



**ARDAGH HORAN**  
KNOWLEDGE | TRUST | EXCELLENCE

**Audit and Accountancy | Business Support | Tax Advisory | Forensic Support**

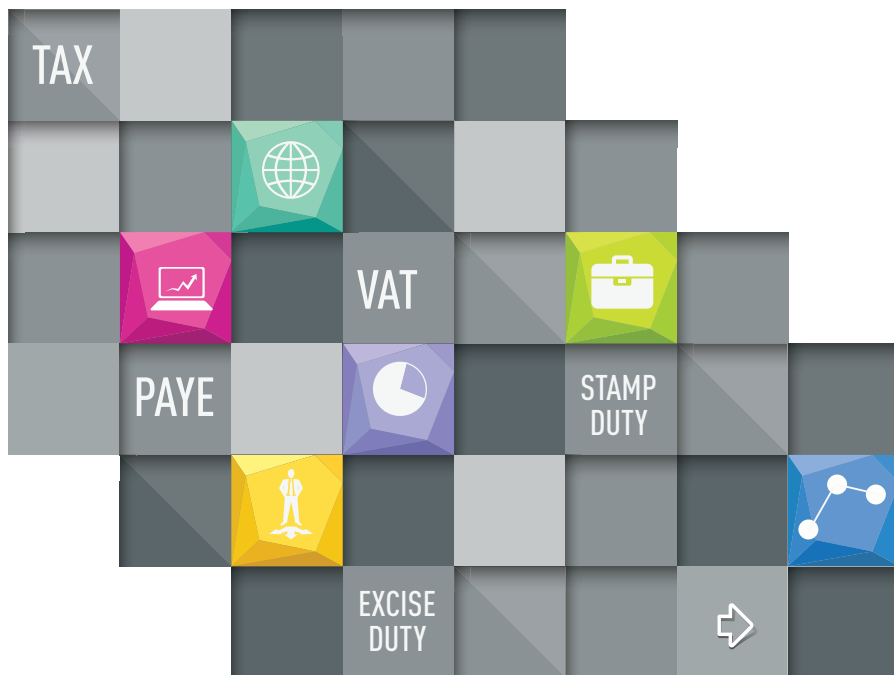
168 Walkinstown Road, Dublin 12, Ireland.

T. +353 1 456 63 89 E. [ardagh@ahca.ie](mailto:ardagh@ahca.ie) W. [www.ahca.ie](http://www.ahca.ie)

**Partners:** Audrey Hennessy B Comm FCCA Diploma in Forensic Accounting John Connolly B Comm CPA FCCA IMI Diploma in Management

"We appreciate referrals"

# TAX BOOKLET 2015



# CONTENTS

<b>INCOME TAX RATES</b> .....	3	<b>RETIREMENTS &amp; PENSIONS</b> .....	17
Income Exemption Limits .....	3	Company Pension Schemes (Employees and Directors) .....	17
Tax Credits at 20% .....	3	Level of Allowable Contributions .....	17
Job plus Scheme .....	3	Self Employed Individuals .....	17
Relief for Long Term Unemployed Starting a Business .....	3	Employees .....	17
Residence, Ordinary Residence and Domicile .....	4	Entitlements on Retirement: .....	17
Split Year Treatment .....	4	Access to pension fund before retirement .....	17
Cross Border Workers .....	4	Approved Retirement Funds/	
Remittance Basis of Assessment .....	4	Approved Minimum Retirement Funds .....	18
For non-domiciled individuals .....	4	Standard Fund Threshold ("SFT") .....	18
Special Assignment Relief Program SARP .....	4	Relief on Retirement for Sportspersons .....	19
OLD SARP .....	4	PRSA .....	19
NEW SARP .....	5	Self-Administered Pension Funds .....	19
Foreign Earnings Deduction ("FED") .....	5	Lump Sum Payments .....	19
D*/E/F .....	6	Top Slicing Relief .....	19
Seafarer Allowance .....	6	Lump-Sum Payment to Employees on Company Restructuring .....	19
Tax Exemptions .....	6	Retraining Exemption .....	20
Disability Benefit .....	7	Reporting Requirement .....	20
Maternity Benefit .....	7		
Child minding relief .....	7	<b>EMPLOYEE SHARE SCHEMES</b> .....	21
Mortgage Interest Relief .....	7	Share awards .....	21
Home Renovation Incentive .....	10	Share Options .....	21
Rented Residential Property .....	10	Share Purchase Schemes .....	21
Home Carer Credit .....	10	Profit Sharing Schemes .....	21
Carer Allowance .....	10	Save As You Earn Scheme (SAYE) .....	21
Covenants .....	10	Restricted Shares .....	21
Medical Insurance .....	10	Returns .....	21
Dental Insurance .....	10		
Medical Expenses .....	10	<b>BENEFIT IN KIND</b> .....	23
Permanent Health Insurance .....	11	Company Cars .....	23
Third Level College Fees .....	11	Old cars .....	23
Training Course Fees .....	11	New Cars .....	23
Rent-a-Room Scheme .....	11	Company Vans .....	23
Rent Relief for Private Accommodation .....	11	Preferential Loans .....	24
Donations .....	12	Accommodation .....	24
High Earners .....	12	Travel Passes .....	24
		Professional Subscriptions .....	24
		Other Exemptions .....	24
		Anti-Avoidance .....	24
<b>INTEREST RELIEF FOR INDIVIDUALS</b> .....	13		
Self-Assessment - Pay and File .....	13	<b>MOTOR EXPENSES</b> .....	25
Payment and Compliance .....	13	Expenses Allowance and Motor Mileage for Employees .....	25
Penalties .....	13	Mileage .....	25
Joint Assessment .....	13	Civil Service Mileage Rates .....	25
Pay and File Summary .....	13	Subsistence Allowances .....	25
Information included in Return .....	13	Civil Service Subsistence Rates .....	25
Mandatory Reporting .....	13		
		<b>LOCAL PROPERTY TAX</b> .....	26
<b>INVESTMENT INCOME</b> .....	14		
Relief on Profits and Rental Income .....	14	<b>CORPORATION TAX</b> .....	27
Certain anti-avoidance measures deny relief for		Rates: .....	27
non-business interest .....	14	Corporate Group Relief .....	27
Interest Relief for Partnerships .....	14	Close Companies .....	27
Rented Residential Property .....	14	Corporate donations to Charities and other Approved Bodies .....	27
Limited Partnerships .....	14	R&D Credit .....	27
Standard Rate DIRT Accounts .....	15	Key Employee R&D Credit .....	28
DIRT Exemptions .....	15	New Company Start ups .....	28
DIRT Refund for First Time Buyers .....	15	Payment and Compliance .....	29
Investment Undertakings .....	15	Large Companies: .....	29
Credit Unions .....	15	Small Companies: .....	29
Special Term Share Account .....	15	New Companies .....	29
Regular Share Accounts .....	15	Group Companies .....	29
Reporting of Deposit Interest .....	15	Filing .....	29
European Savings Directive .....	15	Information included in CT1 .....	29
PRSI .....	15	Exemption for Disposal of Shareholdings .....	29
Employment and Investment Incentive Scheme .....	16	Payment Dates for Capital Gains Tax .....	29
Seed Capital Relief .....	16		
Film Scheme - Companies and Individuals .....	16		

Penalties .....	29	Section 13A.....	40
Mandatory Reporting .....	29	Foreign Visitors .....	40
<b>TAXATION OF DIVIDENDS .....</b>	<b>30</b>	Holiday Homes.....	40
Dividend Withholding Tax (DWT).....	30	Travel Agents Margin Scheme ("TAMS").....	40
Encashment Tax .....	30	Payment and Compliance .....	40
Shares in Lieu of Dividends (Scrip dividends) .....	30	Penalties.....	41
Tax on Dividends Received .....	30	Cash Receipts .....	41
<b>CAPITAL ALLOWANCES .....</b>	<b>31</b>	Margin Scheme – Second Hand Motor Vehicles and Agricultural Machinery.....	41
Annual Allowance - Plant and Machinery .....	31	VAT on Property rules .....	41
Energy efficient equipment .....	31	Anti-Avoidance.....	41
Intellectual Property Incentives .....	31	Reverse charge mechanism in the Construction Sector .....	41
Lessors .....	31	Partial VAT Rebate on certain Company Cars.....	41
Motor Vehicles .....	31	<b>PAY RELATED SOCIAL INSURANCE / UNIVERSAL SOCIAL CHARGE .....</b>	<b>42</b>
Electric Cars.....	31	Contributions by Employees .....	42
Taxis .....	31	2014 Rates.....	42
Sea Fishing Boats.....	31	Employer Contributions: .....	42
Industrial Buildings .....	32	PRSI.....	42
Time Limits .....	32	USC .....	42
Surcharge.....	32	Exemptions from USC .....	42
Summary of Reliefs .....	32	Employees PRSI .....	42
Tax Life of a Building .....	33	PRSI.....	42
Deemed Balancing Event .....	33	Domicile Levy.....	42
Property Developers .....	33	<b>DISCRETIONARY TRUST TAX.....</b>	<b>43</b>
Living City Incentive.....	33	<b>FARMING TAXATION .....</b>	<b>44</b>
Dealing in Land .....	33	Leasing of farm land .....	44
Windfall Tax on Land Rezoning.....	33	Limits prior to 2015 .....	44
<b>CAPITAL GAINS TAX .....</b>	<b>34</b>	Farm Averaging .....	44
Rates .....	34	Transitional terms.....	44
Inflation Relief.....	34	Capital Acquisitions Tax .....	44
Retirement Relief .....	35	Agricultural relief .....	44
Exemptions and Relief .....	35	Capital Gains Tax .....	45
Entrepreneur Relief .....	36	Retirement relief .....	45
Property Relief.....	36	Capital Gains Tax Relief for Farm Restructuring.....	45
Turf-Cutting Compensation Scheme.....	36	VAT .....	45
Payment and Compliance .....	36	Carbon Tax .....	45
Enhancement expenditure.....	36	Stock Relief .....	45
Clearance Certificate .....	36	Compulsory Disposal of Livestock .....	46
<b>CAPITAL ACQUISITIONS TAX .....</b>	<b>37</b>	Milk Quotas .....	46
Taxable Inheritance .....	37	Stamp Duty.....	46
Taxable Gift .....	37	Leasing of Land .....	46
Thresholds for CAT.....	37	Transfers of Land .....	46
Parent/Child Exemption .....	37	Young Trained Farmers .....	46
Rates .....	37	EU Single Farm Payment Entitlement.....	46
Private Residence Relief.....	37	<b>MARITAL BREAKDOWN .....</b>	<b>47</b>
Business Property Relief .....	38	Legally Enforceable Maintenance Agreements.....	47
Payment and Compliance .....	38	Consequences of Election .....	47
Interest Payments/Repayments.....	38	Social Welfare Benefits may be affected by election.....	47
Surcharge for Understatement .....	38	Transfer of Assets - Divorced Persons .....	47
Joint Account Limits.....	38	Transfer of Assets - Separated Spouses .....	47
Record Retention.....	38	Capital Acquisitions Tax .....	47
<b>STAMP DUTY .....</b>	<b>39</b>	<b>CIVIL PARTNERSHIPS.....</b>	<b>47</b>
Trade In Scheme.....	39	<b>GLOSSARY .....</b>	<b>47</b>
Non Residential Property .....	39	<b>DISCLAIMER .....</b>	<b>47</b>
Residential Property .....	39		
Exemptions & Reliefs .....	39		
Anti-Avoidance.....	39		
Other Rates .....	39		
<b>VALUE ADDED TAX .....</b>	<b>40</b>		
Registration.....	40		
Rates .....	40		

## INCOME TAX RATES

Bands of taxable income	2014	2015
<b>Single/Widowed</b> (Without dependent children)	€32,800 @ 20% Balance @ 41%	€33,800 @ 20% Balance @ 40%
<b>Single Parent/Widowed Parent</b> (With dependent children)	€36,800 @ 20% Balance @ 41%	€37,800 @ 20% Balance @ 40%
<b>Married Couple/Civil Partners</b> (one income)	41,800 @ 20% Balance @ 41%	€42,800 @ 20% Balance @ 40%
<b>Married Couple/Civil Partners*</b> (two incomes)	€65,600 @ 20% Balance @ 41%	*€67,600 @ 20% Balance @ 40%

\*In the case of a married couple with two incomes, the standard rate band is €67,600 (made up of €42,800 plus an amount of €24,800 which may be transferred between spouses; if one spouse earns less than €24,800 there is a loss of some of the benefit of the higher band).

### Income Exemption Limits

Aged 65 and over	<b>2015</b>
Single/Widowed	€18,000
Married Couples	€36,000

The relevant exemption limits are increased by €575 for each of the first two dependent children and by €830 for the third and any subsequent dependent children.

Tax Credits @ 20%	2014 €	2015 €
<b>Single</b>	1,650	1,650
<b>Married / Civil Partners</b> (Jointly assessed)	3,300	3,300
<b>Widowed person</b> in year of bereavement/surviving civil partner	3,300	3,300
<b>Widowed person</b> no children (additional credit but not in the year of bereavement)	540	540
<b>Single person</b> child carer credit (additional)	1,650	1,650
<b>Additional tax Credits in years following bereavement</b>		
<b>Year 1</b>	3,600	3,600
<b>Year 2</b>	3,150	3,150
<b>Year 3</b>	2,700	2,700
<b>Year 4</b>	2,250	2,250
<b>Year 5</b>	1,800	1,800
<b>Home carer's credit</b> (see restriction Pg. 10)	Max 810	810
<b>Incapacitated child</b>	Max 3,300	3,300
<b>Dependent relative</b> (where income of dependent relative is less than €13,837)	Max 70	70

Tax Credits @ 20%	2014	2015
<b>Age credit</b>	Single 245 Married 490	245 490
<b>Blind person</b>	Single 1,650 Married one spouse blind 1,650 Married both spouses blind 3,300	1,650 1,650 3,300
<b>Additional Credit Guide Dog *</b>	165	165
<b>PAYE</b>	1,650	1,650
Deduction from Total Income		
Allowances @ 40%		
Allowance to employ a carer for an incapacitated person	Max 50,000	75,000

\*Relief in respect of the cost of maintaining a guide dog (max €825 @ 20% = €165) may be claimed under the heading of Health Expenses.

### Job plus Scheme

Regular cash payments made to qualifying employers to offset the cost of employing individuals who have been long term unemployed are exempt from income tax or corporation tax.

The Department of Social Protection will pay the incentive to the employer monthly in arrears over a 2 year period as follows:

€7,500 for each person recruited who has been unemployed for more than 12 but less than 24 months

€10,000 for each person recruited who has been unemployed for more than 24 months.

### Relief for Long Term Unemployed Starting a Business

Where an individual who has been unemployed for 15 months and has been in receipt of jobseekers benefit, jobseekers allowance or a one parent family credit, and where that individual starts a new business, the individual is entitled to claim relief from income tax on the first two years of trading capped at a value of €40,000 per annum. USC and PRSI will continue to be payable.

The new business must commence during the period 1 January 2014 to 31 December 2016, but will exclude trades previously carried on by other people to which the qualifying person has succeeded, or activities which were previously carried on by other people.

The qualifying period is a period of 24 months from commencement of business, it applies for the year of assessment falling wholly or partly in qualifying periods and not therefore in the first 2 years of assessment

The relief will be determined by a formula equal to the assessable profits or €40,000 if less, this is multiplied by the number of months or % of months within a year of assessment falling within a qualifying period as a numerator and the number of months in the year of assessment as a denominator.

### Additional points:

The relief applies in priority to losses forward or capital allowances.

Where two businesses are started the total relief is capped at €40,000.

Pay and file obligations will apply to the individual applying for the relief.

### Residence, Ordinary Residence and Domicile

An individual is liable to Irish Income Tax ("IT") on his/her worldwide income provided he/she is resident and domiciled for the tax year, subject to any specific relief under the relevant Double Taxation Agreement ("DTA"). To be resident an individual must be present in the State for:

183 days or more in a tax year, or

280 days in the current tax year and the preceding tax year, subject to a minimum of 30 days in each year.

Presence in the State at any time during the day will count towards determining residence for tax purposes.

Domicile can be a difficult concept but broadly means the country that an individual considers as his/her natural home.

An individual is "ordinarily tax resident" if he/she is tax resident for three consecutive tax years; where they cease to be resident they remain ordinarily resident for three years after the tax year of departure and can therefore remain taxable in Ireland. An ordinarily tax resident individual is chargeable to Irish IT on worldwide income with the exception of profits of a trade or profession carried on abroad. Foreign investment income exceeding €3,810 in any tax year will be subject to Irish IT.

An Irish resident or ordinarily resident and domiciled individual will also be liable to Irish Capital Gains Tax ("CGT") on their worldwide gains. This leaves individuals ceasing to be Irish resident exposed to Irish IT on investment income and Irish CGT for three years after the tax year of departure.

Despite the reference to three years in the paragraph above, an anti-avoidance provision imposes CGT on individuals who dispose of shareholdings during a period of "temporary non-residence", described as absences of less than five years.

### Split Year Treatment

An individual who arrives in Ireland with the intention of becoming resident in the following tax year is liable to IT on employment income from the date of arrival. Similarly, a resident individual who leaves Ireland other than for a temporary purpose is liable to IT on employment income up to the date of departure only. This "split year treatment" applies to employment income only.

Relief from a liability to Irish IT may also arise under the provisions of a DTA between Ireland and other State[s].

### Cross Border Workers

Irish resident individuals employed abroad in a jurisdiction with

which Ireland has a DTA can exclude income on employment earned abroad from Irish IT and the Universal Social Charge (USC). The employment abroad must be for a minimum period of 13 weeks and foreign tax must be paid on that income, and the duties must be performed wholly abroad. The individual must be present in Ireland for a minimum of one day a week during the period of qualifying employment. The relief does not apply to State or Semi-state employments.

An individual will be deemed present in the State if he/she is present at any time during the day.

### Remittance Basis of Assessment

Individuals domiciled outside Ireland are entitled to a "remittance basis" of assessment in Ireland on investment income and income from employment duties exercised outside Ireland under a foreign contract i.e. they are only subject to Irish IT on income brought into the country.

Where an individual who is entitled to the remittance basis has transferred money to his/her spouse that individual will be taxed on the transfer.

### For non-domiciled individuals

**Income:**

**Fully Taxable:**

All Irish source income, including the Irish workdays of a foreign employment and capital gains are taxable in Ireland regardless of whether they are remitted or not.

**Not Taxable:**

Foreign employment income (non-Irish workdays) and investment income are taxed only where remitted.

**Capital:**

Irish citizens who are not ordinarily resident but who are resident are taxed on foreign capital gains.

Non-Irish domiciled are taxable on foreign capital gains only to the extent that they are remitted to Ireland.

Capital Gains tax applies to all Irish specified assets regardless of residence, which include all land and buildings in the State as well as certain other assets such as mineral rights.

### Special Assignment Relief Program SARP

**OLD SARP**

This relief applies from 1 January 2009 to 31 December 2015 for individuals who are assigned to work in Ireland from abroad for a period of at least one year. The relief reduces taxable earnings in excess of €100,000 by 50%.

The relief is only available to non-domiciled individuals who take up residence in Ireland for the first time, and exercise their duties in Ireland for the first time, in addition they must:

Have been employed by an associated company of the Irish entity to which they are assigned prior to arrival in Ireland and continue to be paid by the overseas employer,

Previously have been tax resident and exercised the greater part of their employment in the relevant overseas jurisdiction.

