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Number 44 *of* 2022

FINANCE ACT 2022

An Act to provide for the imposition, repeal, remission, alteration and regulation of taxation, of stamp duties and of duties relating to excise and otherwise to make further provision in connection with finance including the regulation of customs; to make provision for supports to certain sectors of the economy; and to provide for related matters. [15*th December,* 2022]

Be it enacted by the Oireachtas as follows:

PART 1

Universal Social Charge, Income Tax, Corporation Tax and Capital Gains Tax

Chapter 1

Interpretation

Interpretation (*Part 1*)

1. In this Part, "Principal Act" means the Taxes Consolidation Act 1997.

Chapter 2

Universal Social Charge

Amendment of section 531AN of Principal Act (rate of charge)

2. (1) Section 531AN of the Principal Act is amended—

(a) in subsection (3), by the substitution of "€22,920" for "€21,295",

(b) in subsection (4), by the substitution of "2024" for "2023", and

(c) by the substitution of the following for Part 1 of the Table to that section:

"Part 1

Part of aggregate income (1)	Rate of universal social charge (2)

The first €12,012	0.5 per cent
The next €10,908	2 per cent
The next €47,124	4.5 per cent
The remainder	8 per cent

".

(2) *Subsection (1)* applies for the year of assessment 2023 and each subsequent year of assessment.

CHAPTER 3

Income Tax

Exemption in respect of incorrect birth registration payment

3. Chapter 1 of Part 7 of the Principal Act is amended by the insertion of the following section after section 192K:

"192L. (1) In this section—

'Minister' means the Minister for Children, Equality, Disability, Integration and Youth;

'qualifying individual' means an individual who is the subject of an incorrect birth registration for the purposes of the Birth Information and Tracing Act 2022 which has been confirmed by the Child and Family Agency;

'qualifying payment' means a payment, generally referred to and commonly known as the Ex Gratia Payment in Respect of an Incorrect Birth Registration, which is made by or on behalf of the Minister to a qualifying individual, in furtherance of the decision of the Government of 8 March 2022.

(2) A qualifying payment made to a qualifying individual which is made on or after 1 January 2023 shall be exempt from income tax and shall not be reckoned in computing the total income of the qualifying individual for the purposes of the Income Tax Acts.

(3) A qualifying payment made to a qualifying individual which is made before 1 January 2023 shall be treated as if it was exempt from income tax in the year of assessment in which it was made and shall not be reckoned in computing total income of the qualifying individual for the purposes of the Income Tax Acts.

(4) The exemption provided for in subsections (2) and (3) shall apply to a maximum amount of €3,000 for each qualifying individual.".

Exemption in respect of payments under Covid-19 Death in Service Ex-Gratia Scheme for Health Care Workers

4. Chapter 1 of Part 7 of the Principal Act is amended by the insertion of the following section after section 192L (inserted by *section 3*):

"Exemption in respect of payments under Covid-19 Death in Service Ex-Gratia Scheme for Health Care Workers

192M.(1)In this section, 'qualifying payment' means a payment made by or on behalf of the Minister for Health under the Covid-19 Death in Service Ex-Gratia Scheme for Health Care Workers (that is to say the scheme administered under that title by the Minister for Health in furtherance of a decision of the Government of 8 March 2022).

(2) A qualifying payment made on or after 1 January 2023 shall be exempt from income tax and shall not be reckoned in computing total income for the purposes of the Income Tax Acts or in computing amounts chargeable to universal social charge in accordance with Part 18D.

(3) A qualifying payment made before 1 January 2023 shall be treated as if it was exempt from income tax in the year of assessment in which it was made and shall not be reckoned in computing total income for the purposes of the Income Tax Acts or in computing amounts chargeable to universal social charge in accordance with Part 18D.".

Payments in respect of redundancy

5. (1) The Principal Act is amended by the substitution of the following section for section 203:

"203.(1) In this section, 'lump sum' has the same meaning as in the Redundancy Payments Act 1967.

(2) Any lump sum payment made under section 19 or 32 of the Redundancy Payments Act 1967 shall be exempt from income tax under Schedule E.

(3) Any payment made under section 32A of the Redundancy Payments Act 1967 shall be exempt from income tax under Schedule E.".

(2) *Subsection (1)*, in so far as it relates to subsection (3) of section 203 of the Principal Act, shall be deemed to have come into operation on 19 April 2022.

Amendment of section 477C of Principal Act (Help to Buy)

6. Section 477C of the Principal Act is amended—

(a) in subsection (1)—

(i) by the insertion of the following definition:

" 'Act of 2021' means the Affordable Housing Act 2021;",

(ii) in the definition of "qualifying period", by the substitution of "2024" for "2022", and

(iii) in the definition of "qualifying residence"—

(I) in paragraph (a), by the substitution of "dwelling," for "dwelling, or",

(II) in paragraph (b), by the insertion of "or" after "converted for as use as a dwelling,", and

(III) by the insertion of the following paragraph after paragraph (b):

"(c) a building which was not at any time used as a dwelling and was purchased by a first-time purchaser in accordance with an affordable dwelling purchase arrangement (within the meaning of section 12 the Act of 2021) and a direct sales agreement (within the meaning of section 7 of the Act of 2021),",

(b) in subsection (5A), by the substitution of "2024" for "2022",

(c) in subsection (8)(b), by the substitution of "2024" for "2022",

(d) in subsection (16)(a)—

(i) by the substitution in subparagraph (ii) of "2024" for "2022", and

(ii) by the substitution in subparagraph (iii) of "2024" for "2022",

and

(e) in subsection (25), by the substitution of "2024" for "2022".

Amendment of section 112B of Principal Act (granting of vouchers)

7. (1) Section 112B of the Principal Act is amended, in subsection (1)—

(a) by the substitution of the following definition for the definition of "qualifying incentive":

" 'qualifying incentive' means a relevant incentive that is the first or the second relevant incentive given to an employee in a year of assessment where—

(a) in the case of a first relevant incentive, the value does not exceed €1,000, and

(b) in the case of a second relevant incentive, the cumulative value of the first and second relevant incentives does not exceed €1,000;",

(b) by the insertion of the following definition:

" 'relevant incentive' means either a voucher or a benefit that is given to an employee by his or her employer in a year of assessment where the following conditions are satisfied:

(a) the voucher or the benefit does not form part of a salary sacrifice arrangement;

(b) the voucher can only be used to purchase goods or services and cannot be redeemed, in full or in part, for cash;",

and

(c) in the definition of "salary sacrifice arrangement", by the substitution of "relevant incentive" for "qualifying incentive".

(2) *Subsection (1)* applies for the year of assessment 2022 and each subsequent year of assessment.

