opinion of the High Court on a point of law.”*

The appeal was allowed in accordance with section 933(1)(d)(ii) TCA 97.

### **Analysis**

The Appellant submitted that the valuation of €152,000 attributed to the OMSP was excessive.

In support of the Appellant’s argument, the Appellant relied on a valuation from [MOTOR DEALERSHIP D], valuing the vehicle at €130,000. This was the lowest of the valuations adduced.

The Appellant also relied on a figure of €142,500 cited by [NAME REDACTED], revenue official, in an e-mail dated [DATE REDACTED] 2015. I note that this particular figure was not based on the actual vehicle the subject matter of this case, but on a similar vehicle which was slightly older. The Respondent argued that this figure was not intended to be determinative but was merely “ballpark”. I accept this submission on behalf of the Respondent.





At hearing, the Appellant challenged the valuation from [MOTOR DEALERSHIP A], relied on by the Respondent. The Appellant noted that the said valuation specified an amount of €150,000 while the Respondent cited the valuation on the appeal report as being a valuation in the region of €150,000 to €160,000. I note that the Respondent nominated a sum of €160,000 in respect of the [MOTOR DEALERSHIP A] valuation as part of the calculation giving rise to an OMSP of €152,000.

The Respondent also accepted that while, the VRT appeals worksheet would sometimes contain an adjustment percentage of up to 10%, no adjustment had not been applied in this case. The Respondent accepted there were few comparator vehicles of the type involved in this case and that the process of valuing such vehicles was one of best estimate.

**Conclusion.**

Based on a consideration of the evidence and submissions in this case together with a review of the valuation reports and calculation processes, I determine €146,500 to be a fair and reasonable OMSP in relation to the vehicle.

Accordingly the appeal is determined in accordance with section 933(5) TCA 1997.

**APPEAL COMMISSIONER**

**April 2016**