Be an employee of a company located in an EU, EEA or treaty country (prior to 2010, the relief only applied to non EEA countries which were also DTA countries).

The overseas employer must operate Irish PAYE (and PRSI where appropriate) on the employment income. The relief will operate by way of a repayment of taxes otherwise payable after the year end.

Share awards are also eligible for tax relief under the SARP. The benefits are limited to the amount of income subject to PAYE.

#### NEW SARP

On 1 January 2012, a new form of SARP was introduced for 2012 to 2014 and this has been extended through to 2017. The main conditions to qualify for the new relief are that:

The employee must be resident in the State (and not resident elsewhere for 2012-2014 relief claims),

the individual must have been a full time employee of a company incorporated and resident in a DTA State for 6 months (2015-2017) versus 12 months (2012-2014) prior to arriving in the State.

For 2012-14 duties must be performed in the State for 12 months from date of becoming resident, for 2015-17 the requirement is to perform duties for 12 months from the date of arrival.

The relief is of value to new workers who come to or return to Ireland, or returning workers who have been outside Ireland for at least five tax years. While a number of conditions apply in order to obtain the relief, it is not limited to either foreign employments or non-Irish domiciles.

Subject to conditions, the relief is available for employees arriving in Ireland and is available for five consecutive tax years.

The relief allows a basic salary and certain cash allowances to be excluded from tax. The relevant amount is valued at 30% of basic salary and allowances between upper (€500,000) and lower (€75,000) thresholds.

Certain key items of compensation are excluded:

- Benefits in kind including company cars and preferential loans
- Termination/ex-gratia payments
- Bonus payments whether contractual or otherwise
- Stock/equity options and
- Other share based remuneration

However, the above emoluments may be included in assessing the relief once the minimum threshold has been established.

The relief is only for Income tax and does not apply for Universal Social Charge or PRSI.

It is possible for employees and employers to obtain relief through the PAYE system so that the relief can have an immediate impact rather than waiting to the tax year end to make a claim. Employees making a claim however will automatically become chargeable persons for the year of claim which will result in a tax filing requirement. Employers will also have a reporting requirement to Revenue for various details surrounding such employee claims, and for 2015-2017 claims the employer is required to report within 30 days of the individual arriving, in addition to the annual reporting

Making a claim under the new SARP provisions will mean that a deduction will not be claimable where another relief is claimed by the employee e.g. split year relief, Trans-border Relief, Special Assignment Relief Program, Foreign Earnings Deduction Relief, R&D Incentive and the limited remittance basis that still exists.

#### Tax Tip

In addition to the exclusion of a relevant amount from tax an employer will also be able to bear the cost of certain items for a relevant employee on a tax free basis, such as:

one return trip for the employee and family to the overseas country they are connected with; plus

Primary and/or post-primary school fees of up to €5,000 per annum per child where the school has been approved by the Minister of Education.

#### Foreign Earnings Deduction ("FED")

A deduction is available for employees working temporarily overseas in the following countries Brazil, Russia, India, China and South Africa Algeria, Democratic Republic of Congo, Egypt, Ghana, Kenya, Nigeria, Senegal and Tanzania. From 2015 the following Jurisdictions also qualify; Japan, Singapore, South Korea, Saudi Arabia, UAE, Qatar, Bahrain, Indonesia, Vietnam, Thailand, Chile, Oman, Kuwait, Mexico and Malaysia.

The deduction is subject to a maximum claim of €35,000 and applies until 2017.

In order to receive this relief, the employee must spend at least 40 (60 in 2014) days working in a BRICS country in a tax year or in a continuous 12 month period. These "qualifying days" must form part of a period of at least 3 consecutive days including travelling time spent working in the BRICS country (previously 4 consecutive days excluding travelling time).

The deduction does not apply to employees paid out of the public revenue of the State e.g. civil servants, Gardaí and members of the Defence forces or individuals employed by any board, authority or similar body established by or under statute.

The deduction is calculated based on the amount of time spent working in the BRICS country and is calculated according to the following formula:

**D\*/E/F**

- D** is the number of qualifying days in the tax year  
**E** is the net employment income in the tax year (including share awards and share option income but excluding benefits in kind, termination payments and restrictive covenants)  
**F** is the number of days in the tax year that the individual held the office or employment

An example of how this relief works is as follows.

An individual who is tax resident in Ireland spends 120 qualifying days working in Brazil. The employment income for the year amounts to €100,000. The Foreign Earnings Deduction is calculated as follows.

**(120 \* €100,000) / 365**  
 Specified amount = €32,877

Total employment earnings	100,000
Less FED	<u>(€32,877)</u>
Taxable Income	67,123

The deduction is claimed at the end of the tax year when making an annual return of income for that year. It will not however be claimable where another relief is claimed by the employee e.g. Split Year Relief, Trans-border Relief, Special Assignment Relief Programme, R&D Incentive and the limited remittance basis that still exists.

**Seafarer Allowance**

An allowance of €6,350 from employment income is available to seafarers provided they are on an international voyage(s) i.e. a voyage beginning or ending in a port outside the State for at least 161 days in a tax year. This allowance cannot be claimed in conjunction with the split year treatment. The allowance is also available to crews of vessels servicing drilling rigs in Irish waters.

**Tax Exemptions**

The following are exempt from Income Tax provided specific conditions are satisfied:

**Artists resident in a Member State or EEA Jurisdiction (prior to 2015 the relief was restricted to Irish resident artists) who produce original work that has cultural and artistic merit subject to a €50,000 (€40,000 in 2014) limit**

Charities - investment and certain trade income

- Awards made by the Hepatitis C Tribunal, income arising on monies received from settlement of a civil action by a totally incapacitated individual, and income arising on monies received by permanently incapacitated individuals for damages following assessment by the Personal Injuries Assessment Board. In addition, the return arising from the investment of these monies is also exempt provided that return exceeds 50% of the individual's total income and gains.
- Income arising from compensation payments made under an employment law enacted, in accordance with a decision of

one of the relevant bodies listed below or made in accordance under a mediation process:

- The Rights Commissioner
  - The Director of Equality Investigations
  - The Employment Appeals Tribunal
  - The Labour Court
  - The Circuit Court
  - Patent royalties paid (prior to 24 November 2010) to the inventor from inventions devised in Ireland.
  - Sports organisations
  - Income from woodlands
  - Income received by Mna Tí in the Gaeltacht (Sceim na bhFoghlaimeoirí)
  - Income received by foster parents from the Health Service Executive or from another body where the payment is in accordance with similar law from another EU Member State (including educational fees, certain medical expenses and other exceptional payments where complex special needs arise). In addition payments for foster children 18 or over until the age of 21 or until they complete their full time education who suffer from a disability are also exempted.
  - Certain social welfare payments including payments to systematic short term workers i.e. people who do three days on and two days off work, or who work one week on and one week off.
  - Lump sum payments to claimants who worked in the Magdalene Laundries
  - Annual allowance paid to Reserve Members of An Garda Síochána
- The exemption for Income Tax for the categories of income described below was extended to Capital Gains Tax. However, it is a requirement that the aggregate of the person's income and gains must exceed 50% of their total income and gains in order to be exempted. The relevant categories of income and now gains are as follows:
- Income and gains derived from the investment of certain compensation payments received by permanently incapacitated individuals or a trust established for the benefit of one or more individuals.
  - Income and gains derived from the investment of payments made to Hepatitis C and HIV victims
  - Income and gains from compensation payments made to thalidomide children and the income derived from the investment of such payments
  - Compensation for certain living donors to cover compensation for expenses and loss of income relating to donations.**

## Disability Benefit

For 2012 and subsequent years of assessment, the exemption from tax for the first 36 days of disability benefit or occupational injuries benefit has been removed. The period for applying for illness or injury benefit has been increased from 3 days to 6 days from 6 January 2014.

## Maternity Benefit

Maternity benefit, adoptive benefit and health and safety benefit payments are treated as taxable income.

## Child minding relief

Child minding relief is available where an individual minds up to three children (excluding their own children) in their own home. No tax will be payable on the child minding earnings received, provided the amount is not more than €15,000 per annum. If the child minding income exceeds this, the total amount will be taxable as normal under self-assessment. The annual minimum PRSI contribution for self-employed individuals of €500 per annum is payable.

## Mortgage Interest Relief

Mortgage interest relief on loans taken out after 1 January 2013 has been abolished.

For pre 2013 loans interest relief can be claimed in respect of loans for the purchase, repair or improvement of a taxpayer's main residence, with effect from 1 January 2015 the relief applies to EEA qualifying residences (previously only Ireland, NI and GB). Mortgage interest relief is allowed at source by the lending institution and is granted by either reducing monthly repayments or by directly crediting the individual's account.

### Rates and Ceiling for First Time Buyers

Year purchased	2014 Rate	2014 Ceiling Individual	2015 Rate	2015 Ceiling	2016 Rate	2016 Ceiling	2017 Rate	2017 Ceiling
2012	22.5%	€10,000	22.5%	€10,000	22.5%	€10,000	20%	€10,000
2011	22.5%	€10,000	22.5%	€10,000	20%	€10,000	20%	€10,000
2010	22.5%	€10,000	20%	€10,000	20%	€10,000	15%	€3,000
2009	20%	€10,000	20%	€10,000	15%	€3,000	15%	€3,000
2008	30%	€10,000	30%	€3,000	30%	€3,000	30%	€3,000
2007	30%	€3,000	30%	€3,000	30%	€3,000	30%	€3,000
2006	30%	€3,000	30%	€3,000	30%	€3,000	30%	€3,000
2005	30%	€3,000	30%	€3,000	30%	€3,000	30%	€3,000
2004	30%	€3,000	30%	€3,000	30%	€3,000	30%	€3,000

The maximum relief available is outlined in the table below:

Individual Status	First Time Buyers	All Others
Single	€10,000	€3,000
Married	€20,000	€6,000

The relief is based on the lower of x% of interest actually paid or the maximum relief as outlined above.

Relief is available for seven years starting with the year in which mortgage interest relief is first claimed.

Rates of Tax Relief on Qualifying Interest			
	Tax Years 1 & 2	Tax Years 3, 4 & 5	Tax Years 6 & 7 [*]
First time buyers (First 7 tax years of entitlement to tax relief on interest paid)	Rate of tax relief = 20%	Rate of tax relief = 22.5%	Rate of tax relief = 20.0%
Non-First time buyers	Rate of tax relief = 15%		

\* Note: After year 7, the rates are those that apply to non-first time buyers

**Exemption:** Notwithstanding the rates of tax relief mentioned above, for individuals who purchased their first principal private residence on or after 1 January 2004 and on or before 31 December 2008, the rate of tax relief on the interest paid on the loan to purchase that property will, for the tax years 2012 to 2017, be 30%.

**Rates and Ceiling for Couples/Widows - First Time Buyer**

Year purchased	2014 Rate	2014 Ceiling Individual	2015 Rate	2015 Ceiling	2016 Rate	2016 Ceiling	2017 Rate	2017 Ceiling
2012	22.5%	€20,000	22.5%	€20,000	22.5%	€20,000	20%	€20,000
2011	22.5%	€20,000	22.5%	€20,000	20%	€20,000	20%	€20,000
2010	22.5%	€20,000	20%	€20,000	20%	€20,000	15%	€6,000
2009	20%	€20,000	20%	€20,000	15%	€6,000	15%	€6,000
2008	30%	€20,000	30%	€6,000	30%	€6,000	30%	€6,000
2007	30%	€6,000	30%	€6,000	30%	€6,000	30%	€6,000
2006	30%	€6,000	30%	€6,000	30%	€6,000	30%	€6,000
2005	30%	€6,000	30%	€6,000	30%	€6,000	30%	€6,000
2004	30%	€6,000	30%	€6,000	30%	€6,000	30%	€6,000

**Rates and Ceilings for Individuals – Non First Time Buyers**

Year purchased	2014 Rate	2014 Ceiling Individual	2015 Rate	2015 Ceiling	2016 Rate	2016 Ceiling	2017 Rate	2017 Ceiling
2012	15%	€3,000	15%	€3,000	15%	€3,000	15%	€3,000
2011	15%	€3,000	15%	€3,000	15%	€3,000	15%	€3,000
2010	15%	€3,000	15%	€3,000	15%	€3,000	15%	€3,000
2009	15%	€3,000	15%	€3,000	15%	€3,000	15%	€3,000
2008	15%	€3,000	15%	€3,000	15%	€3,000	15%	€3,000
2007	15%	€3,000	15%	€3,000	15%	€3,000	15%	€3,000
2006	15%	€3,000	15%	€3,000	15%	€3,000	15%	€3,000
2005	15%	€3,000	15%	€3,000	15%	€3,000	15%	€3,000
2004	15%	€3,000	15%	€3,000	15%	€3,000	15%	€3,000

**Rates and Ceilings for Couples/Widows**

Year purchased	2014 Rate	2014 Ceiling Individual	2015 Rate	2015 Ceiling	2016 Rate	2016 Ceiling	2017 Rate	2017 Ceiling
2012	15%	€6,000	15%	€6,000	15%	€6,000	15%	€6,000
2011	15%	€6,000	15%	€6,000	15%	€6,000	15%	€6,000
2010	15%	€6,000	15%	€6,000	15%	€6,000	15%	€6,000
2009	15%	€6,000	15%	€6,000	15%	€6,000	15%	€6,000
2008	15%	€6,000	15%	€6,000	15%	€6,000	15%	€6,000
2007	15%	€6,000	15%	€6,000	15%	€6,000	15%	€6,000
2006	15%	€6,000	15%	€6,000	15%	€6,000	15%	€6,000
2005	15%	€6,000	15%	€6,000	15%	€6,000	15%	€6,000
2004	15%	€6,000	15%	€6,000	15%	€6,000	15%	€6,000

## Home Renovation Incentive

The Home renovation incentive provides for tax relief for homeowners by way of an income tax credit at 13.5% of qualifying expenditure on repair, renovation or improvements carried out to the Homeowners main home by qualifying contractors.

Relief may be claimed on qualifying expenditure over €4,405 before VAT subject to a maximum spend of €30,000.

The lowest claim amount is €595 ((€4,405 @ 13.5%) and the highest is €4,050 (€30,000 @ 13.5%).

The works may be phased, and multiple payments to different contractors are allowed).

Qualifying works must be carried out on or after 25 October 2013 and up to 31 December 2015. Qualifying works carried out between 25 October 2013 and 31 December 2013 and paid for during that period will be treated as though they were paid in 2014 for credit purposes. Where planning permission is required and is in place prior to 31 December 2015, works carried out up to 31 March 2016 will qualify for relief.

The credit is payable over 2 years following the year in which the work is undertaken. Unused tax credits may be carried forward to the next tax year.

Homeowners must be LPT compliant.

Claims may be made for costs at the 13.5% rate of tax and it excludes anything subject to VAT at 23%.

Contractors must be registered for VAT and RCT compliant.

The home renovation scheme has been extended to rental properties in the State where properties are refurbished and let to tenants under leases registered with the Private Rental Tenancies Board (PRTB), and occupied within six months of the works being carried out.

The relief applies for works carried out after 15/10/2014 to 31/12/2014, any works carried out in 2014 are deemed to be carried out in 2015.

There are special provisions in place that allow for the conversion of one premises to two rental units. The effect of this is to allow the maximum claim of €4,050, to apply to each unit, although the minimum spend of €5,000 equally applies to each unit.

## Rented Residential Property

Mortgage interest relief for rented residential properties is available at 75% of the actual interest paid in the relevant tax year. This measure applies to new and existing mortgages.

In order to claim tax relief for interest paid, owners of rented properties are obliged to register their property with the Private Residential Tenancies Board ("PRTB") as failure to do so will result in interest relief being denied.

## Home Carer Credit

A credit of €810 is available for married couples jointly assessed, where only one spouse is working and the other cares for children (with an entitlement to social welfare child benefit), individuals over the age of 65, or incapacitated individuals in their home. Where the carer's income exceeds €6,700 in a year, no credit will be available; where the carer's income exceeds €5,080, the tax credit is reduced by one half of the amount of the excess over €5,080 (subject to a maximum of €810).

The credit is not available to married couples that are taxed as single persons. Neither is the tax credit available to married couples with a combined income of €41,800 and who claimed the increased standard rate tax band for dual income couples.

## Carer Allowance

An individual can claim an allowance where he/she has to employ a person to take care of an incapacitated family member. The carer may be employed on an individual basis, or through an employment agency. The maximum allowance is €50,000 per annum for each incapacitated individual. The allowance is available at the marginal rate of tax. The allowance will be granted in the first year that the individual becomes incapacitated.

## Covenants

Covenants to permanently incapacitated adults are fully tax deductible. Covenants to a permanently incapacitated minor child are fully tax deductible if paid by a person other than a parent. Covenants to individuals aged 65 or over who are not incapacitated are deductible subject to a 5% limit of the covenantor's total income.

## Medical Insurance

Tax relief on medical insurance premiums is granted at source and is given as a direct reduction in premiums. Relief is based on a standard rate (20%) deduction, and is granted on a current year basis.

The amount of relief is restricted to €1,000 for an individual and €500 for a child (under 18 or under 23 in full time education). An age related credit that was available up to 1 January 2013 is being replaced with a risk equalisation credit.

## Dental Insurance

Tax relief at the standard rate (20%) is available in respect of dental insurance premiums taken out for non-routine dental treatment.

## Medical Expenses

Tax relief for un-reimbursed medical expenses incurred on behalf of a taxpayer and his family (including "dependents"), may be claimed against the taxpayer's Income tax liability. Medical expenses include:

- Doctor/hospital care and prescription medicines

- Payments to Revenue approved nursing homes for dependants
- Physiotherapy
- Non-routine dental and ophthalmic expenses
- Routine maternity care including caesarean sections
- Qualifying medical expenses incurred on behalf of a dependent relative (which includes any individual over the age of 65 or permanently incapacitated individuals whether they are relatives or not).

Relief is granted by way of a tax credit at the standard rate of tax, except in the case of nursing home expenses which will be granted by way of an allowance at the taxpayer's marginal rate of tax. A form MED2 should be completed in respect of non-routine dental expenses (this can be obtained from the dentist).

There is an exclusion for certain "non-essential" cosmetic surgery from qualifying for relief. Cosmetic surgery qualifies for relief where it is provided for a physical deformity arising as a result of a congenital abnormality, a personal injury, or a disfiguring disease.

Relief for hospital stays are restricted to expenses necessarily incurred in connection with the services of a medical practitioner, or to diagnostic procedures carried out on advice of a medical practitioner.

Relief for nursing home fees qualify for relief provided the nursing home concerned provides qualifying nursing care on site on a 24 hour per day basis. Private contributions towards the "Fair Deal" scheme for nursing homes qualify for relief.

### Permanent Health Insurance

Premiums paid under approved permanent health insurance (PHI) schemes are tax deductible. The deduction cannot exceed 10% of the individual's total income. Relief is granted as a deduction against total income and is effectively relieved at the marginal rate of tax. Any benefits received are taxable and therefore subject to PAYE.

### Third Level College Fees

Tax relief is available at the standard rate for the cost of fees paid for approved courses in approved colleges. In addition to full-time courses it includes fees paid for part-time courses on behalf of students who do not have a third level qualification. The relief also applies to post graduate fees paid for third level education in private and public funded third level colleges in non-EU Member States. Tax relief for undergraduate fees is also allowable for accredited private third level colleges in EU Member States.