Amendment of section 118 of Principal Act (benefits in kind: general charging provision)

8. Section 118 of the Principal Act is amended in subsection (5G)—

(a) in paragraph (b), by the insertion of the following definition:

" 'cargo bicycle' means a bicycle with a special purpose frame which has been designed to carry large or heavy loads, or passengers other than the rider, by means of a bulk storage capacity container or platform integrated into, or affixed to, the frame of the bicycle, in front of or behind the rider;",

and

(b) by the insertion of the following paragraph after paragraph (d):

"(e) Notwithstanding paragraphs (a) and (d), where the expense or part thereof, as the case may be, is in connection with the provision of a cargo bicycle, the amount referred to in paragraph (a) shall be €3,000.".

Returns by employers in relation to reportable benefits

9. (1) Chapter 3 of Part 38 of the Principal Act is amended by the insertion of the following section after section 897B:

"897C.(1) In this section—

'employee', 'employer' and 'income tax month' have the same meaning, respectively, as they have in section 983;

'remote working daily allowance' means a payment of not more than €3.20 per day to an employee by his or her employer in relation to the days the employee performs the duties of his or her office or employment from a dwelling or part of a dwelling which is occupied by that employee as his or her residence, where no tax is deducted;

'reportable benefit' means—

(a) a small benefit,

(b) a remote working daily allowance, or

(c) a travel and subsistence payment;

'small benefit' means a benefit provided to an employee by his or her employer to which section 112B applies;

'travel and subsistence payment' means a payment to an employee by his or her employer in respect of expenses of travel or subsistence incurred by the employee, where no tax is deducted.

(2) Where in any income tax month an employer provides a reportable benefit to an employee, the employer shall deliver to the Revenue Commissioners, in an electronic format approved by them, particulars of the reportable benefit as specified in regulations made under section 986.".

(2) Chapter 4 of Part 42 of the Principal Act is amended—

(a) in section 983, by the insertion of the following definition:

" 'reportable benefit' has the same meaning as it has in section 897C;",

(b) in section 984, by the insertion of the following subsection after subsection (1):

"(1A) Without prejudice to subsection (1), sections 984A, 985G(2)(d), 986 and 987 shall apply to reportable benefits, other than reportable benefits to an employee who is in receipt of emoluments in respect of which a notification has been given under subsection (1).",

(c) in section 985G(2), by the substitution of "any emoluments or the provision of any reportable benefit" for "any emoluments", and

(d) in section 986, by the insertion of the following subsection after subsection (1A):

"(1B) The Revenue Commissioners shall make regulations in respect of reportable benefits to which this Chapter and section 897C apply requiring any employer who provides a reportable benefit to an employee to provide, within a prescribed period, and on such form as the Revenue Commissioners may approve or prescribe, the particulars of such reportable benefit and such other documents, specified in the regulations, as the Revenue Commissioners deem appropriate.".

(3) *Subsections (1)* and *(2)* shall come into operation on such day as the Minister for Finance may appoint by order.

Rate of charge and personal tax credits

10. As respects the year of assessment 2023 and subsequent years of assessment, the Principal Act is amended—

(a) in section 15—

(i) in subsection (3)(i), by the substitution of "€31,000" for "€27,800", and

(ii) by the substitution of the following Table for the Table to that section:

"TABLE

PART 1		
Part of taxable income (1)	Rate of tax (2)	Description of rate (3)
The first €40,000	20 per cent	the standard rate
The remainder	40 per cent	the higher rate
PART 2		
Part of taxable income (1)	Rate of tax (2)	Description of rate (3)
The first €44,000	20 per cent	the standard rate
The remainder	40 per cent	the higher rate
PART 3		
Part of taxable income (1)	Rate of tax (2)	Description of rate (3)
The first €49,000	20 per cent	the standard rate
The remainder	40 per cent	the higher rate

”,

(b) in section 461—

(i) in paragraph (a), by the substitution of “€3,550” for “€3,400”,

(ii) in paragraph (b), by the substitution of “€3,550” for “€3,400”, and

(iii) in paragraph (c), by the substitution of “€1,775” for “€1,700”,

(c) in section 466A, in subsection (2), by the substitution of “€1,700” for “€1,600”,

(d) in section 472, in subsection (4), by the substitution of “€1,775” for “€1,700” in each place where it occurs, and

(e) in section 472AB—

(i) in subsection (2), by the substitution of “€1,775” for “€1,700” in each place where it occurs, and

(ii) in subsection (3), by the substitution of “€1,775” for “€1,700” in each place where it occurs.

Amendment of section 472BB of Principal Act (sea-going naval personnel credit)

11. Section 472BB of the Principal Act is amended, in subsection (3), by the substitution of “2021, 2022 or 2023” for “2021 or 2022”.

Amendment of section 480B of Principal Act (relief arising in special circumstances)

12. (1) Section 480B of the Principal Act is amended—

(a) in subsection (3), by the substitution of "472B, 472BA and 472BB" for "472B and 472BA",

(b) by the insertion of the following subsection after subsection (10):

"(10A) Subject to subsection (11), where section 466A applies, the amount of the threshold specified in subsection (6)(a) of that section (in this subsection referred to as the 'monetary threshold') shall be increased by—

(a) one fifty-second of the monetary threshold, where the individual concerned is paid weekly and is so paid on the relevant date, or

(b) one twenty-sixth of the monetary threshold, where the individual concerned is paid fortnightly and is so paid on the relevant date,

but the amount of any such increase shall not exceed the amount of the emoluments paid to the individual on the relevant date.",

and

(c) in subsection (11), by the substitution of "subsection (10) or (10A), in a case in which either of those subsections applies," for "subsection (10)".

(2) *Subsection (1)* applies for the year of assessment 2023 and each subsequent year of assessment.