Tax relief is available for repeat years, for individuals taking more than one course and for individuals already holding a third level qualification.

An amount of fees is disregarded for relief as follows:

Year	First Time Courses	Part Time Courses
2013	€2,500	€1,250
2014	€2,750	€1,375
2015	€3,000	€1,500

Where families have two or more children in third level education on a full-time basis and where both are liable to the student contribution charge, tax relief at 20% will be available on the aggregate paid above the disregarded amount. The current student contribution charge is €2,000. The maximum relief available is €5,000. Any repayment of fees must be adjusted for.

### Training Course Fees

Relief is available for fees between €317 and €1,270 paid in respect of Information Technology and Foreign Language courses, which are approved by FAS. These courses must be at least two years in duration and must not be a postgraduate course. This relief does not apply to payments made on behalf of dependents.

### Rent-a-Room Scheme

Where a room in a person's principal private residence ("PPR") is let as residential accommodation and the gross annual rental income is less than €12,000 (€10,000 prior to 1 January 2015) per annum, this rental income is exempt from tax. Where it exceeds €12,000 the rent is taxable in full.

Qualifying room rentals will not affect entitlements to claim mortgage interest relief. It will also not affect CGT PPR relief on the disposal of the dwelling, and will not lead to a stamp duty clawback. The relief will not apply where the letting is between connected parties and rent relief is being claimed.

The relief will not be available where the person in receipt of the income is an employee of the person making the payment.

#### Tip:

Consider keeping rental income below the €10,000 threshold if seeking to claim this exemption.

### Rent Relief for Private Accommodation

Rent paid in a tax year for private residential accommodation will qualify for tax relief in that year. The relief will be granted by way of a tax credit at the standard rate of income tax i.e. 20% subject to certain limits. The credit is worth €320 to a single person and €640 to a married couple under the age of 55. The credit is worth a maximum of €640 per annum to single/widowed persons and €1,280 to married/widowed persons who are aged 55 or over.

The maximum available is as follows:

	Under 55	Over 55
Single	€1,600	€3,200
Married/Widowed	€3,200	€6,400

The credit does not cover rent paid to certain public authorities or rent in respect of a letting for a period of 50 years or more.

The relief is to be phased out over a seven year period for tenants who, on 7 December 2010, were paying qualifying rent under a qualifying tenancy. The relief is due to be withdrawn in full for the tax year 2018 onwards. New tenants are precluded from claiming the relief from 8 December 2010.

### Donations

Relief is available to individuals and companies in respect of donations to approved charities/educational establishments (minimum €250). These include:

- Certain disadvantaged schools and donations to the State;
- Charities, both domestic and third world;
- Primary and second level schools, and third level institutions, both domestic and international;
- Donations to an approved sporting body used to fund expenditure on an approved projects.

There is a restriction on the amount of tax relief available to an individual; this caps the amount of the contribution at 10% of the individual's total income for the year of assessment.

In addition to this cap, with effect from 1 January 2013 there is an annual €1m cap on the amount of donation. From 2013, all tax refunds will be granted directly to the approved body at a rate of 31%.

Gifts may comprise publicly quoted shares and securities. A tax credit may be available for a gift of a heritage item to an approved body. The relief is restricted to 50% (80% pre 2013) of the market value of the heritage item. The relief includes property, heritage gardens and accompanying buildings. The relief requires the consent of the Minister for Public Expenditure and Reform. The maximum credit available is capped at €6m in any one year with a minimum donation of €150,000 (or, where there is a collection, a single item of €50,000).

### High Earners

Certain tax breaks available to high income earners are restricted with a tapering restriction applying to individuals with income in excess of €125,000 to ensure a minimum effective IT rate of 30%.

Taxable income is calculated by restricting qualifying deductions to 20% of the taxable amount.

If the individual's income is either less than €125,000 or if the reliefs claimed are less than €80,000, the restriction will not apply.

There is a full restriction on income in excess of €400,000. Where there is a claim for specified reliefs in excess of €80,000, the amount that may be claimed is limited to the greater of €80,000 or 20% of the adjusted income.

A tapering relief applies to income between €125,000 and €400,000.

The following items specifically need to be considered:

- Calculation of double taxation relief and top slicing relief is applied before the relief can be claimed.
- Credits for any reliefs or deductions are given before the application of the restriction (but after the carry forward of excess reliefs from prior periods).
- The effect of the restriction is to disapply the age limit for income tax.

There is a temporary removal of the employment and investment incentive from the high earners restriction for share subscriptions made between 16 October 2013 and 31 December 2016.

From 1 January 2014 there is an extension of the High earners restriction to plant and machinery allowances used in a manufacturing trade where they are claimed by passive investors in a leasing trade.

## INTEREST RELIEF FOR INDIVIDUALS

### Self-Assessment - Pay and File

On 31 October each year, a self-employed individual/company director, PAYE worker with untaxed non PAYE income will be required to:

1. File his/her Income Tax return for the previous calendar year;
2. Pay the balance of tax for the previous calendar year;
3. Pay preliminary tax payment for the current calendar year; and.
4. Submit a tax computation at the time of filing the return

### Payment and Compliance

The self-assessment system applies to individuals with non-PAYE income and to all directors controlling 15% or more of the share capital of a company (even if their entire income is subject to PAYE).

The definition of a "chargeable person" for self-assessment purposes includes PAYE taxpayers with non PAYE income where the non PAYE income is not taken into account under the PAYE system.

The "Pay and File" system places an obligation on the individual to file a return, calculate the tax liability, submit a tax computation and pay the tax due. Returns for income arising in the year ended 31 December 2015 must be filed on or before 31 October 2016 to avoid a surcharge. The surcharge amounts to 5% of the amount of tax payable for the period subject to a maximum surcharge of €12,695 where the return is filed within two months of the deadline. Otherwise if the return is filed more than two months after the deadline, a surcharge of 10% is imposed subject to a maximum of €63,485.

Preliminary tax due for the tax year 2015 must be paid by 31 October 2015 if interest charges of .0219% per day are to be avoided. The tax paid must represent 90% of the individual's actual liability for 2015 or 100% of the final liability for 2014 (excluding EIS relief and relief for investment in films).

Alternatively, for the tax year 2015, a taxpayer can elect to make a preliminary tax payment equal to 105% of the ultimate liability for 2013 (the pre-preceding year), provided a liability arose in that year. This option is only available to taxpayers that pay by direct debit in equal monthly installments. The final installment is payable in December 2015. Where a taxpayer is paying by direct debit for the first time, payment can be made by way of a minimum of three equal installments and, during the following year, by way of eight equal installments.

Any balance of tax due for 2014 must be paid by 31 October 2016 (the 2014 balance falls due by 31 October 2015).

Where a repayment is made due to a Revenue error in applying the legislation, interest will be repaid from the date the tax was paid to the date of repayment; otherwise no repayment is due. Refunds of overpayments of preliminary tax carry interest of 0.011% per day.

Tip: The 2014 tax return is due to be filed by 31 October 2015; where your total income for 2015 is less than that in 2014, consider basing your preliminary tax payment on your 2015 estimated liability.

### Penalties

Penalties will apply to any late returns filed.

### Joint Assessment

Revenue may recover tax not paid within 28 days from the spouse who was not assessed. This is limited to the amount of unpaid tax referable to that spouse's income.

### Pay and File Summary

The following is a summary of pay and file dates for the year 2015

File tax return for 2015	.....31 October 2016
Pay Capital Gains Tax for 2015	
- 1 December to 31 December 2014	.....31 January 2015
- 1 January to 30 November 2015	.....15 December 2015
- 1 December to 31 December 2015	.....31 January 2016
Pay balance of tax for 2014	.....31 October 2015
(Online Pay & File date for 2014 Tax Return)	.....
November 2015 TBC*	
Pay preliminary tax for 2015	.....31 October 2015
(Online Pay & File date for 2014 Preliminary Tax)	.....November 2015 TBC*
* Revenue have not announced the online filing date for 2015 at the date of publication.	

### Information included in Return

Taxpayers are required to disclose information in relation to any reliefs claimed in their annual tax return; the reliefs to be detailed are highlighted on the return forms. This applies to individuals, both self-employed and employees, and also to companies.

Failure to provide the relevant information may result in a penalty of €950, as well as a surcharge of:

5% of the tax due subject to a maximum of €12,695 where the return is filed within two months of the filing deadline.

10% of the tax due subject to a maximum of €63,485 where the return is filed more than two months after the filing deadline.

### Mandatory Reporting

Certain transactions which have the main benefit of obtaining a tax advantage are reportable to Revenue.

## INVESTMENT INCOME

### Relief on Profits and Rental Income

Relief is available for interest on money borrowed for business purposes where the money is used:

- for the purposes of a trade or profession carried on by the individual
- for the purchase of, or expenditure on, a rented property (restricted to 75% in the case of residential property)
- to invest in or lend to a trading partnership in which the individual is an active partner (see below)
- to acquire an interest in or lend to a company which is a trading or a holding company. This relief will be unrestricted where:
  - (a) The company is unquoted (if quoted, the investment should be made when the company was unquoted)
  - (b) the individual has a "material interest" (minimum 5% of equity) and
  - (c) the individual is a full-time or part-time director or employee.

Directors and employees (full-time and part-time) of a private trading or rental company, whether or not they have a material interest in the company (more than 5%) are entitled to unrestricted interest relief.

### Certain anti-avoidance measures deny relief for non-business interest.

Anti-avoidance provisions provide for a restriction of interest relief where funds are invested in certain companies which use the funds to acquire industrial or commercial property from another company. In such cases the interest is restricted to the individual's return from the company only.

**Tip:** There is no restriction on the amount invested and relief is given at the marginal rate of tax where employees/directors have a material interest in the company i.e. greater than 5%. An individual should therefore minimise borrowings for investments where little or no interest relief is available e.g. an investment in quoted shares.

Interest relief does not apply where loans are taken out to acquire an interest in a company whose income arises wholly or mainly from rents or from income from property.

No interest relief will be available for loans taken out on or after 7 December 2010 to invest in certain trading companies. For loans described above which were taken out prior to 7 December 2010, interest on such loans will be deductible on a reduced basis as follows:

- 75% in 2011
- 50% in 2012
- 25% in 2013

- No relief is available for 2014 onwards.

The relief is subject to the high earners restriction as outlined on page 12.

### Interest Relief for Partnerships

From 15 October 2013 interest relief will no longer be available to invest in a partnership (except for a farming partnership), this includes replacement loans taken out prior to that date.

Relief for existing loans will be tapered out as follows:

- 2014-75%
- 2015-50%
- 2016-25%
- 2017-0%

### Rented Residential Property

Tax relief available for interest paid on borrowings used to purchase or improve rented residential property is restricted to 75% of the amount of interest paid and this applies to both new and existing borrowings. 100% interest relief is available for commercial properties.

An individual is required to register any properties let with the PRTB in order to qualify for interest relief on rented residential properties.

### Limited Partnerships

There are restrictions on non-active partners in respect of the set-off of losses, interest and capital allowances against non-partnership income. Relief will be available to non-active partners for set-off against income arising to the partnership only and will be limited to each partner's capital contribution to the partnership. The restrictions apply to interest paid, capital allowances in respect of expenditure and losses arising in a trade. The restriction is €31,750, which is the maximum that may be offset against other sources of income outside the partnership.

## Standard Rate DIRT Accounts

Income tax at 41% [33%-2013] is deducted at source by banks, building societies, Post Office Savings Banks, credit unions, the Agricultural Credit Corporation and the Industrial Credit Corporation from interest paid or credited on deposit accounts in the beneficial ownership of individuals resident in the State.

DIRT is also applicable to dividends paid on credit union accounts. The higher rate also replaces the 36% rate which applied to certain deposit accounts where interest is credited at maturity e.g. tracker bonds, tax at 36% which is deducted at source.

For interest received on non-EU bank accounts, the 41% rate also applies.

## DIRT Exemptions

DIRT will not apply to the following individuals:

- individuals or their spouses aged 65 or over who are not liable to income tax where an appropriate declaration has been made
- incapacitated individuals who are under the exemption limits where an appropriate declaration has been made
- charities
- companies that do not have a corporation tax liability
- Non-resident individuals who complete a declaration of non-residence.

D.I.R.T. is a final liability for income tax purposes, i.e. the payment of retention tax at the standard rate by individuals liable to income tax at the higher rate is regarded as satisfying the individual's full liability to this tax.

However, in certain circumstances, an individual will also be liable to pay PRSI in respect of the Deposit Interest received.

The Universal Social Charge (USC) does not apply to Deposit Interest that has been subjected to Deposit Interest Retention Tax.

## DIRT Refund for First Time Buyers

A new scheme has been introduced to allow for a refund of DIRT for first time buyers; it applies to

- DIRT deducted in 48 months prior to relevant purchase

## Investment Undertakings

The income from certain life assurance products and collective funds is not taxed as it arises and grows tax free within that fund (often called "gross roll-up").

The disposal of a foreign life policy is subject to tax at 41% [36%-2013].

The rate of exit tax applying to "Personal Portfolio Investment Undertakings" is 60% [56% -2013].

Failure to account for the income correctly on an individual's tax filing increases the rate to 80% (previously 74%).

Anti-avoidance measures apply if the policy is not encashed within eight years of its inception. This is to prevent the avoidance of tax by continuously rolling over a policy. A repayment of the tax paid will be available if the policy is disposed of and this is to ensure that the total tax paid does not exceed the tax that would have been payable had the deemed disposal rules not applied. An election not to have the excess tax repaid may be made where the investment by Irish investors in the fund <15% of the value of the fund; in effect tax refunds may be claimed from Revenue instead of the fund. Similar provisions apply to foreign policies, though there are relieving provisions where Irish investors account <10% of the fund's overall investment, in which case it is not necessary for the fund to calculate the deemed disposal amount.

**Tip:** As the income is taxed on exit or after eight years, you have the benefit of reinvesting the gross value of the funds thereby earning income on amounts that would otherwise be subject to tax.

## Credit Unions

### Special Term Share Account

A special term share account for a term of either three or five years was available whereby the first €480 per annum of dividends in the case of the three-year fund and €635 per annum in the case of the five-year fund is exempt from DIRT and Income Tax. Any dividends received in excess of these amounts are liable to DIRT at 41%. From 16 October 2013 it is no longer possible to open a special term share account, all special term share accounts will cease to be classified as such following their 3 or 5 year anniversary as appropriate.

### Regular Share Accounts

Tax at the marginal rate will continue to apply to interest on regular share accounts.

## Reporting of Deposit Interest

Revenue powers exist to allow Revenue to make regulations obliging financial institutions (including credit unions) to return details of all interest and other similar payments made to customers. On making appropriate regulations, the financial institution is obliged to get details of the person's tax reference number and provide this, together with their name and address, to Revenue.

## European Savings Directive

Deposit takers are required to collate information relating to non-Irish residents who earn deposit interest in Ireland and provide this information annually to the Revenue authorities in these countries.

## PRSI

Up to 1 January 2014 there was an exemption from PRSI for employed individuals and pensioners. However from 1 January 2014 there is a 4% PRSI charge on investment and rental income for PAYE taxpayers where their non PAYE income exceeds €3,174.

## Employment and Investment Incentive Scheme

The Employment and Investment Incentive Scheme (EIS) replaces the previous Business Expansion Scheme (BES). It significantly broadens the scope of the scheme as many "qualifying trade" limitations have been removed and thus it is available to the majority of SME trading companies, most of whom qualify except for:

- Financing activities
- Dealing in or developing land
- Operating or managing nursing homes and hotels
- Professional service companies

The operation of hotels, guest houses and self-catering accommodation is a "qualifying activity" where the conditions of the Tourist Traffic Act are met.

The lifetime limit that a company can raise is €15 (€10m prior to 2015) with the annual amount being €5m (€2.5m prior to 2015).

An individual may invest up to €150,000 per annum. The maximum limit applies separately to both spouses, provided that they both have sufficient income in their own right. Where full relief cannot be availed of in a tax year, the excess can be carried forward to subsequent years.

The period for which shares need to be held has been increased from three years to four years. A clawback of relief will arise if shares are disposed of within four years.

Tax relief for subscriptions for eligible shares has been reduced as follows:

Year 1 relief: 30/40 of the amount invested

Year 3 relief: 10/40 of the amount invested

The company must be unquoted throughout the holding period and either be resident in the State or, if resident in an EEA State other than Ireland, it must carry on business through a branch or an agency in the State and carry on relevant trading activities from a fixed place of business.

The scheme has been extended to 31 December 2020.

The restriction that applies to High Earners will not apply to a subscription of shares under the EIS from 16 October 2013 to 31 December 2016.

These changes are subject to ministerial order.

## Seed Capital Relief

This relief was introduced to encourage individuals who cease employment to start up their own businesses using a company structure. The relief is given by way of a deduction against total income for the six years preceding the cessation of employment. The maximum available is €100,000 per annum.

This relief is given by way of a refund of PAYE paid by the individual over the six years preceding the year of investment. There is a minimum shareholding requirement of 15%. The limit on the amount of money a company may raise from seed capital relief is €2m subject to a limit of €1.5m in any twelve month period.

The Seed Capital Scheme has amalgamated into the Employment and Investment Scheme (EIS) and to that end claimants must comply with the requirements under the EIS scheme in order to qualify for tax relief.

## Film Scheme – Companies and Individuals

This relief is given by way of deduction against total income and is confined to a maximum of 100% of €50,000 for any tax year. Any unrelieved amount can be carried forward to the next tax year. For companies, the maximum amount deductible is 80% of €3,810,000 to enable the production of a single film. There has been a reduction in the minimum expenditure required on a film production to €125,000.

The cap on the maximum amount of funding per film is €50,000,000.

From 1 January 2012 the company must provide the Revenue with a compliance report within six months of completion of the film. Where this report is not filed, tax relief for the individual investor may be affected.

Production Companies may now employ non –EU individuals to produce a film. However, withholding tax at the standard rate will apply to payments to residents outside the EEA. It is also no longer necessary to have a qualifying company distribute the film.

This will be effective from 1 January 2015.

The scheme has been extended to 2020. However from 1 January 2016, film relief will no longer be available to individuals but instead a tax credit of 32% will be available to the production company and will be available to offset against its corporation tax ("CT") liability. Where it exceeds the CT liability, the credit will be payable to the company.

**Tip:** Film schemes may be structured to favour small investors where a financial institution provides both the funding for the €50,000 contribution required by the individual and the balance of the loan amount; although this reduces the return on the investment it can make the investment more affordable.

## RETIREMENTS & PENSIONS

### Company Pension Schemes (Employees and Directors)

Annual contributions paid by an employee to a Revenue approved company pension scheme are tax-deductible. The relevant contribution must be made from the employee's total remuneration for the year from the employment. The relief available is calculated based on a cap of €115,000. It should be noted that this cap does not apply to employer contributions to an Occupational Pension Scheme ("OPS").

The relief available is limited to the individual's marginal rate of income tax (max 40%),

#### Level of Allowable Contributions

Tax relief on pension contributions can be claimed by the self-employed and by members of OPS. For self-employed individuals, the limit applies to Net Relevant Earnings ("NRE"); for employees/members of OPS, the limit applies to earnings. In a single tax year, relief can be claimed on the following basis:

Age	Limit	Actual Contribution Limit
Less than 30 years	15%	€17,250
Between 30 and 39	20%	€23,000
Between 40 and 49	25%	€28,750
Between 50 and 54*	30%	€34,500
Between 55 and 59	35%	€40,250
Over 60	40%	€46,000

(\*The 30% rate also applies to specific individuals under 50 years old who are involved in occupations with a relatively short life span e.g. golfers, athletes and cricketers).

**Tip:** It may be worthwhile for an individual to make an additional voluntary contribution (AVC) if his or her individual contributions through the company are below the allowable limits.

Contributions paid between 1 January 2015 and the tax return filing date may, if an election is made, be treated as paid in 2014.

There is no restriction on employer tax relief so employer contributions should, where feasible, be maximised.

### Self Employed Individuals

An individual who has relevant earnings from a trade, profession or non-pensionable office or employment is entitled to a deduction in respect of any premiums paid under a retirement annuity contract ("RAC") and/or to a Personal Retirement Savings Plan ("PRSA").

The tax deductible amount is limited to a percentage of NRE subject to the €115,000 cap referred to above. NRE includes income from trade, professions and non-pensionable employment less certain deductions e.g. qualifying interest on loans. The earnings of husband and wife are treated separately for the purpose of determining NRE and the relief is available for each spouse with non-pensionable earnings.

A self-employed individual may avail of tax relief for the immediately preceding year by making a pension contribution by 31 October following that year.

### Employees

Contributions to a Revenue approved OPS may qualify for tax relief subject to the limits referred to above.

Remuneration means salary, bonuses, taxable share incentive plans and benefits in kind. Relief is available at the employee's top tax rate.

Where the limits referred to in the table above have not been exceeded by virtue of regular contributions, an additional Annual Voluntary Contribution ("AVC") may be made. The contribution may be made up to 31 October following the tax year in which the claim is made.

#### Entitlements on Retirement:

##### Self Employed:

1. Use the total retirement fund to purchase a retirement annuity
2. Withdraw 25% of the fund as a tax free lump sum and, with the remaining 75%, do one of the following:
  - a. Purchase a retirement annuity
  - b. Draw down the balance (subject to the individual's marginal rate of tax)
  - c. Invest in an approved retirement fund ("ARF"), subject to approved minimum retirement fund ("AMRF") restrictions.

##### Employees:

1. Use the fund to purchase an annuity; this is subject to a maximum of 2/3rds of the individual's final salary.
2. Take 150% of final salary amount as a tax free lump sum and buy a retirement annuity with the balance of the fund.

#### Other Options/Restrictions:

##### Defined Contribution Schemes:

Withdraw 25% of the fund tax free and invest the remaining 75% in an ARF/AMRF.

##### Maximum Tax Free Lump sum payments:

- €200,000 (reduced by tax free lump sums taken on or after 7 December 2005).
- The next €375,000 taxed at 20%.
- Excess over €575,000 taxed at marginal IT rate plus USC.

#### Access to pension fund before retirement

For a limited period of three years up to 27 March 2016 individuals who have made AVCs may access their AVCs before retirement. The amount that can be accessed is 30% of the accumulated value of the AVCs. This does not apply where the AVC was used to buy notional service. Where the option is exercised, and this may only be done on a once off basis the amount accessed by the individual will be subject to PAYE only (i.e. not subject to PRSI or USC).

## Approved Retirement Funds/ Approved Minimum Retirement Funds

An ARF basically offers an alternative to buying an annuity on retirement. It can give more flexibility in how pension fund monies are invested, and it can form part of the individual's estate on death. Income and gains can be rolled up within the fund. However each year an ARF is deemed to distribute 6% of the ARF asset values at 31 December. The tax applies to an individual with an aggregate asset value greater than €2m at 30 Nov in a tax year. Assets held in a PRSA from which retirement benefits have been taken are also subject to the deemed distribution rule.

A 5% deemed distribution applies to a vested PRSA where the value is <€2m on 30 November in that tax year.

Where the aggregate value of the fund is greater than €2m on 30 November, the 6% rate applies to the entire fund.

The limit applies cumulatively to all ARFs/vested PRSAs held by an individual.

The imputed distribution is taxed at the individual's marginal tax rate. Actual distributions are deducted from imputed distributions.

Funds invested in an ARF can be withdrawn at any stage and in any amount, either by way of lump sum or regular income. Withdrawals are subject to an individual's top rate of tax.

Where the level of annual guaranteed income at retirement does not equal 1.5 times the maximum annual rate of the State pension (i.e. €18,000), an amount must be invested to provide an annuity. The amount invested must equal 10 times the maximum annual rate of the State contributory pension at the time the ARF is being availed of or the remainder of the pension fund after taking the tax free lump sum in an AMRF.

The €18,000 limit and 10 times the State pension limit of €119,800 are being set aside for three years to ensure that people impacted by the higher limits were not negatively disadvantaged. Therefore the limits until 2016 are €12,700 and €63,500.

Where, on 27 March 2013, the specified income limits are exceeded then any AMRF owned by those individuals will immediately become an ARF.

An AMRF locks away the minimum funds required as outlined above. No notional distribution rules apply.

With effect from 1 January 2015, 4% of the capital value of an AMRF may be withdrawn annually prior to the age of 75, income from an AMRF may be withdrawn subject to IT, the remaining capital may not be withdrawn until 75 years of age.

- Funds may be transferred from one insurer to another.
- Benefits may be accessed from age 60 but must be accessed before age 75 (it is not necessary to retire to access benefits).
- An AMRF can form part of an individual's estate, in which case:
  - Payments to a child over the age of 21 at the date of death are charged to IT at 30%. A full distribution is exempt from CAT if taken under a will or intestacy.

- Payments to a child under the age of 21 at the date of death are exempt from IT and CGT, but liable to CAT.
- Transfer to a spouse's AMRF on death is exempt.

## Standard Fund Threshold ("SFT")

The maximum allowable pension fund on retirement for tax purposes has been set at €2m (€2.3m from 7 December 2010-31 December 2013) (originally €5.418m). An individual may apply for a personal fund threshold where the value of their fund was greater than €2m at 1 January 2014. The relevant maximum will apply to the aggregate value of all pension provisions held by an individual.

Where a fund exceeds the relevant limit, the excess will be liable to a once-off income tax charge of 40% (41% up to 1 January 2015) when the individual becomes entitled to draw down (irrespective of whether or not the fund is drawn down at that point in time); this is referred to as a "benefit crystallisation event". In addition, where an individual with a PRSA decides when taking pension benefits to leave funds in a PRSA rather than opting to transfer them to an ARF, this will also trigger a "benefit crystallisation event".

When the net after-tax excess amount is drawn down from the pension scheme, it is taxed further in the hands of the pension scheme member which can increase the effective tax rate to 64% of the gross value of the fund i.e. 40% tax on the benefit crystallisation event plus 40% Income Tax on the net distributable to the individual plus 8% Universal Social Charge.

Up to 1 January 2014 the tax operated by applying a factor of 20 times the annual pension entitlement plus the lump sum; a defined contribution scheme could also rely on an actuarial valuation. However, from 1 January 2014, for benefits accruing after this date an age related valuation factor applies from the ages of 50 to 70 + as follows:

Age	Factor	Age	Factor	Age	Factor	Age	Factor
50 *	37	56	33	62	28	68	24
51	36	57	32	63	27	69	23
52	36	58	31	64	27	70+	22
53	35	59	30	65	26		
54	34	60	30	66	25		
55	33	61	29	67	24	* includes up to 50	

As the annual pension amount will also be subject to income tax, a double charge to tax arises.

**Tip:** It does not make sense to continue funding a pension where the fund will have an excess that is subject to a 40% tax charge. Where the value of a pension fund is likely to exceed the SFT, consideration ought to be given to alternative investments

Certain relief to reduce the immediate tax burden arising when the individual retires and their pension fund exceeds the SFT of €2m applies for public sector pensions.

An annual pension levy of 0.6% on the value of private pension funds has been increased by 0.15% for 2014 to 0.75%. This was due to end in 2014 but has been extended to 2015. The rate that applies in 2015 is 0.15%

## Relief on Retirement for Sportspersons

An additional relief applies for certain sportspersons on retirement. It operates as a deduction of 40% against gross receipts from actual participation in the sport (excluding income from sponsorship & advertising) for any 10 of the 15 tax years of assessment prior to retirement (including year of retirement.. Relief is by way of repayment only and cannot be used to create or augment a loss. Repayments will not carry interest. It only applies to "sports" earnings and will be clawed back if the sports activity recommences.

From 1 January 2014 the relief is extended to individuals resident in the EEA or EFTA who have complied with the Income Taxes Acts. Relief must be claimed within 4 years of retirement to include the year of retirement and the fourteen years of assessment immediately pre-ceding the retirement year so there is now a degree of flexibility in specifying the optimum ten years of assessment during the sportspersons career.

### PRSA

Employers are required to provide employees with access to a PRSA where they do not provide an occupational pension scheme. This involves an employer providing the facility to have pension contributions deducted from an employee's salary and transferred to the PRSA provider. Employees may elect to pay PRSA contributions in lieu of AVCs. The retirement benefits are the same as those for RACs with the same overall contributions applying (these include contributions by the employer where applicable).

**Tip:** There is no requirement for an employer to contribute to the PRSA; however any contribution will be deductible for IT/CT purposes.

**Tip:** It is not necessary for an individual to retire in order to access benefits from RACs and PRSAs.

Benefits are generally accessed from age 60 and must be accessed before age 75.

Employees with PRSAs may retire as early as 50

### Self-Administered Pension Funds

A company may provide for a director's pension via a self-administered pension scheme with the director as trustee of the scheme. The director can influence the investment policy; for example the scheme could make an investment solely in property.

**Tip:** Self-administered pensions are a means by which a pension investment may be managed personally as opposed to through an insurance company and can offer greater flexibility in the type of asset that are invested in.

### Lump Sum Payments

Retirement – Termination Lump Sum Payments

Individuals leaving employment may receive tax free payments. There are three methods of calculating the tax-free amounts:

1) €10,160 plus €765 for each complete year of service with the employer.

2) The amount calculated at 1) above may be increased by an additional €10,000, provided no claim for relief for increased exemption has been made in the previous 10 years<sup>1</sup>.

Or

3) Average salary for previous three years multiplied by the number of years services and divided by fifteen. This is known as Standard Capital Superannuation Benefit (SCSB)

The tax-free amounts under (2) and (3) above are reduced by tax-free amounts received/receivable from the employer's pension fund.

The exemption available in respect of termination payments is restricted to a lifetime limit of €200,000. From 1 January 2013 this limit also applies to payments on death and disability. Any other payments will be taxable in full.

There are other exempt payments which can be made on ceasing employment, including statutory redundancy payments payable in accordance with the Redundancy Payments Acts 1967-2003, injury or disability payments for persons who may have to terminate employment early due to their medical condition, and also lump sums paid under approved pension schemes. Certain lump sum payments paid to employees in respect of pay restructuring schemes are also tax exempt (see below).

The entitlement to an employer rebate of statutory redundancy has been removed with effect from 1 January 2013.

### Top Slicing Relief

In addition to the above, top slicing relief may apply. This seeks to tax the lump sum at the average rate of tax over the preceding three years if it is more beneficial than the rate applying in year of termination.

Where the PAYE deducted on the termination payment exceeds this amount, a refund should be claimed from Revenue after the end of the year in which the employment terminates.

From 1 January 2013, top slicing relief will no longer be available on ex gratia lump sum payments where the non-statutory payment is €200,000 or over.

### Lump-Sum Payment to Employees on Company Restructuring

An exemption in respect of a lump sum payment not exceeding €7,620 plus €255 for each full year of service applies to employees who undergo a pay restructuring where the emoluments of the employees are reduced by at least 10%. For pay reductions higher than 15%, the maximum amount is increased.

The relief applies where:

- the restructuring scheme is necessary to ensure the current or future viability of the company and
- at least 50% of the total numbers of employees are involved in the restructuring scheme or more than 75% of a class of employees provided the number of participating employees in that class comprises 25% of the total number of employees in the company.

### Retraining Exemption

An exemption is available where retraining (in the form of a course as opposed to cash) is provided to employees as part of a redundancy package. An exemption of up to €5,000 for each eligible employee is available where an employee has more than two years continuous service. The course must be designed to improve skills in obtaining employment or setting up a business, and it must be completed within six months of the employee being made redundant. The exemption does not apply to the spouse or dependents of the employer.

### Reporting Requirement

There is a requirement to report to Revenue any payment made on death, or on account of injury or disability.

## EMPLOYEE SHARE SCHEMES

Finance Act 2011 fundamentally changed the basis of taxation of all share schemes. Share schemes have been brought within the charge to employer PRSI and USC, as well as subjecting the shares to employee PRSI. Share schemes include share awards, unapproved share options, Revenue approved profit sharing schemes, Revenue approved save as you earn schemes and Revenue approved share option plans.

### Share awards

Employers are obliged to operate PAYE, PRSI and USC in respect of share awards received by employees, and to allow the withholding of shares by the employer to fund the income tax and USC charge before transferring the balance of shares to the employee, where this liability has not already been met by the employee.

### Share Options

Where an employee is granted share options by reason of an employment, a charge to income tax and USC will arise on the actual exercise of the option, irrespective of whether the employee retains or sells the shares. The charge to income tax will be the excess of the market value of the share on exercise over the option price and this share option gain will be taxable at the employee's marginal rate of IT.

The Income Tax and USC must be paid by the employee within 30 days of the date of exercise of the option; a Form RTS01 must be filed at the time the payment is made.

### Share Purchase Schemes

Revenue Approved Profit Sharing Schemes ("APSS") and save as you earn ("SAVE") share options are exempt from IT. However, on appropriation of shares to the APSS or on the exercise of the approved SAYE options, USC (at a rate of up to 8%) applies, as does employee PRSI of 4% and employer PRSI of 10.75% on the market value of the shares on this date.

### Profit Sharing Schemes

A full-time employee or director, or a part-time employee, can be given up to €12,700 (€38,100 in the case of an Employee Share Ownership Trust where the shares are held for a period of at least ten years) worth of shares, tax free, each year under a Revenue approved profit sharing scheme (APSS). The scheme must be available to all employees on similar terms. To avoid an Income Tax penalty, the shares must be held in trust for a total of three years. If the shares are sold within three years, Income Tax is charged on 100% of the value of the shares.

A disposal of the shares may give rise to a Capital Gains Tax liability on the difference between the sales proceeds and the market value of the shares on the day that they are awarded. The scheme must have prior approval from Revenue and the cost of administering the scheme is tax deductible for the company.

Revenue will not approve a profit sharing scheme unless they are satisfied that there are no arrangements in place that provide for loans to be made to employees eligible to participate in the scheme. Shares cannot be shares in certain service companies.

**Tip:** An employee profit sharing allocation may be a substitute for salary if certain conditions are met.

### Save As You Earn Scheme (SAVE)

Companies may set up a Save as You Earn share option scheme (SAVE) which must be Revenue approved. A company may grant options under an SAYE scheme at a discount of up to 25% of the market value of the shares at the beginning of the saving period. Employees must make a commitment to monthly savings of between €12 and €500 from after tax income for a period of three years at the end of which the employee can use the savings to purchase shares. Any interest paid on the savings at maturity will be exempt from DIRT. The cost of setting up the SAYE scheme may be claimed by the company as a deduction against trading profits. No charge to Income Tax arises where the shares are purchased at the discounted price. The shares are liable to Capital Gains Tax when disposed of, the base cost for CGT purposes being the amount the employee paid for the shares.

**Tip:** Although there is no obligation on the employee to use their savings to purchase the shares at the end of the designated savings period, an employee with an option to avail of this scheme ought to do so as they cannot suffer from a fall in the value of their shareholding during the life of the scheme.

### Restricted Shares

Where shares are restricted, an abatement of IT to reflect the period of the restriction may be available. Conditions include where shares are held in a trust (established in the State or in another EEA State by trustees resident in the State or in an EEA State) for employees, and where there is a genuine commercial restriction on the disposal of the shares, and where there is a valid written contract in place imposing the restriction on the sale.

The abatement amounts that apply to the income chargeable to tax are outlined below by reference to the period of restriction:

Years of Restriction	1	2	3	4	5	5+
Abatement	10%	20%	30%	40%	50%	60%

Where shares are forfeited the employee will be entitled to a rebate of tax paid.

Where the value of the shares is abated, the base cost for CGT is also reduced.

The charge to PRSI and USC is calculated by reference to the abated amount and not the full value of the shares.

### Returns:

For share option schemes, a return of information outlining details of beneficiaries must be provided to Revenue by 31 March after the end of the relevant tax year i.e. 31 March 2014 for 2013. Where a company or trustee fails to make the return, relief may be withdrawn. In addition, penalties will apply where an employer fails to make the required returns, or where a negligent or a false return is made.

The following table is a summary of the current tax treatment of share schemes:

Scheme Type	Income Tax @ 40%	USC @ 8%	Employee social security/PRSI (4%)
Share Awards	Yes - PAYE	Yes - PAYE	Yes - PAYE
Share Option gains	Yes; self- assessment (within 30 days of exercise)	Yes; self- assessment (within 30 days of exercise)	Yes; PAYE (if no longer an EE subject to self-assessment)
Approved Profit Sharing Schemes (APSS)	No	Yes - PAYE	Yes - PAYE
Save As You Earn Schemes	No	Yes; PAYE (if no longer an EE subject to self-assessment)	Yes; PAYE (if no longer an EE subject to self-assessment)

**Tax Tip:**

No charge to employer PRSI arises on share based remuneration and therefore it is still an attractive incentive for employers to incentivise employees.

## BENEFIT IN KIND

All Benefits in Kind ("BIK") are subject to PAYE, PRSI and USC, and taxed as notional pay. They are taxable when the benefit is provided or when the payment is made. Where the benefit provided to the employee does not exceed €250 in value, there is no BIK, the amount is not cumulative over a number of benefits and only one such benefit may be provided annually.

Consequently there is an obligation to report and pay any tax due from the employee. In certain exceptional circumstances the employer may pay the tax on behalf of the employee, as follows:

- 1) Where the employee has insufficient income; in such cases the payment on behalf of the employee will be treated as a simultaneous deduction from the employee's Income Tax liability.
- 2) Employers may make arrangements with Revenue to account directly to Revenue rather than through the normal PAYE system for the tax payable in respect of benefits provided to employees who are minor and irregular. Where the employer so accounts for the tax, the benefits will not form part of the total income of the employees and they will not be entitled to credit for or repayment of the tax accounted for.

### Company Cars

**Old cars:** The assessable annual cash benefit for the use of a company car is calculated at 30% of the original market value ("OMV") of the car. This percentage is reduced for high business mileage as follows:

#### Business Mileage

Exceeding	Not Exceeding	%
0	24,000 km	30
24,001km	32,000km	24
32,001km	40,000km	18
40,001km	48,000km	12
48,001	+ km	6

**New Cars:** For 2009 and subsequent periods, emission allowances will be the basis for assessing BIK on company cars.

Vehicle Emission Category	CO2 Emissions [CO2 g/km]	OMV %
A	0g/km-120g/km	30%
B	>120g/km-140g/km	30%
C	>140g/km-155g/km	30%
D	>155g/km-170g/km	35%
E	>170g/km-190g/km	35%
F	>190g/km-225g/km	40%
G	>225g/km	40%

Tapering relief is available for high levels of business travel

Lower km	Upper km	A,B,C OMV%	D,E OMV%	F,G OMV%
0	24,135	30	35	40
24,136	32,180	24	28	32
32,181	40,225	18	21	24
40,226	48,270	12	14	16
48,271	+	6	7	8

**Employee contributions:** A reduction is available where an employee makes a general contribution to the running costs of the car; however a deduction is no longer available where an employee meets the specific cost of motor tax, insurance and running costs.