Rent tax credit

13. The Principal Act is amended—

(a) in section 458, in Part 2 of the Table, by the insertion of "Section 473B" after "Section 473A", and

(b) by the insertion of the following section after section 473A:

"Rent tax credit

473B.(1) In this section—

'appropriate percentage', in relation to a year of assessment, means a percentage equal to the standard rate of tax for that year;

'approved course' has the same meaning as it has in section 473A;

'child' means a child of an individual, or a child of the individual's spouse or civil partner, who has not attained the age of 23 years at the commencement of the year of assessment during which he or she first enters an approved course;

'claimant' has the meaning given to it in subsection (2);

'landlord', in relation to a residential property, means the person for the time being entitled to receive (otherwise than as agent for another person) any payment on account of rent paid under a tenancy in respect of the residential property;

'payment on account of rent' means a payment made in return for the special possession, use, occupation or enjoyment of a residential property, but does not include—

(a) any portion of such payment which has been, or is to be, reimbursed, or otherwise funded by way of a subsidy provided—

(i) to the claimant, or

(ii) where the claimant is assessed to tax in accordance with section 1017 or 1031C in the year of assessment, to his or her spouse or civil partner,

or

(b) any itemised payment relating to—

(i) the cost of maintenance of, or repairs to, the property,

(ii) the provision of goods or services relating to any right or benefit other than the bare right to special possession, use, occupation or enjoyment of the property, or

(iii) a security deposit paid on commencement of the tenancy;

'PPS Number', in relation to an individual, means the individual's Personal Public Service Number within the meaning of section 262 of the Social Welfare Consolidation Act 2005;

'principal private residence' means a residential property occupied by an individual as his or her sole residence;

'qualifying payment' means a payment made on account of rent falling due in a year of assessment, where such payment has been made under a tenancy;

'relative' means a lineal ascendent, lineal descendent, brother, sister, uncle, aunt, niece or nephew;

'rent tax credit' has the meaning given to it in subsection (2);

'residential property' means—

(a) a building or part of a building located in the State which is used or suitable for use as a dwelling, and

(b) adjoining land which the occupier of a building or part of a building has for his or her own occupation and enjoyment with the building or part of a building as its gardens or grounds of an ornamental nature;

'specified amount', in relation to a year of assessment, means—

(a) €5,000, in the case of an individual who is assessed to tax in accordance with section 1017 or 1031C in the year of assessment, and

(b) €2,500 in all other cases;

'specified landlord' means—

(a) a Minister of the Government,

(b) the Commissioners of Public Works in Ireland,

(c) a housing authority within the meaning of the Housing (Miscellaneous Provisions) Act 1992, or

(d) an approved housing body within the meaning of the Housing (Regulation of Approved Housing Bodies) Act 2019;

'supported tenant' means, in relation to a tenancy, an individual who is—

(a) in receipt of—

(i) payment of a supplement towards the amount of rent payable by the individual in respect of his or her residence payable in accordance with regulations made under section 198 of the Social Welfare Consolidation Act 2005,

(ii) housing assistance, within the meaning of Part 4 of the Housing (Miscellaneous Provisions) Act 2014, or

(iii) social housing support, within the meaning of the Housing (Miscellaneous Provisions) Act 2009,

or

(b) residing in a residential property which has been designated as a cost rental dwelling within the meaning of Part 3 of the Affordable Housing Act 2021;

'tax reference number' means—

(a) in the case of an individual, his or her PPS Number, and

(b) in the case of a partnership or company, the reference number stated on any return of income, form or notice of assessment issued to the partnership or company, as the case may be, by the Revenue Commissioners;

'tenancy' means—

(a) any agreement, contract or lease which has been registered under Part 7 of the Residential Tenancies Act 2004, or

(b) any licence for the use, as a residence, of a room or rooms in an individual's principal private residence, where—

(i) there is no obligation under Part 7 of the Residential Tenancies Act 2004 for such licence to be registered, and

(ii) the licence has been commenced with the consent of the

landlord, but does not include any tenancy—

(I) which, apart from any statutory extension, is a tenancy for a freehold estate or interest or for a definite period of 50 years or more, or

(II) in which an agreement or provision exists under which any amount paid may be treated as consideration or part consideration, in whatever form, for the creation of a further or greater estate, tenancy or interest in the property concerned or any other property.

(2) An individual (referred to in this section as the 'claimant') who proves that during the year of assessment he or she made a qualifying payment in respect of a residential property used by him or her as his or her principal private residence in the period to which the payment relates and makes a claim in that regard shall be entitled to a tax credit (to be known as the 'rent tax credit') equal to the lesser of—

(a) an amount equal to the appropriate percentage of the aggregate qualifying payment made in that year of assessment,

(b) an amount equal to the appropriate percentage of the specified amount, and

(c) the amount which reduces the claimant's income tax to nil.

(3) (a) Where a qualifying payment is made in respect of a period which falls partly in one year of assessment and partly in another year of assessment, the amount of the qualifying payment made in respect of that period shall be apportioned to each year of assessment based on the proportion each part of the period bears to the period as a whole.

(b) Where an amount of the qualifying payment made has been apportioned to a year of assessment under paragraph (a), the amount shall be deemed for the purposes of this section to have been made in that year of assessment.

(4) Where a claimant is assessed to tax in accordance with section 1017 or 1031C in a year of assessment, any qualifying payment made by his or her spouse or civil partner in that year of assessment shall, for the purposes of this section, be deemed to have been made by the claimant.

(5) Where—

(a) a claimant, or

(b) in a case where subsection (4) applies, a claimant's spouse or civil partner,

proves that he or she made a qualifying payment in respect of his or

her use of a residential property, other than his or her principal private residence, as a residence to facilitate his or her attendance at or participation in his or her trade, profession, employment, office holding or an approved course during the period to which the qualifying payment relates, the claimant shall, upon making a claim in that regard, be entitled to the same rent tax credit as if the qualifying payment was made in respect of a residential property which was used by the claimant as his or her principal private residence.

(6) Notwithstanding subsection (2), this section shall not apply to a qualifying payment made in respect of a residential property—

(a) in any case where—

(i) the landlord is a specified landlord, or

(ii) the claimant is a supported tenant,

or

(b) subject to subsection (7), where the claimant is a relative of the landlord.

(7) Notwithstanding subsection (6)(b), in a case where the claimant is a relative of the landlord concerned the relief provided for in this section shall apply where—

(a) the relationship between the claimant and the landlord is other than that of parent and child, or child and parent,

(b) the tenancy is of a type which is required to be registered under Part 7 of the Residential Tenancies Act 2004, and

(c) the tenancy complies with the requirement referred to in paragraph (b).

(8) Where—

(a) a claimant, or

(b) in a case where subsection (4) applies, a claimant's spouse or civil partner, proves that he or she made a qualifying payment in respect of a residential property used by his or her child as his or her principal private residence the claimant shall, upon making a claim in that regard, be entitled to the same rent tax credit as if the qualifying payment was made in respect of a residential property which was used by the claimant as his or her own principal private residence, where—

(i) neither the individual nor the child is a relative of the landlord,

(ii) the child was undertaking an approved course and using the property to facilitate his or her participation in that course during the period to which the qualifying payment relates,

(iii) the tenancy is of a type which is required to be registered under Part 7 of the Residential Tenancies Act 2004, and

(iv) the tenancy complies with the requirement referred to in subparagraph (iii).