**Foreign Travel:** Where an employee is required to work abroad, the notional pay is reduced by reference to the number of days spent working abroad. This is conditional on the employee working a minimum of 30 days abroad and the car not being available for use by family members during the period of absence.

**Further reduction:** A 20% relief from BIK on cars applies to employees who work at least 20 hours per week, and whose annual business mileage exceeds 8,000 km. The employees must spend 70% or more of their time away from their place of work or business, and work a minimum of 20 hours per week on average. Revenue will require each employee to submit a logbook, which must be retained for up to six years.

**Tip:** It is more beneficial to use tapering relief where business mileage exceeds 32181 KM

**Tip:** Structure any employee contributions to maximise a reduction in BIK

**Tip:** It will be more beneficial for employees to make a general lump sum contribution to the cost of the car, instead of say meeting the cost of insurance, tax etc. as BIK is reduced € for € on any general contribution made by the employee for the use of the car.

Pooled cars do not attract BIK provided the car is available for the use of more than one employee and provided the car is not kept overnight at the employee's home.

### Company Vans

There is an exemption from BIK on the provision of a company van where all of the following conditions are satisfied:

- The van is essentially used for the purposes of the employee's work
- The employer requires the van to be brought home
- The employee spends most of his/her working time away from the office

Where any of the above conditions are not met, a BIK charge of 5% of the original market value applies.

### Preferential Loans

- The specified rate for home loans is **4%**
- The specified rate for all other loans is **13.5%**

The preferential sum is calculated by reference to the balance of the loan as reduced by actual repayments as opposed to payments due under a loan agreement.

### Accommodation

The BIK is the amount, which could reasonably be expected to be obtained on a yearly letting. Where the living accommodation is owned by the employer, the amount referred to is as a rule of thumb calculated as 8% of the current market value of the accommodation.

### Travel Passes

The provision by an employer of monthly or annual bus, train, LUAS or ferry passes to directors and employees is exempt from IT. It is also possible to structure the reduction of an employee's salary to cater for the provision of this benefit.

**Tip:** Tax savings arising from the provision of travel passes may also reduce the cost of providing car parking spaces where employees can be encouraged to use public transport. The employee tax and PRSI saving on a €700 annual pass is c. €300 and employer PRSI saving of c. €75.

The provision of a travel pass is an acceptable form of salary sacrifice.

### Professional Subscriptions

Professional subscriptions are subject to BIK. However, where the expense is incurred by the company and where the individual if they had incurred it would have been entitled to a deduction for the expense on the basis that it was incurred wholly, exclusively and necessarily incurred in the course of the individual's employment duties, then no BIK will arise.

A tax deduction for an annual membership fee of a professional body is available where:

- There is a statutory requirement for membership of a professional body before the individual member can carry out the duties of their employment.
- The individual is registered with a professional body and has a right by virtue of that membership to be heard in a court or tribunal on their own behalf or on behalf of a client.
- There is a requirement for a current practicing certificate for the individual to carry out the duties of his/her employment.
- The duties of the employee require the exercise or practice of the occupation in respect of which the annual membership fee refers
- The employee exercises or practices the occupation in respect of which the annual membership fee refers

- Membership of the professional body is an indispensable condition of the tenure of the employment.

### Other Exemptions

Where private use is incidental to business use, the following will not be subject to BIK:

- 1) Mobile phones
- 2) Computers and related equipment including high speed internet connections

Certain costs and expenses in respect of the provision of personal security assets and services to an employee will not be subject to BIK where there is a credible and serious threat to a person's physical security resulting from their employment.

The provision of a new bicycle and/or related safety equipment up to a maximum of €1,000 where the bicycle is used to travel between home and the normal place of work. The exemption can only be claimed once every five years. If certain conditions are met it is possible to provide the benefit by reducing salary.

### Anti-Avoidance

Anti-avoidance measures exist to restrict the exclusion of PAYE on shares given to an employee in an employer company or a company controlled by an employer only. As well as applying to existing employees the measures also apply to previous employees who retain their benefits.

Unapproved salary sacrifice arrangements are subject to tax.

## MOTOR EXPENSES

A self-employed person can set off the motor expenses in respect of the use of a private car for business purposes.

### Expenses Allowance and Motor Mileage for Employees

#### Mileage

No tax liability is incurred where there is reimbursement by the employer of vouched expenses incurred for the purposes of the trade.

If a round sum expense allowance is given to an employee, it is regarded as income and taxed accordingly under PAYE. Subsequently, a claim for an IT refund can be made based on allowable business expenditure incurred.

An employee may claim a mileage allowance where they use their own private cars for business purposes and pay all expenses including petrol/diesel, insurance and other overheads. Provided the reimbursement is in accordance with Revenue guidelines at rates not in excess of Civil Service Mileage Rates, no prior Revenue agreement is required.

#### CIVIL SERVICE MILEAGE RATES from 5 March 2009

(Rate per km)

Official Mileage in A calendar year	Up to 6,437 km (cent)	6,438 km + (cent)
<b>Engine Capacity</b>		
up to 1,200cc	39.12	21.22
1,201cc to 1,500cc	46.25	23.62
1,501 cc and over	59.07	28.46

Travel between home and work is not regarded as being for business purposes.

### SUBSISTENCE ALLOWANCES

Subsistence allowance can be paid to employees who work away from base in carrying out their duties of employment.

#### CIVIL SERVICE SUBSISTENCE RATES From 5 March 2009

Over Night Allowance			Day Allowance		
Class of Allowance	Normal Rate €	Reduced €	Detention Rate €	10 hours or more €	5 to 10 Hours €
<b>A</b>	108.99	100.48	54.48	33.61	13.71
<b>B</b>	107.69	92.11	53.87	33.61	13.71
<b>Class</b>	<b>Salary</b>				
<b>A</b>	€69,659				
<b>B</b>	€37,536				
<b>Normal rate</b>	Up to 14 nights				
<b>Reduced rate</b>	Next 14 nights				
<b>Detention rate</b>	Absence over 28 nights.				

Special rules apply to absences over 56 nights.

The day and night allowance cannot be paid in respect of the same period

There are detailed rules and conditions governing the payment of subsistence allowances. Advice should be taken before proceeding with any payments.

## LOCAL PROPERTY TAX

This tax is effective 1 July 2013 and will be calculated by reference to the market value of the residential property at 1 May 2013. The value at 1 May 2013 will be valid for three years until 31 December 2016.

The property includes the property plus one acre.

The tax will be calculated at a rate of 0.18% of the market value up to €1m and 0.25% on values above that level. There are a number of bands up to €1m, however the tax is calculated at the midpoint of the band (see table below).

### Property Valuation Bands & LPT Ready-Reckoner

Band No.	Band Range	Mid point	2013	2014
01	0 – 100,000	50,000	45	90
02	100,001 – 150,000	125,000	112	225
03	150,001 – 200,000	175,000	157	315
04	200,001 – 250,000	225,000	202	405
05	250,001 – 300,000	275,000	247	495
06	300,001 – 350,000	325,000	292	585
07	350,001 – 400,000	375,000	337	675
08	400,001 – 450,000	425,000	382	765
09	450,001 – 500,000	475,000	427	855
10	500,001 – 550,000	525,000	472	945
11	550,001 – 600,000	575,000	517	1,035
12	600,001 – 650,000	625,000	562	1,125
13	650,001 – 700,000	675,000	607	1,215
14	700,001 – 750,000	725,000	652	1,305
15	750,001 – 800,000	775,000	697	1,395
16	800,001 – 850,000	825,000	742	1,485
17	850,001 – 900,000	875,000	787	1,575
18	900,001 – 950,000	925,000	832	1,665
19	950,001 – 1,000,000	975,000	877	1,755
20	Value greater than €1m assessed on the actual value as follows:			

This is a self-assessed tax will apply to all residential properties including rental properties and holiday homes. However, Revenue guidance will be available to assist with this valuation or alternatively, an independent valuation can be used.

### Exemptions:

- First time purchasers of homes in 2013 to the end of 2016
- Purchasers of new or previously unoccupied homes - up to end of 2016 and
- Houses in unfinished ghost estates
- Certain homes vacated for 12 months or more by persons who are elderly.
- Properties owned by charities
- Registered nursing homes
- Motor homes, vehicles or vessels.
- Homes with pyrite damage
- Homes subject to commercial rates
- Diplomatic properties
- Homes adapted for incapacitated individuals where adaptation costs exceed 25% of the market value.

The owner of the home is generally liable for the tax.

Payments may be made by way of salary or pension deduction.

There is a deferral scheme for those on low incomes.

### Key Dates

**1 November 2014:** Liability (ownership) date for 2015

**25 November 2014:** Extended due date for submitting Payment Instruction on-line.

**9 January 2015:** Extended deadline for payment of the 2015 liability in full, in one single payment or confirming that you will pay in full by Single Debit Authority

**1 January 2015 onwards:** Phased payments by Deduction at Source and cash payments through a Payment Service Provider to start in January.

**15 January 2015:** Monthly Direct Debit payments commence and continue on 15th each month thereafter.

**21 March 2015:** Single Debit Authority payment deducted.

**The NPPR charge has ceased with effect from 1 January 2014.**

## CORPORATION TAX

Companies resident in Ireland are liable to corporation tax ("CT") on profits wherever arising.

### Rates:

The standard rates of CT may be summarised as follows:

	Trading Income	Non-Trading Income
2015	12.5%	25%

The 25% rate applies to trading income from dealing in and developing land other than fully developed land. In addition, a windfall tax of up to 80% may apply to certain disposals of development land.

Trading losses and charges subject to the lower rate of tax may be offset against income taxed at a higher rate on a "value and credit basis".

### Corporate Group Relief

Losses may be surrendered within a group or consortium subject to certain restrictions, which apply to losses in general. This applies to both Ireland and EU/EEA resident participants and to non EU residents in certain circumstances.

With effect from 1 January 2012, a group may have a non EU/EEA parent if its shares are substantially and regularly traded on a recognized stock exchange.

### Close Companies

A surcharge of 20% is payable on the undistributed investment and rental income of a close company. Professional service companies are liable to a surcharge of 15% on 50% of its undistributed trading income and a surcharge of 20% on the undistributed rental and investment income.

There is a de minimis threshold of €2,000 (previously €635) below which the surcharge will not apply.

The close company surcharge does not apply in situations where a company is the recipient of a dividend from a foreign subsidiary, and the company would be exempt from CGT on the disposal of the shares in that subsidiary provided it is located in an EU or DTA country.

Where a close company settles money to a trust, it will be treated as a distribution from the close company to the trustee of the trust, and will be subject to tax as a dividend in the hands of the trustee. In addition any sum received out of the settlement to the member of the close company or by the relative of such an individual will be chargeable to IT.

A close company that pays a dividend to another close company may jointly elect for the dividend "not" to be treated as a distribution. In effect this provides relief where a trading company pays a dividend to an investment/holding company as the income will not be treated as investment income in the holding company, which could eliminate the close company surcharge.

**Tip:** Care needs to be exercised when making a payment from one investment company to another as this simply transfers the close company problem from one company to another.

### Corporate donations to Charities and other Approved Bodies

Companies may deduct, as a trading expense, donations made to charities and other approved bodies. The minimum amount of donation in any year is €250. The following are some of the bodies to which payments will qualify for corporation tax relief:

- A body approved for education in the arts;
- A body approved as an eligible charity;
- An institute of higher education, or a body established for the sole purpose of raising funds for such an institution;
- Certain secondary level institutions;
- The Equine Foundation;
- An approved sports body for an approved project;

### R&D Credit

Incremental R&D expenditure qualifies for a tax credit of 25%; this is in addition to a tax deduction at 12½%, giving an effective write off for R&D expenditure of 37½%. Claims must be made within 12 months of the end of the period in which the expenditure is incurred.

A repayment of excess R&D tax credits is available over a three year period. The repayment is limited to the higher of the total corporation tax payable by the company in the previous ten years or the payroll tax liabilities of the company for the period in which the R&D is incurred.

R&D expenditure may be carried back to the prior period to generate a cash refund where the company had a CT payment in the proceeding accounting period.

The credit is available for incremental expenditure incurred in any EU/EEA country, where the expenditure is not tax deductible in any other EU/EEA country.

With effect from 1 January 2015 the base year has been removed for determining qualifying expenditure. Prior to 2015 the reference year for determining the incremental expenditure for all years was 2003. The first €300,000 (€200,000 in 2013) of expenditure incurred did not refer to a base year; for expenditure in excess of €300,000, the base year reference was applicable. To establish the incremental spend by reference to the base year, trades of groups could be separated where they are carried on in separate geographic locations more than 20km apart. This allows a company to cease carrying out R&D activities, or dispose of an R&D facility in a particular location without impacting on the total R&D spend from other R&D centers in a group.

Expenditure on R&D carried out by a third level college on behalf of the company or group also qualifies if it does not exceed 5% of

the company or group's own R&D spend. Subcontracted costs to an unconnected third party, to a maximum of 15% (10% in 2013) of total qualifying expenditure, are also eligible for the tax credit. The third party contractor cannot also claim the R&D credit and the company must notify them in writing of this.

Grant aided expenditure on R&D only qualify for relief on a net of grant basis.

The R&D credit is also available for construction or refurbishment work carried out on a building used for qualifying R&D activities. The credit is equivalent to 25% of the qualifying cost of construction or refurbishment and may be claimed in full in the year in which the expenditure is incurred.

### Key Employee R&D Credit

A credit may be awarded to a key employee by means of a tax credit.

A key employee is described as an employee who has the following characteristics:

The employee must:

- Not be, or have been, a director of the company and must not be connected to a director of the company.
- Not have, or have had a material interest (5%) in the company or be connected to a person who has a material interest in the company.
- **Perform 50% (prior to 1 January 2013 75%)** of their activities in the conception or creation of new knowledge, products, processes, methods and systems.
- **Have 50% (prior to 1 January 2013 75%)** of the emoluments of the individual qualifying for R&D tax credit.

### Other conditions:

- The amount that can be surrendered to the employee is capped at the amount of CT due from the company before taking the R&D tax credit into account, i.e. the company must be paying CT in order to avail of the relief.
- It is up to the company to determine who receives the benefit of the reward and the amount of credit awarded.
- The employee must make a claim to Revenue for a tax refund.
- The individual's effective tax rate cannot be reduced below 23% (this includes jointly assessed spouses/civil partners). The credit does not apply to the USC. Unused credits may be carried forward indefinitely or until the employee leaves the company.
- Revenue retains the right to seek a repayment of the credit if the R&D claim is denied on an audit. Revenue will seek to levy the clawback on the company in priority to the employee.
- Where a Company has made an incorrect claim for R&D credit and has surrendered it to a key employee, the tax foregone can be recovered from the employer as opposed to the individual.

### New Company Start ups

An exemption from CT for the first three years of trading applies to certain new startup companies.

Where a company is incorporated after 14 October 2008 and commences to trade in 2015 (relief has been extended by one year), it is exempt from CT and CGT on the disposal of assets used for the purposes of the new trade.

The exemption is subject to a liability threshold, and no relief will be available where profits exceed €480,000.

#### Corporation Tax liability for the period

#### Availability of relief

< €40,000	Full exemption
€40,000 to €60,000	Marginal relief
> €60,000	Fully taxable

The relief is restricted to new trades and does not apply where the trade was previously carried on by another person, or where the trade, or part thereof, was carried on by an associated company.

Any unused relief in the first three years of trading may be carried forward to subsequent periods.

The relief is limited to the amount of employer PRSI that is paid, or that amount that would have been payable if relief under the Employer Job Incentive Scheme did not apply. There is a cap applied to the amount of employer PRSI per person which is capped at €5,000 per person, with an overall limit of €40,000.

The relief does not apply to companies carrying on professional services, nor does it apply to companies which carry on a trade of:

- land dealing,
- petroleum and mineral activities,
- aquaculture or agriculture,
- coal,
- road freight operations,
- export related activities,
- undertakings in difficulty

In addition, in order to comply with EU requirements it should be noted that Revenue may disclose details of relief granted under the scheme.

## Payment and Compliance

### Large Companies:

A large company is one with a CT liability of €200,000 or more in the preceding year and it must pay its CT liability as follows:

Six months before the end of the accounting period (day 21 of the 6th month)

- 50% of the previous year's final liability, or
- 45% of the current year's final liability

One month before the end of the accounting period (day 21 of the 11th month)

- 90% of the final liability (after taking into account the payment five months earlier)

Filing date (21st day of the 9th month following the accounting period end)

- Balance of any tax due

A company's preliminary tax liability includes the CT, close company surcharge and IT liabilities for the accounting period, as well as tax on chargeable gains, except for those arising from disposals of development land. To ensure interest charges will be avoided, the preliminary tax payment (the aggregate of the first and second installments) must represent at least 90% of the final tax liability for the accounting period.

Special arrangements exist to take account of chargeable gains arising in the last month of an accounting period and for accounting periods of one month's duration.

### Small Companies:

A small company (i.e. where last year's CT liability was less than €200,000), may base its first installment on 100% of the previous year's liability.

### New Companies

Where a company is a new company with a CT liability of less than €200,000, it will not be required to pay preliminary tax for the first accounting period. A new company may pay CT for the first year when filing its tax return.

### Group Companies

For companies that are large companies and members of the same group, where one company has satisfied its preliminary tax obligations and paid in excess of 90% of the final CT liability, and another company has not paid sufficient preliminary tax, then the excess paid by one company may be transferred to the other company to limit any exposure to interest.

### Filing

The corporation tax return (Form CT1) must be filed within eight months and 21 days of the accounting period end, otherwise a surcharge will arise (23rd day where filed online).

## Information included in CT1

A company is required to disclose information in relation to certain incentives/reliefs on its Form CT1; the reliefs to be detailed will be highlighted on the CT1.

Failure to provide the relevant information may result in a penalty of €950, as well as a surcharge of 5% of the CT due subject to a maximum of €12,695.

### Exemption for Disposal of Shareholdings

An exemption from CGT may be available for Irish based companies on the disposal of shares in a subsidiary company. To qualify for the exemption, a 5% holding of ordinary shares must be held within a two year period of disposing of the shares. The shares must be held for a period of at least twelve months and must be held in a company located in an EU or treaty country.

The company being disposed of must be a trading company, or the holding company of a trading group (i.e. the holding company together with all other companies in which it has a 10% interest must consist wholly or mainly of trading activities).

### Payment Dates for Capital Gains Tax

Payment of CGT relating to a disposal of development land is treated in the same way as a disposal for an individual, (see p...)

For disposals of assets other than development land, the payment and filing dates are as outlined above.

Special rules apply where a gain is made in the last month of the accounting period; this allows top up payments to be made without an exposure to interest.

### Penalties

Date of Filing	Surcharge	Restriction
Return filed within two months of expiry of deadline	5% of tax payable maximum €12,695	25% of loss or relief maximum €31,740
Return filed two months or more after expiry of deadline	10% of tax payable maximum €63,485	50% of loss or relief maximum €158,715

Payment and filing deadlines may be extended to the 23rd of the month where the return is filed electronically via ROS the Revenue online system.

### Mandatory Reporting

Certain transactions which have the main benefit of obtaining a tax advantage are reportable to Revenue.

## TAXATION OF DIVIDENDS

### Dividend Withholding Tax (DWT)

A withholding tax, at the standard rate of IT (currently 20%), applies to dividend payments and other profit distributions, including cash and scrip dividends, made by an Irish resident company.

DWT does not apply where the distribution is made to a 51% Irish tax resident holding company.

Exemption from DWT is available where certain declarations are made in the case of payments to certain shareholders, including:

- An Irish tax resident company,
- Charities, pension funds, certain retirement funds and certain sporting bodies,
- Companies resident in EU Member states or DTA countries not under the control of Irish residents,
- Listed companies and their 75% subsidiaries,
- Non-resident companies ultimately controlled by residents of EU Member States or DTA countries,
- Certain individuals entitled to receive tax free income,
- Certain employee share ownership trusts,
- Approved Retirement Funds (ARF) and Approved Minimum Retirement Funds (AMRF),
- PRSAs and certain Exempt Unit Trusts,
- Brokers in receipt of dividends for special portfolio investment accounts,
- Collective investment funds.

DWT does not apply to distributions not subject to tax in the recipient's hands (i.e. dividends from patent companies to qualifying shareholders).

Detailed conditions including the making of appropriate declarations, where necessary, must be met to avail of the above exemptions.

Irish individual shareholders will be taxable on the gross dividend at marginal rates, but will be entitled to a tax credit for the tax withheld by the company. The tax withheld by the company will be payable to Revenue by the 14th day of the month following the month in which a distribution is made, regardless of whether DWT applies to the distributions.

Withholding tax on intra-EU dividends, royalty payments and interest payments between associated companies is eliminated where a company owns 25% of another company or a third company owns 25% of each company.

### Encashment Tax

A foreign dividend cashed by Irish financial institutions is subject to encashment tax @ 20%. This does not apply to non-resident individuals or charities. It also does not apply to cheques cashed in a retail branch of a bank.

### Shares in Lieu of Dividends (Scrip dividends)

When a scrip dividend is given to a shareholder, the amount of the dividend to be converted to shares will be reduced by the standard rate of IT (currently 20%) and the company must pay to Revenue an amount equal to the tax withheld. The recipient is assessed for tax on the value received and that withheld (i.e. the gross dividend) and is given a credit for the amount withheld.

### Tax on Dividends Received

Dividends received from Irish companies are exempt from CT.

Foreign Dividends (where >5% shareholding) are subject to tax at 25%.

A 12.5% rate applies where a company receives dividends out of the trading profits of a company which is tax resident in the EU or a DTA country, with a credit for the underlying foreign tax.

With effect from 1 January 2012, this relief is extended to parties to the OECD convention on Mutual Assistance in Tax matters.

## CAPITAL ALLOWANCES

Capital allowances are granted for tax purposes in lieu of depreciation.

### Annual Allowance - Plant and Machinery

An annual allowance, known as a "wear & tear" allowance, is granted for plant and machinery used in the trade in an accounting period.

The write off period for annual wear and tear allowances is eight years for expenditure incurred after 4 December 2002, i.e. 12½% per annum on a straight line basis.

Balancing allowances or charges may arise where assets which have qualified for capital allowances are disposed of. Where the proceeds of the sale are greater than the tax written down value, a balancing charge arises; where the proceeds of disposal are less than the tax written down value of the asset then a balancing allowance arises.

Balancing charges will not arise where the proceeds on the disposal of an individual asset are less than €2,000. This will not apply to disposals between connected persons

### Energy efficient equipment

Accelerated allowances of 100% in year one will be available for the purchase (as opposed to leased, let or hired) by companies only of certain new energy efficient equipment approved by the Minister for Communications, Energy and Natural Resources.

The list of approved expenditure has certain classes of minimum spend as follows:

Motors and drivers	€1,000
Lighting	€3,000
Building energy management systems	€5,000
Information and Communication Technology	€1,000
Heating and electricity provision	€1,000
Process and heating, ventilation and air conditioning systems	€1,000
Electric and alternative fuel vehicles	€1,000
Refrigeration and cooling systems*	€1,000
Process and heating, ventilation and air-con systems*	€1,000
Electric and alternative fuel vehicles*	€1,000

This regime was due to end on the 31st December 2014, but has been extended by three years to 31 December 2017.

### Intellectual Property Incentives

Tax relief on capital expenditure incurred in the acquisition of intellectual property including goodwill and customer lists (after 1 January 2015) is available in certain circumstances from 23 October 2014. The company claims allowances at either a 7% rate or a rate which effectively matches the amortisation or impairment of the specified intangible asset in the accounts. The relief is limited to the relevant trading income derived from the assets, and will be withdrawn by way of a balancing charge where the assets are disposed of within a five year period of the date of acquisition.

A new acquirer of the asset may claim any unexpired at the time it acquires the asset.

### Lessors

Lessors of plant and machinery may also be entitled to the allowance if the burden of wear & tear on the asset is borne by them.

### Motor Vehicles

The annual allowance for motor vehicles (other than taxis and short term hire vehicles - see below) is 12.5% on a straight line basis subject to a maximum qualifying cost of €24,000 for motor vehicles. The availability of capital allowances will depend on the level of CO2 emissions of cars. The capital allowance or lease deduction and proportionate balancing allowance or charge depends on the categories of emissions as follows:

CO2 Emission Level	Category/ Classification	Capital Allowance value threshold	Leasing Restriction Limit
Up to 155g/km	A/B/C	€24,000*	€24,000*
156g-190g/km	D/E	Lower of 50% of €24,000 or cost	Lower of 50% of €24,000 or cost
>190g/km	F/G	No allowances	No allowances

The €24,000 limit applies irrespective of cost of the vehicle.

### Electric Cars

There is an enhanced scheme of capital allowances for expenditure incurred on a car which is electric or runs on alternative fuels. An accelerated allowance of 100% is given by reference to the lower of the cost of the car and €24,000.

### Taxis

A taxi or short-term hire car is given an unrestricted write off of the purchase price at 40% per annum on a reducing balance basis. Existing taxi licence owners may write off the cost of their licence as a capital allowance against trading income. The taxi licence is treated as plant and machinery and the rates applicable above apply.

### Sea Fishing Boats

A special regime of allowances applies to expenditure on polyvalent and beam trawl fishing boats where the expenditure is certified by BIM. The allowances are available at the rate of 50% in year 1 and 20% of the balance for five years.

If a balancing allowance arises as a result of a compensation for the decommissioning of white fishing vessels, the balancing charge will be spread equally over five years commencing in the year in which the compensation is paid.

### Industrial Buildings

The annual allowance for industrial buildings is 4% (available on a straight-line basis) on the net cost of the building. It is available to whoever holds the "relevant interest" in relation to the construction expenditure. Both owner-occupiers and lessors of industrial buildings are entitled to claim this allowance. Accelerated allowances are available in certain circumstances.

For an investor, any capital allowances unused against rental income of passive investors may be offset against non-rental income; this is subject to a maximum of €31,750 per annum.

There are anti-avoidance provisions, which restrict capital allowances available to a subsequent purchaser of an industrial building on the disposal of industrial buildings from a company to an individual.

Anti-avoidance provisions also disallow interest relief on money lent to, or invested in, a company to acquire premises from another company where tax relief has not been fully utilised. The provision restricts the interest relief to the individuals return from the company.

### Time Limits:

There is a two year deadline by which a developer must sell a building which qualifies for capital allowances in order for the purchaser to be entitled to base their capital allowances claim on the purchase price (rather than the developer's original construction cost).

### Surcharge:

A property surcharge has been introduced for individuals who have gross income equal to or greater than €100,000.

The surcharge is in the form of an additional USC of 5% of the amount of income sheltered by property reliefs in a tax year.

Investors who claim accelerated capital allowances and investors in residential property projects will be subject to the surcharge.

The charge will not apply to owner occupiers.

Tax Life of Accelerated Capital Allowances Schemes

Investors in accelerated capital allowances scheme will no longer be able to use capital allowances beyond the original tax life of the particular scheme where the tax life ends after 1 January 2015. Therefore the last claim can be made on the later of the end of the tax life of the building and the end of 2014.

### Summary of Reliefs:

Type of Property	Allowance/Relief Available
Hotels	15% per annum for six years and 10% (yr.7) if conditions are met Otherwise 4% p.a. where registered with Faillte Ireland
Holiday Cottages	10% p.a. for 10 years if conditions are met Otherwise 4% p.a. where registered with Faillte Ireland
Student Accommodation	100% year 1 deduction against rental income in year first let ("S.23" type relief)
Third Level education	15% per annum years 1 to 6 10% (year 7)
Nursing Home Residential Units	15% per annum years (1-6) 10% (yr. 7)
Sports Injury Clinics	15% per annum years (1-6) 10% (yr. 7)
Urban renewal 1999 Rural Renewal 1999 Town Renewal 2000	50% year 1 allowance 4% p.a. thereafter S.23 type relief for residential properties
Living over the Shop	S.23 type relief for residential properties Owner occupier relief available for non-residential property
Multi-Storey Car Parks	100% capital allowances on leases post 31/7/1998
Park and Ride	Owner occupiers: 100% capital allowances Others: 50% year 1 4% p.a. thereafter
Rental Refurbishment Scheme	15% per annum years 1-6 10% year 7

### Tax Life of a Building

The tax life of a building is normally ten years where accelerated capital allowances are claimed (see table above).

The retention period for certain facilities listed below is fifteen years (i.e. tax relief availed of will now be clawed back if a property is disposed of within fifteen years where the property was first used after 1 February 2007). This will also impact on the tax life for a subsequent purchaser who will now be entitled to write the expenditure off over a fifteen-year period. This provision impacts the following properties:

- Qualifying hospitals
- Convalescent homes
- Nursing homes
- Qualifying residential units
- Childcare facilities

### Deemed Balancing Event:

Where any of the facilities listed above cease to be used as described and is put to some other use, a balancing event is deemed to have arisen, unless the properties are reinstated to their intended use within a period of six months.

### Property Developers

Property developers or persons connected with property developers are excluded from claiming capital allowances where either the property developer or the connected person holds a relevant interest in the property and either party incurred expenditure on the construction of certain properties.

- Specific exclusions apply to:
- Qualifying hospitals
- Qualifying mental health facilities
- Certain childcare facilities
- Buildings within a qualifying Mid Shannon area in use as a holiday camp/other tourist facility.

### Living City Incentive

An incentive scheme for certain special regeneration areas which focus on the conversion and refurbishment of dilapidated Georgian Houses constructed before 1915 in urban areas was introduced in 2013. The initiative was piloted in Waterford and Limerick and has now been extended to Cork, Galway, Kilkenny and Dublin. The relief is available for owner occupier and commercial properties. The incentive is available for five years.

Owner occupiers: 10% p.a. for 10 years where expenditure >10% of the market value of the building.

Commercial: 15% p.a. for six years and 10% in year 7 where expenditure >10% of building

There is an expenditure limit of €400,000 for individuals and €1.6m for Companies with a maximum aggregate relief of €200,000 for individuals and companies.

A qualifying premises is one in use by the owner occupier or let on bonafide terms for rental of goods or provision of services.

This is subject to a commencement order and reporting requirements to Revenue.

### Property Tax Tips:

Maximise your claim for accelerated capital allowances prior to the end of the tax life of the building. In addition to any incentives available, relief is also available for interest on monies borrowed to purchase property (this restricted to 75% of the interest paid for non-commercial property).

The general restriction of €31,750 allowed against non-rental income (that applies to passive investments) is available for both husbands and wives; where there is sufficient taxable income spouses ought to invest in a property jointly.

As the €31,750 limit does not apply to rental income, convert as much as possible to rental income.

Where possible (e.g. in the case of crèches and nursing homes) consider becoming an active partner in the property investment as the €31,750 limit does not apply.

Consider structuring a partnership with a company where low tax rates may be availed of for income generated, and part of the capital growth in the property may be retained personally.

Always be careful when purchasing a tax incentivised property as the reliefs available are generally built into the price.

Be aware of the high earners restriction allowed for reliefs which is limited to €80,000.

### Dealing in Land

Debt forgiven after 12 February 2013 for debt incurred on development land will be taxable as income.

For losses occurring after 13 February 2013 a loss on the value of property must be realised in order to claim loss relief.

After 13 February 2013, interest must be paid in order to obtain tax relief.

### Windfall Tax on Land Rezoning

The 80% tax that applied to windfall gains on land rezoning has been abolished for disposals made after the 2014 year of assessment or for accounting periods beginning after 31 December 2014.

## CAPITAL GAINS TAX

Individuals resident or ordinarily resident in Ireland are liable to CGT on disposals.

Individuals resident or ordinarily resident but not domiciled in Ireland are liable to CGT on gains arising on the disposal of assets situated in Ireland and all foreign gains to the extent that those gains are remitted to Ireland.

Individuals neither resident nor ordinarily resident are liable to CGT on gains made on the disposal of certain specified assets:

- Land and buildings in Ireland.
- Minerals in Ireland including related rights, and exploration or exploitation rights in a designated area of the continental shelf.
- Unquoted shares deriving their value, or the greater part of their value, from such assets as mentioned above.
- Assets of a business carried on in Ireland through a branch or agency.

An anti-avoidance provision imposes CGT on individuals who dispose of shareholdings after 4 December 2002 during a period of "temporary non-residence" (an absence of less than five years).

### Rates

The standard rate of CGT arising on disposals is 33%

### Inflation Relief

In arriving at the chargeable gain on the disposal of an asset held for over twelve months, the allowable cost is to be adjusted for inflation based on the Consumer Price Index (Indexation).

Indexation relief is only available in respect of ownership of assets up to 31 December 2002. Expenditure incurred in 2003 and subsequent years of assessment do not qualify for indexation relief.

Year Expenditure incurred	Factor for disposal for year ended 5 April/31 December:										
	93/94	94/95	95/96	96/97	97/98	98/99	99/00	00/01	2001	2002	2003
1974/75	5.656	5.754	5.899	6.017	6.112	6.215	6.313	6.582	6.930	7.180	7.528
1975/76	4.568	4.647	4.764	4.860	4.936	5.020	5.099	5.316	5.597	5.799	6.080
1976/77	3.935	4.003	4.104	4.187	4.253	4.325	4.393	4.580	4.822	4.996	5.238
1977/78	3.373	3.432	3.518	3.589	3.646	3.707	3.766	3.926	4.133	4.283	4.490
1978/79	3.117	3.171	3.250	3.316	3.368	3.425	3.479	3.627	3.819	3.956	4.148
1979/80	2.812	2.861	2.933	2.992	3.039	3.090	3.139	3.272	3.445	3.570	3.742
1980/81	2.434	2.477	2.539	2.590	2.631	2.675	2.718	2.833	2.983	3.091	3.240
1981/82	2.012	2.047	2.099	2.141	2.174	2.211	2.246	2.342	2.465	2.554	2.678
1982/83	1.693	1.722	1.765	1.801	1.829	1.860	1.890	1.970	2.074	2.149	2.253
1983/84	1.505	1.531	1.570	1.601	1.627	1.654	1.680	1.752	1.844	1.911	2.003
1984/85	1.366	1.390	1.425	1.454	1.477	1.502	1.525	1.590	1.674	1.735	1.819
1985/86	1.287	1.309	1.342	1.369	1.390	1.414	1.436	1.497	1.577	1.633	1.713
1986/87	1.230	1.252	1.283	1.309	1.330	1.352	1.373	1.432	1.507	1.562	1.637
1987/88	1.190	1.210	1.241	1.266	1.285	1.307	1.328	1.384	1.457	1.510	1.583
1988/89	1.167	1.187	1.217	1.242	1.261	1.282	1.303	1.358	1.430	1.481	1.553
1989/90	1.130	1.149	1.178	1.202	1.221	1.241	1.261	1.314	1.384	1.434	1.503
1990/91	1.084	1.102	1.130	1.153	1.171	1.191	1.210	1.261	1.328	1.376	1.442
1991/92	1.056	1.075	1.102	1.124	1.142	1.161	1.179	1.229	1.294	1.341	1.406
1992/93	1.019	1.037	1.063	1.084	1.101	1.120	1.138	1.186	1.249	1.294	1.356
1993/94	-	1.018	1.043	1.064	1.081	1.099	1.117	1.164	1.226	1.270	1.331
1994/95	-	-	1.026	1.046	1.063	1.081	1.098	1.144	1.205	1.248	1.309
1995/96	-	-	-	1.021	1.037	1.054	1.071	1.116	1.175	1.218	1.277
1996/97	-	-	-	-	1.016	1.033	1.050	1.094	1.152	1.194	1.251
1997/98	-	-	-	-	-	1.017	1.033	1.077	1.134	1.175	1.232
1998/99	-	-	-	-	-	-	1.016	1.059	1.115	1.156	1.212
1999/00	-	-	-	-	-	-	-	1.043	1.098	1.138	1.193
2000/01	-	-	-	-	-	-	-	-	1.053	1.091	1.144
2001										1.037	1.087
2002											1.049
2003											1.000

## Retirement Relief

Retirement relief is available for an individual aged 55 years or more on disposal of business assets owned and used for 10 or more years ending on the disposal date. It also applies to shares in a family trading company which have been held for at least 10 years. Periods of ownership of a deceased spouse may also be included in the calculation. This relief is limited to proceeds of €750,000 where the disposal is not to a child of the individual.

A disposal of a business to a child including a foster child supported by the donor for five years prior to the child turning eighteen years of age is not liable to CGT regardless of the consideration provided the child retains the asset for six years. For the purposes of this exemption, a child includes a nephew or niece who has worked in the business substantially on a full time basis for the period of five years ending with the disposal. Also, the definition of child may in certain circumstances include a grandchild.

Assets that are held outside a family company and used by that company also qualify for retirement relief provided that certain conditions are met.

Relief will only apply where the disposal of qualifying assets is for bona fide commercial reasons and not as part of a tax avoidance scheme.

Special relief also applies to compensation payments for the de commissioning of fishing vessels.

Where a disposal is made after 1 January 2014 by an individual who has reached the age of 66, the relief is restricted to €500,000. Also, in the case of the disposal of assets to a child or certain other individuals, the relief for an individual aged 66 or over is restricted to qualifying assets with a market value of up to €3m with no relief for the excess. The €3m cap is an aggregate lifetime limit.

### Tips:

An individual is not in fact required to retire in order to avail of this relief.

As a husband and wife each have a €750,000 individual limit, a split of the business on commencement to trade ought to be considered

A company buyback of shares may be used in conjunction with retirement relief to ensure that no tax exposure arises if the amount received for the shares is €750,000 or less. In the case of a buyout of a retiring couple who both qualify for retirement relief, the amount may be increased to €1,500,000 where all conditions have been met.

A company buyback of shares is a useful way of using company funds as opposed to personal funds to buy out a dissenting or retiring shareholder. It also avoids taking new shareholders in to the company to fund a buyout. In addition the remaining shareholders maintain the same proportional percentage shares.

Plan to avail of the relief prior to the restrictions that are introduced from 1 January 2014 which encourages early gifting of the family business.