(9) In making a claim under this section, a claimant shall provide to the Revenue Commissioners, through such electronic means as the Revenue Commissioners make available, the following information—

(a) the claimant's name, address (including the Eircode) and PPS Number,

(b) the amount of any periodic payment made under a tenancy to the landlord concerned, or to a person acting on behalf of the landlord, by the claimant during the year of assessment concerned,

(c) the aggregate amount of any payment referred to in paragraph (b),

(d) the amount of any periodic payment referred to in paragraph (b) which was a qualifying payment,

(e) the aggregate amount of any payment referred to in paragraph (d),

(f) where subsection (4) applies—

(i) the name, address (including the Eircode) and PPS Number of the claimant's spouse or civil partner,

(ii) the amount of any periodic payment made under a tenancy to the landlord concerned, or to a person acting on behalf of the landlord, by the claimant's spouse or civil partner during the year of assessment concerned,

(iii) the aggregate amount of any payment referred to in subparagraph (ii),

(iv) the amount of any periodic payment referred to in subparagraph (ii) which was a qualifying payment, and

(v) the aggregate amount of any payment referred to in subparagraph (iv),

(g) full particulars of the tenancy under which the qualifying payment was made, including—

(i) the name and address (including the Eircode) of the individual who uses the residential property to which the tenancy relates as his or her principal private residence, if different to the individual referred to in paragraph (a) or (f)(i),

(ii) the address (including the Eircode) of the residential property concerned, if different to the address referred to in paragraph (a),

(iii) where available to the claimant, the unique identification number assigned to the residential property concerned for the purposes of the Finance (Local Property Tax) Act 2012,

(iv) where available to the claimant, the unique number assigned to the tenancy concerned in accordance with section 135 of the Residential Tenancies Act 2004, if applicable,

(v) the duration of the tenancy, and

(vi) where the tenancy is a licence, confirmation that the landlord has consented to the commencement of the licence,

(h) the name and address (including the Eircode) of the person to whom the qualifying payment was made,

(i) where available to the claimant, the name and address (including the Eircode) of the landlord concerned, if different to the person referred to in paragraph (h),

(j) where available to the claimant, the tax reference number of the landlord concerned, and

(k) such other information as may reasonably be required by the Revenue Commissioners to determine whether the requirements of this section are met.

(10) (a) On being so required by an officer of the Revenue Commissioners the claimant shall, within the period of 30 days of being requested to do so by the Revenue Commissioners, make available to the officer a copy of—

(i) the tenancy under which the qualifying payment was made,

(ii) a receipt or statement of any payment made under that tenancy to the landlord concerned, or a person acting on behalf of the landlord, in the year of assessment concerned, and

(iii) any other information that may reasonably be required by the Revenue Commissioners to determine whether the requirements of this section are met.

(b) Any receipt or statement required under paragraph (a) shall be in writing and shall contain—

(i) the name of the individual who made the qualifying payment,

(ii) the amount of any periodic payment made under a tenancy to the landlord concerned, or to a person acting on behalf of the landlord, by that individual during the relevant year of assessment,

(iii) the aggregate amount of any payment referred to in subparagraph (ii),

(iv) the amount of any periodic payment referred to in subparagraph (ii) which was a qualifying payment,

(v) the aggregate amount of any payment referred to in subparagraph (iv),

(vi) the name and address (including the Eircode) of the individual who uses the property as his or her principal private residence, if different to the individual referred to in subparagraph (i),

(vii) the address (including the Eircode) of the residential property in respect of which the payment referred to in subparagraph (ii) was made,

(viii) the name and address (including the Eircode) of the person to whom the qualifying payment was made,

(ix) the name and address (including the Eircode) of the landlord, if different to the person referred to in subparagraph (viii), and

(x) the tax reference number of the landlord.

(11) Failure to furnish any of the particulars referred to in subsections (9) or (10) shall be grounds for refusal of a claim and, where relief has already been given to a claimant under this section, such relief may be withdrawn by the Revenue Commissioners.

(12) A person in receipt of a qualifying payment shall, on being so required by an officer of the Revenue Commissioners, furnish or make available to the officer, within the period of 30 days of being requested to do so by the Revenue Commissioners, any of the details set out in subsection (9) or copies of any of the documents referred to in subsection (10) which the officer considers necessary to determine whether the requirements of this section are met.

(13) Where the claimant is entitled to a rent tax credit under subsection (2), (5), (7) or (8), as the case may be, the aggregate of such credit shall not exceed €500 or, in the case of an individual who is assessed to tax in accordance with section 1017 or 1031C in the year of assessment, €1,000.

(14) This section shall apply in respect of the years of assessment 2022, 2023, 2024 and 2025.".

Repeal of section 11 of Finance Act 2019

14. Section 11 of the Finance Act 2019 is repealed.

Key Employee Engagement Programme

15. Section 128F of the Principal Act is amended—

(a) in subsection (1)—

(i) by the insertion of the following definitions:

" 'qualifying group' means, subject to subsection (2A), a group of companies that consists of the following (and no other companies):

(a) a qualifying holding company;

(b) its qualifying subsidiary or subsidiaries;

(c) as the case may be, its relevant subsidiary or subsidiaries;

'qualifying holding company' means a company—

(a) which is not controlled either directly or indirectly by another company,

(b) which does not carry on a trade or trades, and

(c) whose business consists wholly or mainly of the holding of shares only in the following (and no other companies), namely, its qualifying subsidiary or subsidiaries and where it has a relevant subsidiary or subsidiaries, in that subsidiary or in each of them;

'qualifying subsidiary', in relation to a qualifying holding company, means a company in respect of which more than 50 per cent of its ordinary share capital is owned directly by the qualifying holding company;

'relevant subsidiary', in relation to the qualifying holding company, means a company in respect of which more than 50 per cent of its ordinary share capital is owned indirectly by the qualifying holding company, but for the purposes of this section a relevant subsidiary in relation to a qualifying holding company shall not be regarded as a qualifying company.",

(ii) by the substitution of the following definition for the definition of "qualifying individual":

" 'qualifying individual', in relation to a qualifying share option, means an individual who throughout the entirety of the relevant period is—

(a) in the case of a qualifying group, an employee or director of a qualifying company within the group, and who is required to work at least 20 hours per week for such a qualifying company or to devote not less than 75 per cent of his or her working time to such a qualifying company, and

(b) in the case of a qualifying company not being a member of a qualifying group, an employee or director of the qualifying company, and who is required to work at least 20 hours per week for the qualifying company or to devote not less than 75 per cent of his or her working time to the qualifying company;",

and

(iii) by the substitution of the following definition for the definition of "qualifying share option":

" 'qualifying share option', means a right granted to an employee or director of a qualifying company to purchase a predetermined number of shares in the qualifying company or, in the case of a qualifying group, in the qualifying holding company of the qualifying group, at a predetermined price, by reason of the individual's employment or office in the qualifying company, where—