## Exemptions and Relief

The following are a number of exemptions available to individuals:

- Annual gains of up to €1,270 for each individual. For married couples the exemption is €1,270 each, which is non-transferable.
- Sale of tangible moveable property not exceeding €2,540 (e.g. antiques).
- Sale of tangible moveable property, which is a wasting asset and does not qualify for a capital allowances claim.
- Sale of principal private residence (except where sale proceeds reflect development value).
- Sale of dwelling house occupied rent-free by a dependent relative.
- Gains or profits on sales of Government Securities or Savings Certificates.
- Transfer of assets between spouses living together.
- Gains on the sale of Irish Government Securities, where the security has been held for at least two years.
- Disposals of individual works of art which are valued at not less than €31,740 when loaned to an approved gallery or museum for public display for a minimum period of ten years from 2 February 2006 (for loans made prior to 2 February 2006, the loan period is six years).
- Transfer of a site from a parent to a child (including a foster child supported by the donor for five years prior to the child turning eighteen years of age), provided it is for the construction of the child's principal private residence. The maximum market value of the site is €500,000. The relief is limited to one site per child up to 1 acre exclusive of the area where the house is to be built). The threshold applies where both parents make a simultaneous disposal of a site to a child.
- Gains arising from personal injury compensation payments to permanently incapacitated individuals, where the exempt income and gains are greater than 50% of an individual's total income and gains.
- Disposal of certain shares (see Corporation tax section).

### Entrepreneur Relief

A new CGT relief for individual's who reinvest the proceeds of an asset disposed of on or after 1 January 2010 on which capital gains tax has been paid into a new business is available.

The relief takes the form of a tax credit equal to the lower of the capital gains tax paid or 50% of the capital gains tax due on the disposal of the new business asset.

The reinvestment must take place between 1 January 2014 and 31 December 2018.

The chargeable business asset must be held for three years.

The minimum reinvestment required is €10,000.

The maximum investment is €15m and must be provided within six months of commencing to trade.

Investment may be in goodwill or an interest in an asset used wholly in a new business.

This includes new ordinary shares in a qualifying company or holding company of a qualifying company which the individual owns a minimum of 15% and is a full time working director.

Further reinvestments in a future new business up to 31 December 2018 will also qualify for relief.

Relief is only given at the time of disposal of the second asset as opposed to at the time of the investment.

Relief applies from 1 January 2014

### Property Relief

No CGT will apply to gains on purchases made between 7 December 2011 and 31 December 2014 where the property is held for at least seven years. This includes all EU and EEA located properties. Gains on properties held for longer than seven years will be time apportioned.

### Turf-Cutting Compensation Scheme

No chargeable gain will be deemed to arise on compensation payments, whether in money or money's worth made under the "Cessation of Turf Cutting Compensation Scheme".

### Payment and Compliance

CGT is a self-assessment tax. In summary, the following is the due payment and compliance dates:

### Payment Dates for Capital Gains Tax

There are two payment dates as follows:

Period of Disposal	Date of Payment
1 January - 30 November 2014	15 December 2014
December 31 December 2014	31 January 2015

### Enhancement expenditure

From 1 January 2014 any debt write off will not be allowed as a deduction in computing a chargeable gain if an asset is disposed of. If debt is written off after the asset is disposed of then the amount of debt write off is deemed to be a chargeable gain in the year that the debt is written off.

### Clearance Certificate

Where the proceeds of a sale of certain assets such as land and buildings are more than €500,000, a tax clearance certificate (CG50A) is required. In the absence of this, the purchaser is obliged to deduct tax at 15% of the sale proceeds and pay the tax withheld to Revenue within 30 days of making the deduction. This provision applies irrespective of the method of payment.

A credit will be available for the tax withheld against the purchaser's CGT where the consideration for the disposal is in non-monetary format.

An agent may apply for a CG50A on behalf of a client.

## CAPITAL ACQUISITIONS TAX

- Capital Acquisitions Tax (CAT) is a tax on gifts and inheritances.
- The following is a summary of the method of assessment to CAT:

### Taxable Inheritance

A taxable inheritance arises in any of the following situations:

- The donor is resident or ordinarily resident in Ireland at the date of the disposition
- The successor is Irish resident or ordinarily resident at the date of the inheritance
- The property is located in Ireland at the date of the inheritance

### Taxable Gift

A taxable gift arises in any of the following situations:

- The donor is resident or ordinarily resident in Ireland at the date of the disposition (not applicable to gifts under a discretionary trust)
- Where a gift is taken under a discretionary trust, the donor is resident or ordinarily resident in Ireland at the date of the disposition or the date of death (if the gift is taken after the death of the donor)
- The beneficiary is resident or ordinarily resident in Ireland at the date of the gift.
- Provided the settlor or beneficiary is not Irish domiciled, he is not deemed to be resident until after 1 December 2004 and then only if he has been resident in Ireland for five consecutive years of assessment immediately before the year of assessment in which the gift is received and is also resident at the date of the gift.

Gifts/inheritances taken on or after 5 December 1991 are aggregated with later gifts/inheritances in order to arrive at the current tax payable.

Only gifts/inheritances within the same group are to be aggregated.

### Thresholds for CAT

The following maximum tax-free thresholds apply for gifts and inheritances:

Relationship to Donor	Post 6/12/2012	Pre 6/12/2012
Group 1	€225,000	€250,000
Group 2	€30,150	€33,500
Group 3	€15,075	€16,750

**Group 1** - donee or successor is a child, minor child of a deceased child of the donor, an adopted child, a foster child of the donor subject to certain conditions, or a spouse of a

deceased child. It also applies to inheritances taken by a parent from a deceased child, subject to certain conditions. Certain inheritances taken by a parent from a child may be totally exempt.

**Group 2** - donee or successor is a lineal ancestor, lineal descendant (other than a child or minor child of a deceased child), a brother, sister, or a child of a brother or sister of the donor.

**Group 3** - donee or successor is not related as outlined in either of the previous classes.

### Parent/Child Exemption

Benefits passed from a living parent to his or her child for support, maintenance or education is now restricted to the period during which the child is a minor or, where in fulltime education is no older than 25 years of age.

### Rates

A rate of 33% applies to all gifts/inheritances. This rate applies to the amount of gift or inheritance in excess of the tax-free threshold.

	Inheritances	Gifts
Threshold amount	0%	0%
Excess over threshold amount	33%	33%

The following exemptions and reliefs apply:

- Inheritances and gifts between husband and wife are exempt.
- Transfers of property by virtue of an order under the Family Law Acts 1995 or 1996.
- The first €3,000 of gifts from each donor taken in a calendar year.
- Gifts or legacies applied for public or charitable purposes.
- Normal and reasonable payments received in the donor's lifetime by family members for support, maintenance or education or by a dependent relative for support or maintenance.
- Life assurance policies (Section 60 policies) designed for the payment of CAT and used for this purpose within one year of the death of the insured person. Any excess proceeds may be taxable.
- Dwelling houses, which are the only or main residence of the beneficiary (subject to certain conditions).
- Business Property Relief (see below).
- Agricultural relief (see Farmer Taxation page 44)

### Private Residence Relief

The gift/inheritance of a private dwelling house is exempt from CAT provided:

- The beneficiary has continuously lived in the house as his only or main residence for three years prior to the date of the gift/inheritance.
- At the date of the gift/inheritance, the beneficiary is not beneficially entitled to any other dwelling house or to any interest in another dwelling house.
- If the beneficiary is under 55, he must either continue to live in the house for six years after the date of the gift/inheritance or, in the event of sale, invest the proceeds of sale in another dwelling which will be his only or main residence, to avoid a clawback.

The relief is restricted in the case of gifts. Relief will not be available where the property was the donor's only or main residence during the three year period prior to the gift. There is an exception in the case where the donor resides there due to old age or infirmity and relies on the services of the beneficiary.

There is also a restriction for properties owned by the donor for the three-year period prior to making the gift; this avoids situations whereby a parent buys property owned and occupied by a child and then gifts it back to the child.

**Tip: It is not necessary for individuals to be related in order to avail of this relief.**

**If a person has an interest in another residential property it may, depending on the circumstances, be worth disposing of this interest prior to receiving the gift.**

### Business Property Relief

The value of business assets is reduced for a gift/inheritance of relevant business property by 90%, subject to a number of qualifications. The relevant business property must have been owned by the donor or his/her spouse for at least five years prior to the transfer in the case of a gift (or two years in the case of an inheritance). The asset must remain in the business for at least six years to avoid a claw-back of the CAT relief.

Business property relief also applies to a gift or inheritance of shares in a holding company that holds shares in one or more companies controlled by the beneficiary and his/her relatives, nominees or trustees.

A clawback of the relief will apply where the full proceeds from the disposal or compulsory acquisition are not fully expended within one year in the case of a disposal or within six years in the case of a compulsory acquisition made after 25 March 2002.

Where there is a disposal of land which qualified for agricultural relief or business asset relief in the period commencing six years after the date of the gift or inheritance and ending ten years after that date, there will be a clawback of the relief by reference to the development value of the land at the date of the gift or inheritance.

**Tip: Agricultural property may qualify for business property relief where it fails to qualify for agricultural relief.**

**It is not necessary for the business to be carried out in the State or for the property to be situated in the State for the relief to apply.**

### Payment and Compliance

There is a new Pay and File system (outlined below) which requires returns to be filed via ROS where reliefs and exemptions (other than the small gift exemption) are being claimed by the beneficiary.

#### Valuation Date      Return Filing and Payment Deadline

1 Jan – 31 Aug	31 October in the same year
1 Sep – 31 Decr	31 October in the following year

### Interest Payments/Repayments

Interest on outstanding tax will be computed from 1 October each year.

There is a four-year time limit for claiming repayments of overpaid tax, including the overpayment of probate tax; the four-year period runs from the date of payment of the tax where the tax has been paid on time or from the valuation date where the tax has been paid late. Surcharge for Late Returns

Filed within two months of due date	5% (maximum €12,695)
Filed after two months of due date	10% (maximum €63,485)

### Surcharge for Understatement

A surcharge applies to discourage understatement of asset values in self-assessment returns. The surcharge is:

- (a)** 10% if the declared market value was between 50% and 66% of the true value,
- (b)** 20% if the declared market value was between 40% and 49% of the true value,
- (c)** 30% if the declared market value was less than 39% of the true value.

### Joint Account Limits

The amount that can be held in a joint account, which can be released to the survivor of a deceased person without prior Revenue approval, is €50,000

### Record Retention

Records must be maintained for a period of six years commencing on the valuation date of the gift or inheritance.

Solicitors are liable for the CAT of beneficiaries in cases of probate on which they act.

## STAMP DUTY

Stamp duty ("SD") is a duty levied on documents or instruments, executed in Ireland, relating to conveyances and certain other transactions.

The rate of SD levied depends on the head of charge under which an instrument is classified.

### Trade In Scheme

No SD will be payable by a person who accepts a property in exchange or in part exchange for a new house or apartment under a "trade in scheme". Under this arrangement, SD will only become payable when that person subsequently sells the house that was swapped. This relief will not apply to commercial property.

### Non Residential Property

A rate of 2% applies to all non residential property. The 2% rate also applies to goodwill, loans and other property to the extent that it is not already exempt.

### Residential Property

#### Residential Property - Rate Structure

The rate of SD that applies to residential property is as follows:

Property Value	Rate
Up to €1,000,000	1%
Over €1,000,000	2%

### Exemptions & Reliefs

- Transfers between husbands and wives, as well as certain transfers on divorce.
- Transfers under wills.
- Transfers of Irish government stocks.
- Transfers between associated companies, subject to certain conditions.
- Covenants to children and charities.
- Transfers on certain takeovers reconstructions and mergers.
- Transfers of assets from a liquidator to a shareholder on liquidation.
- Transfers of foreign land and shares
- Certain financial services instruments
- For transfers of agricultural land
- The sale or transfer of trademarks and intellectual property.
- The sale or transfer of an EU single farm payment entitlement.

### Anti-Avoidance

Where a person makes a gift or a loan to a first time buyer, they may not reside in the property or the property may not be transferred to the donor/person making the loan except where the donor/lender is the parent of the first time buyer. A stamp duty charge will arise in respect of a contract or agreement, for the sale of an estate or interest in land in the State or a license or a long lease where 25% or more of the consideration has been paid under the contract or agreement.

### Other Rates

1%	Transfer of stocks/shares (first €1,000 is exempt)
0%-6%	Premiums on leases
1%-12%	Average annual rent (depending on the lease term)

## VALUE ADDED TAX

Value Added Tax (VAT) is a tax on consumer expenditure and is charged when a taxable person supplies goods or services in Ireland in the course or furtherance of its taxable business. It is also chargeable on the purchase of specified services from suppliers abroad, on imported goods and on intra-community acquisitions of goods.

### Registration

Registration is compulsory if turnover exceeds the following limits.

• Persons supplying services per annum	€37,500
• Persons supplying goods per annum	€75,000
• Intra community acquisitions of goods only & reverse charge VAT in a 12 month period	€41,000

### Rates

Certain goods and services are exempt from VAT (e.g. all pre-school education facilities, promotion of and admission to live theatrical performances).

The rates of VAT and the main categories to which they apply are:

Goods and services not subject to one of the other rates i.e. standard rate.	<b>23%</b>
Exported goods, fertilisers, books, food including bakery products and oral medicine, herbal teas. Children's clothing and children's footwear. Intermediary services relating to seagoing vessels and aircraft	<b>0%</b>
Livestock (rate applies to cattle, sheep, deer and horses for use in foods or agricultural production.)	<b>4.8%</b>
Unregistered farmers	<b>5.2%</b>
Real property, building services, newspapers, Hotel and holiday accommodation, short term car and boat hire, tour guide services and certain agricultural services and sports facilities, insemination services for horses and greyhounds.	<b>13.5%</b>
Heating fuel, electricity, restaurant services, cinema and cabaret admission, hot take away foods, waste disposal services, admission to exhibitions, the services of veterinary surgeons, cakes and non-chocolate biscuits.	<b>13.5%</b>
Hairdressing and other similar services, repair and maintenance of movable goods, photographic services, laundry and dry cleaning and driving instruction.	<b>13.5%</b>
Supply of horses not intended for the preparation of foodstuffs or for use in agri-production, hire of horses, supply of greyhounds, restaurant and catering services, hotel and holiday accommodation and other tourism related services.	<b>9%</b>
The supply of most banking services, insurance services, education and training, medical services, fostercare, passenger transport, funeral undertaking, lotteries and services of trade unions. Provision of golfing facilities by non-profit making bodies, and defined contribution pension schemes (from 1 March 2015)	<b>Exempt</b>

### Section 13A

Taxable persons may be authorised to import and make intra-community acquisitions of goods and to purchase goods and services in the state without having to incur the VAT normally chargeable if at least 75% of their annual turnover is comprised of exports and/or zero-rated intra-community supplies.

A penalty of €4,000 applies for every VAT period in which the taxpayer fails to notify Revenue that they no longer satisfy the conditions required for VAT 13A authorisation.

### Foreign Visitors

Non-EU visitors who purchase goods in Ireland and export them in their personal baggage can claim a VAT refund when they leave the EU.

### Holiday Homes

An individual who elects to become taxable in respect of the letting out of a holiday home will be subject to a partial clawback of the VAT reclaimed on the purchase of the property if he cancels the registration within 10 years of the date of election.

### Travel Agents Margin Scheme ("TAMS")

TAM applies to tour operators and travel agents. The profit margin realised on the sale of travel packages is subject to VAT at 23%. VAT will also apply to the profits realised on hotel reservation companies.

VAT incurred on conference accommodation in Ireland when it is supplied under TAMS is not recoverable.

### Payment and Compliance

Taxable persons are obliged to register for VAT and submit bi-monthly returns by the 19th of the month (23rd where filed online via ROS) following the two-month period in respect of supplies and purchases made in the two-month period. Unpaid tax attracts simple interest at the rate of .0274% per day.

Certain authorised persons may submit VAT returns on an annual basis rather than on the bi-monthly basis, and pay their VAT liability by direct debit, if permitted.

Certain interest penalties arise where insufficient VAT is remitted on the direct debit system. Where the balance of tax remaining to be paid by the authorised person at the end of the accounting period exceeds 20% of the actual liability for that period, simple interest is chargeable from a date six months prior to the date on which the authorised person is required to furnish the annual return. Where returns and payments are submitted electronically via ROS (the Revenue online service) the due date will be extended to the 23rd of the month.

Where input tax has been reclaimed and the consideration has not been paid for 6-8 months the input tax referable to the unpaid invoice must be repaid to Revenue. If the consideration is subsequently paid an adjustment applies. This amendment has effect in respect of tax deducted in taxable periods commencing on or after 1 January 2014.

## Penalties

A fixed penalty of €4,000 applies in respect of:

- Failure to submit a VIES return in respect of services
- Failure to provide specified documentation on a lease surrender or assignment of certain leases created before July 2008.
- Failure to provide documentation in relation to property transfers as part of a business sale.
- Failure to maintain the VAT history of properties held.

## Cash Receipts

Some taxable persons may elect to account for their VAT liability on the basis of cash received in a taxable period rather than on the basis of sales. This is generally available where the primary supply of goods and services is to persons who are not registered for VAT or where the taxpayer's turnover is less than €2,000,000. The cash receipts basis is not available where a discount is given to a customer after the supplier issues a VAT invoice where no credit note has been issued in respect of the discount; in effect, this makes the supplier liable to VAT on the discount.

A VAT return may be submitted by another person authorised to do so by the taxable person. Such a return is treated as if the taxable person supplied it for the purposes of the VAT Acts.

## Margin Scheme – Second Hand Motor Vehicles and Agricultural Machinery

Dealers in second hand vehicles and agricultural machinery may opt to apply VAT to their profit margin. The dealer is not entitled to claim input VAT on their purchase price and simply accounts for VAT @ 23% in the profit margin.

## VAT on Property rules

Commercial property transactions are subject to the following provisions:

- There is no VAT charge on the capitalised value of long leases.
- There is no distinction between short leases and long leases.
- There is an exemption from tax for all leases with an option to tax.
- The supply of new properties within the first five years is liable to VAT.
- The supply of old properties is exempt from VAT with a joint option to tax.
- A capital goods scheme will apply to properties for up to 20 years to readjust VAT recovery in line with the level of recovery entitlement of the business.

## Anti-Avoidance

A site which is transferred as part of the value of a new house or apartment is subject to VAT.

## Reverse charge mechanism in the Construction Sector

A reverse charge mechanism applies for VAT on supplies made by a subcontractor to a principal contractor in the construction sector.

A reverse charge means that instead of the subcontractor charging VAT on his supply to a principal and accounting to Revenue for the VAT, the principal contractor will account to Revenue for the VAT. Both the subcontractor and the principal will continue to claim input credits.

The reverse charge rules for the construction sector also apply to any person connected to the builder and not just the principal contractor. The definition of connected is wide and includes persons or bodies of persons connected by family or other personal ties, management, ownership, control, common purpose and certain legal ties.

## Partial VAT Rebate on certain Company Cars

A business engaged in fully VATable services may claim an input credit of 20% (a reduced amount applying for partially VATable activities) of VAT incurred on the purchase or hire of company cars that are used at least 60% for business purposes. The input credit will only apply to cars within the scope of Bands A, B or C for VRT purposes and which are registered after 1 January 2009. If the car is disposed of or ceases to meet the 60% business test within two years, some or all of the VAT reclaimed will be clawed back by Revenue.

## PAY RELATED SOCIAL INSURANCE/UNIVERSAL SOCIAL CHARGE

Pay Related Social Insurance (PRSI) is payable by employers, employees and self-employed persons.

Employers and employees pay PRSI on the employee's salary after deduction of any contributions to an approved pension scheme.

Employer and employee PRSI is charged on all earnings from employments, including BIK.

### Contributions by Employees

	USC <70 no medical card	USC > 70	USC <70 with medical card
Up to €12,012	1.5%	1.5%	1.5%
Next €5,564	3.5%	3.5%	3.5%
€17,576 to €70,044	7%	3.5% if less than €60,000, if >€60,000 7%	3.5% if less than €60,000, if >€60,000 7%
€70,045-€100,000	8%	8%	8%
>€100,000*	11%	11%	11%
>€100,000	8%	8%	8%

\* Applies to self-employed only, if income in excess of €100,000 for an employee the 8% rate applies.

### 2014 Rates

Universal Social Charge	2%	€10,036
	4%	€10,037 to €16,016
	7%	Income > €16,016

- A reduced rate of USC of 4% applies to income over €16,016 to anyone in receipt of a medical card, or for individuals over 70 years of age where the individual has income of less than €60,000 per annum.
- PRSI applies at a rate of 4%
- Employees earning €352 or less per week are exempt from PRSI.
- From 2014 PRSI will apply to non-employment income of employees.

There is a minimum annual PRSI contribution of €500 for self employed individuals.

### Employer Contributions:

PRSI	10.75% ALL income 8.5% (4.25% pre 2014) if income €365 per week or less
------	---

Employee pension contributions do not qualify for PRSI or USC relief.

Employee and employer PRSI and USC apply to all share awards.

### USC

- Certain limited deductions are allowed against the USC, which include:
  - Trade losses and capital allowances
  - Business and rental expenses
  - Legally enforceable maintenance payments

### Exemptions from USC

- The tax free element of a termination payment
- Statutory redundancy
- Salary and pension payments made under a PAYE exclusion order to individuals resident in a DTA country.
- Social welfare payments
- Deposit interest
- Payments made by a spouse under a legally enforceable maintenance agreement; there is no exemption for any element of the payment relating to children.
- Payments made where an exclusion order is in place.

### Employees PRSI

PRSI is charged on all earnings from employment including non-pecuniary income (BIK).

In general, persons between 16 and 66 years, in insurable employment, must pay PRSI.

### PRSI

Up to 1 January 2014 there was an exemption from PRSI for employed individuals and pensioners. However from 1 January 2014 there is a 4% PRSI charge on investment and rental income for PAYE taxpayers where their non PAYE income exceeds €3,174.

### Domicile Levy

A €200,000 domicile levy applies to individuals who are both domiciled in and citizens of Ireland.

Their worldwide income must exceed €1m, and their liability to Irish tax must be less than €200,000.

The market value of Irish property owned by the individual on 31 December in the tax year exceeds €5m.

Where an individual is married, the levy could apply to both spouses.

Revenue have the power to issue notices requesting returns within 30 days.

## DISCRETIONARY TRUST TAX

A discretionary trust set up on or after 11 April 1994 is subject to a once-off 6% levy based on the value of the assets in the trust on the latest of the following events:

- The date property is placed in settlement,
- The date of death of the settler where the discretionary trust is created under the disposer's will, or
- The date on which the principal beneficiaries of the trust all reach the age of 21.

The 6% charge is reduced to 3% where the trust is created under a will and where all of the assets of a discretionary trust are appointed within five years of the assets being transferred to the discretionary trust.

Following the trust becoming subject to the 6% levy, a 1% levy is payable on each year (except the year in which the 6% levy is paid) on the market value of the assets in the trust.

The 6% and 1% tax also include entities that are "similar in effect" to trusts (e.g. foundations) which do not require trustees.

## FARMERS TAXATION

### Leasing of farm land

A lessor of agricultural land, is exempt from income tax in respect of certain leasing income. For any qualifying lease the limits are:

Limit	Qualifying lease term
€40,000	15 years
€30,000	10 years
€22,500	7 years
<b>€18,000</b>	<b>5-7 years</b> <b>(minimum lease term 5 years).</b>

### Limits prior to 2015:

- €20,000 for a lease of 10 years or more
- €15,000 for a lease of between 7 and 10 years
- €12,000 for a lease of between 5 and 7 years

The lease income of the husband and wife are treated separately for the purpose of the exemption, whether they are jointly assessed or not.

Prior to 2015 the lessor needed to be over 40 or permanently incapacitated in order to avail of the relief. The lessee may also now include a company provided it is not connected to the lessor or any person connected to the lessor, and the land is used for farming purposes.

### Farm Averaging

The period over which farmers are allowed to average income has increased from 3 to 5 years from 1 January 2015.

### Transitional terms:

Farmers who opt for income averaging in 2014 for the first time will be charged to tax in 2015 on the average profits over 4 years. The following year profits will be averaged over 5 years.

If a farmer wants to revert to a normal assessment basis, averaging must have been used for the 5 immediate preceding years.

If an election is made in 2015 to revert to a normal basis of assessment, income averaging must have been used for the 3 immediately preceding years.

If an election is made in 2016 to revert to a normal basis of assessment, income averaging must have been used for the 4 immediately preceding years.

### Capital Acquisitions Tax

#### Agricultural relief

A gift/inheritance of agricultural property including land, buildings and the new EU single farm payment entitlements, and other agricultural property including agricultural land, pasture and woodlands situated in an EU member state (i.e. livestock and machinery) may be reduced by 90% of its market value for CAT purposes when received by a qualifying farmer

provided the individual is Irish domiciled and 80% of the market value of his property after taking the gift/inheritance consists of agricultural property. Borrowing on an off-farm principal private residence may be taken into account in the calculation for the 80% test.

When applying the farmer test, only borrowings on the individual's only or main residence are deductible where those borrowings were used to purchase, improve or repair the property.

Where there is a disposal of land which qualified for agricultural relief or business property relief in the period commencing six years after the date of the gift or inheritance and ending ten years after that date, there will be a clawback of the relief by reference to the development value of the land at the date of the gift or inheritance. Any interest arising as a result of this claw back will be calculated by reference to the date the land is sold (as opposed to the date of valuation date).

Gifts or inheritances of agricultural property qualify for business property relief [where the relevant criteria are met] in circumstances where it fails to qualify for agricultural relief. This relief reduces the market value of the gift/inheritance by 90%. Business property relief will be clawed back if the assets are disposed of within six years, without being replaced with "other agricultural property" within a period of one or six years in the case of a sale or compulsory acquisition.

An anti-avoidance measure applies for transfers between spouses. It ensures that where the proceeds from the sale or compulsory acquisition are used to acquire agricultural property which has been transferred by the donee or successor to his or her spouse, that property will not qualify as "other agricultural property" for the purpose of the reinvestment provision.

From 1 January 2015 there has been an amendment to the meaning of farmer and agricultural relief is only available for agricultural property gifted or inherited by a person who meets the criteria set out in one of three tests outlined below, the 80% test still applies

#### Test 1

The individual is the holder of any of the qualifications required to be a young trained farmer for Stamp Duty purposes, or who achieves such a qualification within a period of 4 years commencing on the date of the gift or inheritance, and who for a period of not less than 6 years commencing on the valuation date of the gift or inheritance farms agricultural property (including the agricultural property comprised in the gift or inheritance) on a commercial basis and with a view to the realisation of profits from that agricultural property,

#### Test 2:

The individual who for a period of not less than 6 years commencing on the valuation date of the gift or inheritance spends not less than 50 per cent of that individual's normal working time farming agricultural property (including the agricultural property comprised in the gift or inheritance) on a commercial basis and with a view to the realisation of profits from that agricultural property, or

### Test 3

The individual who leases the whole or substantially the whole of the agricultural property, comprised in the gift or inheritance for a period of not less than 6 years commencing on the valuation date of the gift or inheritance, to an individual who satisfies the conditions in Test 1 and 2

**Tip:** Prior to the receipt of a gift of farm assets ensure that 80% of your personal assets after receipt of the gift are agricultural assets, and that the new definitions of farmer are met!

### Capital Gains Tax

#### Retirement relief

Where a person is over 55 years and has held and used business assets for at least 10 years ending on the disposal date (this can include assets held personally but used in the trade where shares are being disposed of) no CGT arises if the disposal is to a child of the disposer (from 2007 relief is also available for a disposal to a grandchild). The EU single farm payment entitlement also qualifies as an asset for the purposes of retirement relief provided the farmer qualifies for relief on the land being disposed of.

From 2015 retirement relief has been extended to disposals of leased farmland, where the land was used for the purposes of farming for more than 10 years and where the land was leased in the period of 25 years ending with its disposal.

Where the disposal is to a person other than a child then there is an additional requirement that each lease be for a minimum period of 5 years.

The disposal must be made before 31 December 2016.

Periods of ownership of a deceased spouse may also be included. Child includes a niece/nephew who has worked substantially on a full time basis for five years ending with the disposal. Relief is also available where the disposal is to an unconnected person provided the proceeds do not exceed €750,000. Marginal relief is available if the proceeds exceed this amount; this restricts the relief to one half of the sale proceeds in excess of €750,000.

In addition, land which has been let for up to five years prior to a Compulsory Purchase Order being made, will qualify for retirement relief if it was used for farming for ten years prior to letting.

Where a disposal is made after 1 January 2014 by an individual who has reached the age of 66, the relief is restricted to €500,000. In the case of the disposal of assets to a child, the relief for an individual aged 66 or over the relief is restricted to qualifying assets with a market value of up to €3m with no relief for the excess.

From 1 January 2014 the relief has been extended to land that has been leased over the long term i.e. 15 years, with a minimum letting of 5 years for each letting. Qualifying leased land must also have met the 10 year ownership and use test prior to first letting. The land must be disposed to a person who is not the child of the vendor.

If a person disposes of land leased in the 15 years ending with the disposal to a child after 1 January 2014, retirement relief will be capped at €750,000 (€500,000 for individuals over 66 years of age). Therefore enhanced retirement relief without a cap will no longer apply to land that is leased in advance of disposal.

**Tip:** A farmer who participates in the EU "early retirement from farming scheme" by leasing the land qualifies for the relief. Whilst called retirement relief an individual does not need to retire in order to qualify for the relief.

### Capital Gains Tax Relief for Farm Restructuring

CGT relief will be available where the proceeds from the sale of a farm are reinvested for restructuring purposes. The sale and purchase of the farmland must occur within 24 months of each other, and the sale or purchase transaction must occur within the period 1 January 2013 to 31 December 2016. The relief is confined to agricultural land it does not apply to land and buildings.

The relief will apply to farm land swaps subject to certification by Teagasc.

#### VAT

A flat rate of 5.2% (5% pre Jan 2015 applies to supplies of agricultural goods or services for unregistered farmers. The VAT rate for registered farmers is 5%

Supplies of horses not intended for the preparation of foodstuffs or for the use in agricultural production, the hiring of horses and the supply of greyhounds is chargeable at 9%. The reduced rate of 13.5% is chargeable on supplies of insemination services for horses and greyhounds.

If a farmer engages in the supply of any other service and his turnover exceeds €35,000 in a calendar year, all activities including farming become subject to VAT at normal rates.

#### Tip:

- A flat rate farmer may reclaim VAT on expenditure incurred on the construction or improvement of farm buildings, farm structures, fencing, and drainage and land reclamation.
- A VAT registered farmer can reclaim VAT on farm vehicles such as vans and pick-up trucks but not on passenger vehicles.
- VAT on diesel is reclaimable.

### Carbon Tax

The cost of farm diesel will be allowed as a double deduction for income tax/corporation tax purposes.

### Stock Relief

An individual is entitled to enhanced stock relief of 100% (this is an enhanced rate from the standard rate of 25%) for a period of

four years if he or she achieves a level of academic training and becomes a qualifying farmer.

There is a specific list of qualifications that entitle an individual to be treated as a "qualifying farmer".

Three new courses have been added to list of qualifications that qualify for relief:

Higher certificate in Science Applied Agriculture.

**Batchelor of Agricultural Science -UCD**

Animal science Equine and Dairy Business –UCD

Bachelor of Science (Honours) in Sustainable Agriculture.

The cash equivalent amount of stock relief that can be received at 100% is limited to €40,000 p.a. and €70,000 in aggregate over the course of the scheme (4 years).

For a Registered Farm Partnership a 50% increase in the value of trading stock will be available as opposed to 25% (this is 100% for Young Trained Farmers). For 2013 onwards beef and sheep farming partnerships qualify for the enhanced relief.

- A milk production partnership is one which;
- Operates in accordance with the Partnership Act 1890.
- Is operative for a period of no less than five years.
- Is entered in the register of milk production partnerships, sheep and beef and
- Consists of at least one producer and one other person.
- The Tax deduction is capped at €15,000 (previously €7,500) over the three-year qualifying period from 31 December 2012 to 31 December 2015.

The deadline for claiming stock relief is 31 December 2015.

### Compulsory Disposal of Livestock

A special relief applies for farmers (both individuals and companies) resident in the state, in respect of profits resulting from the disposal of livestock due to any underlying disease eradication scheme. There are two separate reliefs:

A farmer may elect not to have the profits taxed in the year in which it arises and have it taxed in equal instalments in each of the four succeeding accounting periods.

He may further elect, if it suits him, to have the profits treated as arising in equal instalments in the year in which it actually arises and the following three years.

Where the receipts from the compulsory purchase of livestock are reinvested in livestock, the farmer may elect to claim stock relief at 100%.

This relief is extended to all animals and poultry.

### Milk Quotas

Persons carrying on the trade of farming will be granted capital allowances for expenditure incurred in purchasing a milk quota. The capital allowances can be claimed by a farmer who leases a milk quota from a connected person (e.g. relative) and later purchases that quota. The period of write off is seven years i.e. 15% p.a. in years 1–6 and 10% in year 7. Capital allowances also apply to the Milk Quota Trading System.

### Stamp Duty

#### Leasing of Land

To qualify for relief from stamp duty on the creation of a farmland lease, the following criteria must be satisfied:

The term of the lease must be for a period of not less than 6 years and not more than 35 years.

The land must be used exclusively for farming on a commercial basis.

The Lessee must have an agricultural qualification or farm the land for not less than 50% of his/her normal working time.

#### Transfers of Land

On a transfer to a related person, SD payable is restricted to half of the SD which would otherwise be payable. This relief was due to end on 1 January 2015. However it has been extended where:

Between 1 January 2015 but before 1 January 2016 a conveyance or transfer by a person of any age can qualify for relief.

Between 1 January 2016 and before 1 January 2018, only a conveyance or transfer by a person under 67 years of age can qualify for the relief.

The individual to whom the land is conveyed must either farm the land or lease it for a period not less than 6 years to an individual who farms the land.

#### Young Trained Farmers

Stamp Duty on transfers of land before 31 December 2015 to young trained farmers is exempt where the farmer is under 35 years of age and has attained the necessary qualification as a young trained farmer.

There will be a clawback of SD relief where, within five years of receiving a SD relief, the proceeds of a disposal of the property are not reinvested within one year in other land. The clawback is equal to the percentage of the proceeds not reinvested.

#### EU Single Farm Payment Entitlement

There is a SD exemption on the sale or transfer of an EU single farm payment entitlement.

## MARITAL BREAKDOWN

### Legally Enforceable Maintenance Agreements

Separated spouses are taxed as single persons with maintenance payments made being deductible in the hands of the payer and chargeable in the hands of the recipient. The deduction and charge also apply for Universal Social Charge purposes. Both may elect for joint assessment for IT purposes if the following applies:

- Both parties reside in Ireland in year of assessment
- Neither spouse has remarried, if divorced

### Consequences of Election

- Both parties assessed as a married couple
- No deduction for maintenance payments by paying spouse
- Recipient is not taxed
- Recipient does not pay PRSI or USC on maintenance payments

### Social Welfare Benefits may be affected by election.

Where payment is made for the benefit of a child for whom the payer was entitled to child allowance, the payment is to be made without deduction of tax and the payment does not reduce the total income of the payer for IT or USC purposes.

Where an individual is making maintenance payments to their separated or divorced spouse and is not jointly assessed with that spouse, those maintenance payments are deductible for the purposes of calculating USC (see pg. 42).

### Transfer of Assets - Divorced Persons

Disposal of assets under a court order pursuant to a decree of divorce will not give rise to a gain or a loss. The spouse is deemed to take the asset at the same time and at the same cost to the disponent unless the asset is part of trading stock.

### Transfer of Assets - Separated Spouses

Disposal of assets pursuant to a grant of judicial separation under the Family Law Act 1995 or to a deed of separation which takes place after 1 August 1996 will not give rise to a gain or a loss. The spouse acquiring the asset is deemed to take the asset at the same time and at the same cost to the disponent.

### Capital Acquisitions Tax

A transfer between spouses as part of a separation agreement, court order or divorce settlement is exempt from CAT. This exemption applies to foreign divorces recognised as valid in Ireland. Subsequent to a decree of divorce, ex-spouses have a Group 3 threshold in relation to each other i.e. stranger threshold (refer to the CAT Threshold table)

## CIVIL PARTNERSHIPS

Civil partnerships are treated the same as married persons in certain situations, including the following:

- Payments by a child of a civil partner to an individual do not qualify for rent a room scheme.
- One parent family tax credits are available to civil partners after a relationship break up, even though the partners may be residing under the same roof.- Child Carer Credit will be available to the primary carer of a qualifying child provided the child resides with the claimant for the whole or greater part of the year. Where the primary carer disclaims the relief the secondary carer may claim the credit.
- PPR relief on the sale of a house occupied by a dependent relative of a civil partner.
- ARF distributions on the death of an individual made to a child of a civil partner of an individual.
- Annuity to a surviving civil partner.
- Maintenance payments to civil partners.

## GLOSSARY

"Ireland" and "Irish" refer, except where otherwise stated, to the Republic of Ireland.

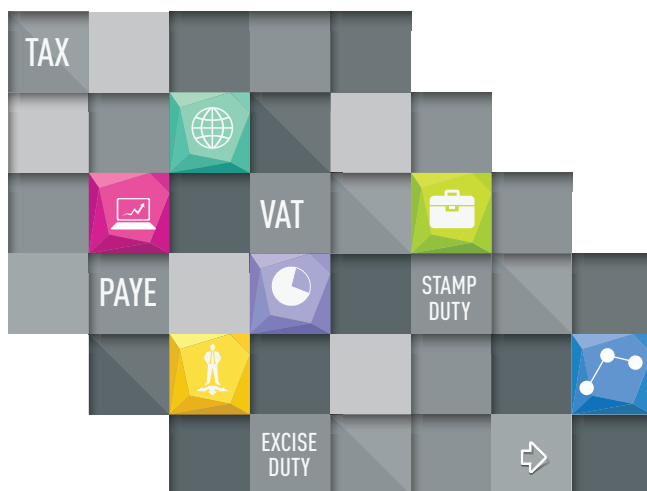
## DISCLAIMER

The objective of this booklet is to provide a useful guide to Irish tax regulations. It provides a summary of the rules applying in the 2015 tax year, within the main categories of current taxation law. Accordingly, it cannot be regarded as a definitive outline and no liability can be accepted in respect of decisions taken in reliance on the information herein contained.

## NOTES

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

# A GUIDE TO YOUR



**TAX AFFAIRS IN 2015**