(a) the shares which may be acquired by the exercise of the share option are new ordinary fully paid up shares in the qualifying company or, in the case of a qualifying group, in the qualifying holding company,

(b) the option price at date of grant is not less than the market value of the same class of shares at that time,

(c) there is a written contract or agreement in place specifying—

(i) the number and description of the shares which may be acquired by the exercise of the share option,

(ii) the option price, and

(iii) the period during which the share options may be exercised,

(d) the total market value of all shares, in respect of which qualifying share options have been granted in the qualifying company or, in the qualifying holding company, to an employee or director does not exceed—

(i) €100,000 in any year of assessment,

(ii) €300,000 in all years of assessment, or

(iii) the amount of annual emoluments of the qualifying individual in the year of assessment in which the qualifying share option is granted,

(e) the share option is exercised by the qualifying individual in the relevant period,

(f) the shares are in a qualifying company or, in the case of a qualifying group, in the qualifying holding company, and

(g) the share option cannot be exercised more than 10 years from the date of grant of that option;",

(b) in subsection (2)—

(i) in paragraph (b), by the insertion of "or, in the case of a qualifying group, of the qualifying holding company," after "qualifying company", and

(ii) by the substitution of the following paragraph for paragraph (c):

"(c) where a qualifying individual is permitted to exercise a qualifying share option despite having ceased to be an employee or director of a qualifying company, the individual shall be deemed to satisfy the requirements as set out in the definition of 'qualifying individual' in subsection (1) in respect of the period the individual is not employed by a qualifying company, where the individual exercises the option within 90 days of the individual ceasing to hold the employment or office concerned with the qualifying company.",

(c) by the insertion of the following subsection after subsection (2):

"(2A) For the purposes of this section, a group of companies shall be treated as a qualifying group only where—

(a) throughout the entirety of the relevant period—

(i) there is at least one qualifying company in the group which is a qualifying subsidiary,

(ii) the activities of the qualifying group, excluding the qualifying holding company, consist wholly or mainly of the carrying on of a qualifying trade,

(iii) each company in the qualifying group is an unquoted company none of whose shares, stock or debentures are listed on the official list of a stock exchange, or quoted on an unlisted securities market of a stock exchange, other than on—

(I) the market known as the Euronext Growth market operated by the Irish Stock Exchange plc trading as Euronext Dublin, or

(II) any similar or corresponding market of the stock exchange in—

(A) a territory, other than the State, with the government of which arrangements having the force of law by virtue of section 826(1) have been made, or

(B) an EEA state other than the State,

and

(iv) each company in the qualifying group is not regarded as a company in difficulty for the purposes of the Commission Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty[1],

and

(b) at the date of grant of the qualifying share option—

1 OJ No. C 249, 31.7.2014, p. 1.

(i) the qualifying group is a micro, small or medium-sized enterprise within the meaning of the Annex to Commission Recommendation 2003/361/EC of 6 May 2003[2] concerning the definition of micro, small and medium-sized enterprises, and

(ii) the total market value of the issued, but unexercised, qualifying share options of the qualifying holding company does not exceed €3,000,000.",

(d) by the deletion of subsection (4),

(e) in subsection (5)—

(i) in paragraph (a), by the insertion of "or, in the case of a qualifying group, of the qualifying holding company," after "qualifying company",

(ii) in paragraph (b), by the insertion of "or, in the case of a qualifying group, in the qualifying holding company" after "company" in both places where it occurs, and

(iii) in paragraph (c)—

(I) in subparagraph (ii), by the deletion of "paragraphs (a) and (b) of", and

(II) by the substitution of the following subparagraph for subparagraph (iii):

"(iii) throughout the relevant period, the company is a qualifying company or, in the case of a qualifying group, the holding company is a qualifying holding company.",

(f) by the substitution of the following subsection for subsection (7):

"(7) Where in any year of assessment a qualifying company grants a qualifying share option under this section, allots any shares or transfers any asset in pursuance of such a right, or gives any consideration for the assignment or release in whole or in part of such a right, or receives notice of the assignment of such a right, the qualifying company shall deliver particulars thereof to the Revenue Commissioners, in a format approved by them, not later than 31 March in the year of assessment following that year.",

(g) by the insertion of the following subsection after subsection (7):

"(7A) Where in any year of assessment a company within a qualifying group grants a qualifying share option under this section, allots any shares or transfers any asset in pursuance of such a right, or gives any consideration for the assignment or release in whole or in part of such a right, or receives notice of the assignment of such a right, a qualifying company designated by the qualifying group shall deliver particulars thereof on behalf of the qualifying group to the Revenue Commissioners, in a format approved by them, not later than 31 March in the year of assessment following that year.",

2 OJ No. L 124, 20.5.2003, p. 36.

(h) in subsection (8)—

(i) by the insertion of ", or, as the case may be, qualifying groups" after "qualifying companies", and

(ii) in paragraph (a), by the insertion of "or, in the case of a qualifying group, of each member of it (and a subsequent reference in this subsection to a 'company' shall, as appropriate, in the case of a qualifying group be construed as including a reference to each such member)" after "company",

(i) by the substitution of the following subsection for subsection (10):

"(10) A company or group shall not be regarded as a qualifying company or, as the case may be, a qualifying group for the purposes of this section where the company, or in the case of a qualifying group, the company designated for the purposes of subsection (7A), fails to comply with subsection (7) or (7A), as the case may be.",

and

(j) in subsection (11), by the substitution of "a qualifying company" for "the qualifying company".

Share based remuneration

16. (1) Section 128F of the Principal Act is amended—

(a) in subsection (1)—

(i) in paragraph (d)(ii) of the definition of "qualifying company", by the substitution of "€6,000,000" for "€3,000,000", and

(ii) in paragraph (a) of the definition of "qualifying share option", by the substitution of "ordinary fully paid up shares" for "new ordinary fully paid up shares",

(b) in paragraph (b)(ii) of subsection (2A) (inserted by *section 15* of the *Finance Act 2022*), by the substitution of "€6,000,000" for "€3,000,000",

(c) in subsection (3), by the substitution of "1 January 2026" for "1 January 2024", and

(d) by the insertion of the following subsection after subsection (6):

"(6A) Where—

(a) shares in a company are acquired on foot of a qualifying share option granted on or after 1 January 2018 and before 1 January 2026,

(b) those shares are subsequently redeemed, repaid or purchased by the company, and

(c) subsection (1) of section 176 would apply in respect of the payment made by the company on the redemption, repayment or purchase of

those shares, but for paragraph (a)(i)(I) of that subsection not being satisfied,

subsection (1) of section 176 shall be deemed to apply in respect of the payment, notwithstanding that paragraph (a)(i)(I) of that subsection is not satisfied.".

(2) Section 128B of the Principal Act is amended, in paragraph (b) of subsection (9), by the substitution of "0.0219" for "0.0322".

(3) Schedule 29 of the Principal Act is amended, in Column 3, by the insertion of "section 128B(4)" before "section 128C(15)".

(4) *Subsection (1)* shall come into operation on such day or days as the Minister for Finance shall appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Amendment of section 823A of Principal Act (deduction for income earned in certain foreign states)

17. Section 823A of the Principal Act is amended—

(a) in subsection (1), in the definition of "relevant state", by the substitution of "2025" for "2022" in each place where it occurs, and

(b) in subsection (6), by the substitution of "2015 to 2025" for "2015 to 2022".

Amendment of section 825C of Principal Act (special assignee relief programme)

18. Section 825C of the Principal Act is amended—

(a) by the insertion of the following subsection after subsection (2A):

"(2AA) In this section, in the case of an individual who arrives in the State in any of the tax years 2023 to 2025, 'relevant employee' means an individual—

(a) who for the whole of the 6 months immediately before his or her arrival in the State was a full time employee of a relevant employer and exercised the duties of his or her employment for that relevant employer outside the State,

(b) who arrives in the State at the request of his or her relevant employer to—

(i) perform in the State duties of his or her employment for that employer, or

(ii) to take up employment in the State with an associated company and to perform duties in the State for that company,

(c) who performs the duties referred to in paragraph (b) for a minimum period of 12 consecutive months from the date he or she first

performs those duties in the State,

(d) to whom a PPS number has been issued,

(e) who was not resident in the State for the 5 tax years immediately preceding the tax year in which he or she first arrives in the State for the purposes of performing the duties referred to in paragraph (b), and

(f) in respect of whom the relevant employer or associated company certifies, in such form as the Revenue Commissioners may require, within 90 days from the employee's arrival in the State to perform the duties referred to in paragraph (b), that—

(i) the individual complies with the conditions set out in paragraphs (a) to (d), and

(ii) the relevant employer or associated company has complied with Regulation 17(2) of the Income Tax (Employments) Regulations 2018 (S.I. No. 345 of 2018).",

(b) in subsection (2B)(b)—

(i) in subparagraph (i)—

(I) by the substitution of "referred to in subsection (2)(a)(ii), (2A)(b) or (2AA)(b)" for "referred to in subsection (2)(a)(ii) or (2A)(b)", and

(II) in subclause (B), by the substitution of "set out in subsection (2A)(b) or (2AA)(b)" for "set out in subsection (2A)(b)",

and

(ii) by the substitution of the following subparagraph for subparagraph (ii):

"(ii) 'B' is €75,000 or, in the case of a relevant employee who arrives in the State in any of the tax years 2023 to 2025, €100,000.",

(c) in subsection (3)(a)—

(i) by the substitution of the following subparagraph for subparagraph (ii):

"(ii) performs the duties referred to in subsection (2)(a)(ii), (2A)(b) or (2AA)(b), and",

and

(ii) by the substitution of the following subparagraph for subparagraph (iii):

"(iii) has relevant income from his or her relevant employer or from the associated company, the annualised equivalent of which is—

(I) subject to clause (II), not less than €75,000, or

(II) in the case of a relevant employee who arrives in the State in any of the tax years 2023 to 2025, not less than €100,000,",

and

(d) in subsection (4)(b)—

(i) by the substitution of "2025" for "2022", and

(ii) in subparagraph (i), by the substitution of "set out in subsection (2A)(b) or (2AA)(b)" for "set out in subsection (2A)(b)".

Amendment of Part 7 of Principal Act (lump sums from foreign pension arrangements)

19. Part 7 of the Principal Act is amended—

(a) by the insertion of the following section after section 200:

"Lump sums from foreign pension arrangements

200A. (1)(a) In this section—

'administrator', in relation to a foreign pension arrangement, means the person or persons having the management of the foreign pension arrangement;

'domestic lump sum' means a lump sum referred to in paragraph (b) of subsection (1) of section 790AA construed in accordance with paragraph (c) of that subsection;

'excess lump sum' shall be construed in accordance with paragraph (d);

'foreign pension arrangement' means a contract, an agreement, a series of agreements, a trust deed or other arrangement, other than a state social security scheme, which—

(a) is established in, or entered into under the law of, a territory other than the State,

(b) is, in good faith, established for the sole purpose of providing benefits of a kind similar to those referred to in Chapter 1, 2, 2A or 2D of Part 30, and

(c) is not a relevant pension arrangement;

'relevant pension arrangement' has the same meaning as it has in section 790AA;

'specified date' means 1 January 2023;

'standard chargeable amount' has the same meaning as it has in section 790AA;

'standard rate' means the standard rate of income tax in force at the time the foreign lump sum is paid;

'tax free amount' has the same meaning as it has in section 790AA;

'tax year' means a year of assessment within the meaning of the

Tax Acts.

(b) For the purposes of this section, a reference to a foreign lump sum is a reference to a lump sum that is paid to an individual under the rules of a foreign pension arrangement by means of commutation of part of a pension or of part of an annuity or otherwise.

(c) For the purposes of this section, references to a foreign lump sum that is paid to an individual include references to a foreign lump sum that is obtained by, given to, or made available to, an individual and references to a foreign lump sum which was or had been paid to an individual shall be construed accordingly.

(d) For the purposes of this section, the excess lump sum, if any, in respect of a foreign lump sum that is paid to an individual on or after the specified date (in this paragraph referred to as the 'current foreign lump sum') shall be—

(i) where, before the current foreign lump sum was paid, there had not been paid to the individual—

(I) a domestic lump sum, or

(II) another foreign lump sum on or after the specified date,

the amount by which the current foreign lump sum exceeds the tax free amount, and

(ii) where, before the current foreign lump sum was paid, there had been paid to the individual one or more than one—

(I) domestic lump sum, or

(II) other foreign lump sum on or after the specified date, (in this section referred to as the 'earlier lump sums'), then—

(A) where the amount of the earlier lump sums is less than the tax free amount, the amount by which the aggregate of the amounts of the earlier lump sums and the current foreign lump sum exceeds the tax free amount, and

(B) where the amount of the earlier lump sums is equal to or greater than the tax free amount, the amount of the current foreign lump sum.

(2) Where a foreign lump sum is, on or after the specified date, paid to an individual who is resident in the State at the time the lump sum is paid, the excess lump sum in respect of that foreign lump sum shall be regarded as income of the individual for the tax year in which that foreign lump sum is paid and shall be chargeable to income tax and the universal social charge in accordance with subsection (3).

(3) Subject to subsection (5)—

(a) where the excess lump sum arises in accordance with subsection (1)(d)(i), (1)(d)(ii)(A) or (1)(d)(ii)(B) (in so far as the amount of the earlier lump sums referred to in subsection (1)(d)(ii)(B) is equal to the tax free amount), then—

(i) so much of the excess lump sum as does not exceed the standard chargeable amount shall be charged to income tax under Case III of Schedule D at the standard rate, and

(ii) so much of the excess lump sum, if any, as exceeds the standard chargeable amount shall be—

(I) charged to income tax under Case III of Schedule D at the higher rate for the tax year in which the lump sum is paid, and

(II) regarded as relevant income for the purposes of Part 18D,

(b) Where the excess lump sum arises in accordance with subsection (1)(d)(ii)(B) (in so far as the amount of the earlier lump sums referred to in that subsection is greater than the tax free amount), then where the amount by which the earlier lump sums is greater than the tax free amount (in this paragraph referred to as the 'first-mentioned amount') is less than the standard chargeable amount—

(i) so much of the excess lump sum as does not exceed an amount equivalent to the difference between the standard chargeable amount and the first-mentioned amount shall be charged to income tax under Case III of Schedule D at the standard rate, and

(ii) so much of the excess lump sum, if any, as exceeds an amount equivalent to the difference between the standard chargeable amount and the first-mentioned amount shall be—

(I) charged to income tax under Case III of Schedule D at the higher rate for the tax year in which the lump sum is paid, and

(II) regarded as relevant income for the purposes of Part 18D.

(4) Where a foreign lump sum is paid to an individual on or after the specified date, the person liable for income tax and universal social charge charged in accordance with subsection (3) shall be that individual.

(5) In so far as any part of an excess lump sum is to be regarded as income of an individual for a tax year and charged to income tax at the standard rate in accordance with paragraph (a)(i) or (b)(i) of subsection (3)—

(a) such income—

(i) shall not be reckoned in computing total income for the purposes of the Tax Acts, and

(ii) shall be computed without regard to any amount deductible from, or deductible in computing, income for the purposes of the Tax Acts,

(b) the charging of that income in such manner shall be without any relief or reduction specified in the Table to section 458 or any other deduction from that income, and

(c) section 188 shall not apply as regards income so charged.

(6) The provisions of the Income Tax Acts relating to—

(a) assessments to income tax, and

(b) the collection and recovery of income tax,

shall, in so far as they are applicable, apply to the assessment, collection and recovery of income tax and universal social charge under this section.

(7) An individual claiming relief under this section shall obtain from the administrator of the foreign pension arrangement and provide to the Revenue Commissioners in such form and manner as the Revenue Commissioners may specify—

(a) such evidence as the Revenue Commissioners may reasonably require in relation to the foreign pension arrangement, including for the purpose of satisfying themselves that the requirements set out in paragraphs (a) to (c) of the definition of 'foreign pension arrangement' in subsection (1)(a) are met, and

(b) without prejudice to the generality of paragraph (a)—

(i) the name and address of the administrator of the foreign pension arrangement,

(ii) the date on which the individual became a member of the foreign pension arrangement, and

(iii) the date or dates on which a foreign lump sum or foreign lump sums under the foreign pension arrangement became or become payable.

(8) A person aggrieved by an assessment made on that person under this section may appeal the assessment to the Appeal Commissioners, in accordance with section 949I, within the period of 30 days after the notice of assessment.

(9) This section shall not apply to a foreign lump sum that is paid to—

(a) a widow or widower,

(b) a surviving civil partner,

(c) children,

(d) dependents,

(e) personal representatives, or

(f) children of the civil partner,

of a deceased individual.",

and

(b) in section 790AA(1), by the insertion of the following paragraph after paragraph (e):

"(f) For the purposes of paragraphs (d) and (e), references to lump sums shall include foreign lump sums referred to in paragraph (b) of subsection (1) of section 200A construed in accordance with paragraph (c) of that subsection that are paid to an individual on or after the specified date referred to in that subsection.".

Pan-European Personal Pension Product (insertion of new Chapter)

20. Part 30 of the Principal Act is amended by the insertion of the following Chapter after Chapter 2C:

"Chapter 2D

Pan-European Pension Product

Interpretation

787V. (1) In this Chapter, unless the context otherwise requires—

'approved retirement fund' has the same meaning as it has in section 784A;

'contract of employment' means—

(a) a contract of service or apprenticeship, or

(b) any other contract whereby an individual agrees with another person, who is carrying on the business of an employment agency (within the meaning of the Employment Agency Act 1971) and is acting in the course of that business, to do or perform personally any work or service for a third person (whether or not the third person is party to the contract),

whether the contract is express or implied or if express, whether it is oral or in writing;

'contribution' means a payment made directly or indirectly by or on behalf of a contributor to the relevant PEPP contract of a PEPP provider for investment on the contributor's behalf in accordance with

the terms of the PEPP contract;

'contributor' means an individual who enters into a PEPP contract with a PEPP provider;

'director', in relation to a company includes—

(a) in the case of a company the affairs of which are managed by a board of directors or similar body, a member of that board or body,

(b) in the case of a company the affairs of which are managed by a single director or similar person, that director or person, and

(c) in the case of a company the affairs of which are managed by the members themselves, a member of that company,

and includes a person who is to be or has been a director;

'distribution' has the same meaning as in the Corporation Tax Acts;

'earnings limit' shall be construed in accordance with section 790A;

'employee'—

(a) means a person of any age, who has entered into or works under (or where the employment has ceased, entered into or worked under) a contract of employment and references, in relation to an employer, to an employee shall be construed as references to an employee employed by that employer; and for the purposes of this Chapter, a person holding office under, or in the service of, the State (including a civil servant within the meaning of the Civil Service Regulation Act 1956) shall be deemed to be an employee employed by the State or Government, as the case may be, and an officer or servant of a local authority for the purposes of the Local Government Act 2001, or of a harbour authority, the Health Service Executive or a member of staff of an education and training board shall be deemed to be an employee employed by the authority, the Executive or the board, as the case may be, and

(b) in relation to a company, includes a director or other officer of the company and any other person taking part in the management of the affairs of the company;

'employer' means, in relation to an employee, the person with whom the employee has entered into, or for whom the employee works under (or, where the employment has ceased, entered into or worked under), a contract of employment, subject to the qualification that the person, who under a contract of employment referred to in paragraph (b) of the definition of 'contract of employment' is liable to pay the wages of the individual concerned, in respect of the work or service concerned shall be deemed to be the individual's employer;

'market value' shall be construed in accordance with section 548;

'PEPP' has the same meaning as in the PEPP Regulation;

'PEPP assets' means the assets held on behalf of a contributor in a PEPP;

'PEPP beneficiary' has the same meaning as in the PEPP Regulation;

'PEPP contract' has the same meaning as in the PEPP Regulation;

'PEPP provider' has the same meaning as in the PEPP Regulation and includes a person appointed by the PEPP provider in accordance with section 787AA(7)(ii);

'PEPP Regulation' means Regulation (EU) No. 2019/1238 of the European Parliament and Council of 20 June 2019[3];

'PPS Number', in relation to an individual, means that individual's Personal Public Service Number (within the meaning of section 262 of the Social Welfare Consolidation Act 2005);

'registered PEPP' means a PEPP that for the time being stands registered under Article 7 of the PEPP Regulation;

'relevant payment', in relation to a PEPP, means any payment, including a distribution, made by reason of rights arising as a result of a PEPP contract and includes any annuity payable by reason of such rights;

'retirement annuity contract' means a contract approved by the Revenue Commissioners in accordance with Chapter 2 of this Part;

'Revenue officer' means an officer of the Revenue Commissioners;

'specified individual', in relation to a year of assessment, means an individual whose relevant earnings for the year of assessment were derived wholly or mainly from an occupation or profession specified in Schedule 23A.

(2) Subject to subsection (1), a word or expression that is used in this Chapter and is also used in the PEPP Regulation has, except where the context otherwise requires, the same meaning in this Chapter as it has in the PEPP Regulation.

Relevant earnings and net relevant earnings

787W. (1) For the purposes of this Chapter but subject to subsection (2), 'relevant earnings', in relation to an individual, means any income of the individual chargeable to tax for the year of assessment in question, being any of the following—

(a) income arising in respect of remuneration from an office or employment of profit held by the individual,

(b) income from any property which is attached to or forms part of the

3 OJ No. L. 198, 25.7.2019. p.1.

emoluments of any such office or employment of profit held by the individual, or

(c) income which is chargeable under Schedule D and is immediately derived by the individual from the carrying on or exercise by the individual of his or her trade or profession either as an individual or, in the case of a partnership, as a partner personally acting in the partnership,

but does not include any remuneration from an investment company of which the individual is a proprietary director or a proprietary employee.

(2) For the purposes of this Chapter, the relevant earnings of an individual shall not be treated as the relevant earnings of his or her spouse or civil partner, notwithstanding that the individual's income chargeable to tax is treated as his or her spouse's or civil partner's income.

(3) For the purposes of relief under this Chapter, an individual's relevant earnings shall be those earnings before giving effect to any deduction to be made from those earnings in respect of a loss or in respect of a capital allowance (within the meaning of section 2), and references to income in this Chapter (other than references to total income) shall be construed similarly.

(4) For the purposes of this Chapter, 'net relevant earnings', in relation to an individual and subject to subsections (5) to (7), means the amount of the individual's relevant earnings for the year of assessment in question less the amount of any deductions to be made from the relevant earnings in computing the individual's total income for that year, being either—

(a) deductions in respect of payments made by the individual, or

(b) deductions in respect of losses or of such allowances mentioned in subsection (3), being losses or allowances arising from activities, profits or gains of which would be included in computing relevant earnings of the individual or of the individual's spouse or civil partner for the year of assessment.

(5) Where in any year of assessment for which an individual claims and is allowed relief under this Chapter there is to be made in computing the total income of the individual or of the individual's spouse or civil partner a deduction in respect of any such loss or allowance of the individual referred to in subsection (4)(b), and the deduction or part of it is to be so made from income other than relevant earnings, then, the amount of the deduction made from that other income shall be treated as reducing the individual's net relevant earnings for subsequent years of assessment and shall be deducted as far as may be from those of the following year, whether or not the individual claims or is entitled to claim relief under this Chapter for that year, and in so far as it cannot

be so deducted, then from those of the next year, and so on.

(6) Where an individual's income for any year of assessment consists partly of relevant earnings and partly of other income, then, as far as may be, any deductions to be made in computing the individual's total income, and which may be treated in whole or in part either as made from relevant earnings or as made from other income, shall be treated for the purposes of this section as being made from those relevant earnings in so far as they are deductions in respect of any such loss referred to in subsection (4)(b) and otherwise as being made from that other income.

(7) An individual's net relevant earnings for any year of assessment shall be computed without regard to any relief to be given for that year under this Chapter either to the individual or to the individual's spouse or civil partner.

(8) Notwithstanding anything in this section, for the purposes of relief under this Chapter an individual's net relevant earnings shall not exceed the earnings limit.

PEPPs – Method of granting relief for PEPP contributions

787X.(1) Subject to the provisions of this Chapter, relief from income tax shall be given in respect of contributions to a PEPP by an individual chargeable to tax in respect of relevant earnings from any trade, profession, office or employment carried on or held by that individual.

(2) Where relief is to be given under this Chapter in respect of any contribution made by an individual, the amount of that contribution shall, subject to this section, be deducted from or set off against the individual's relevant earnings for the year of assessment in which the contribution is paid.

(3) Where in relation to a year of assessment a contribution to a PEPP is made after the end of the year of assessment but on or before the specified return date for the chargeable period (within the meaning of Part 41A) the payment may, if the individual so elects on or before that date, be treated for the purposes of this section as paid in the earlier year (and not in the year in which it is paid); but where—

(a) the amount of that contribution, together with any contributions made by the individual in the year to which the assessment relates (or treated as so paid by virtue of any previous election under this subsection), exceeds the maximum amount of the reduction which may be made under this Chapter in the individual's relevant earnings for that year, or

(b) the amount of that PEPP contribution itself exceeds the increase in that maximum amount which is due to taking into account the income on which the assessment is made,

the election shall have no effect as respects the excess.

(4) Where in any year of assessment a reduction or a greater reduction would be made under this section in the relevant earnings of an individual but for an insufficiency of net relevant earnings, the amount of the reduction which would be made but for that reason, less the amount of any reduction which is made in that year, shall be carried forward to the next year of assessment, and shall be treated for the purposes of relief under this Chapter as the amount of a qualifying contribution paid in that next year of assessment.

(5) If and in so far as an amount once carried forward under subsection (4) (and treated as the amount of a qualifying payment made in the next year of assessment) is not deducted from or set off against the individual's net relevant earnings for that year of assessment, it shall be carried forward again to the following year of assessment (and treated as the amount of a qualifying payment made in that year of assessment), and so on for succeeding years.

(6) Where relief under this Chapter for any year of assessment is claimed and allowed (whether or not relief is then to be given for that year), and afterwards there is made any assessment, amendment of an assessment, or other adjustment of the claimant's liability to tax, there shall be made also such adjustments, if any, as are consequential thereon in the relief allowed or given under this Chapter for that or any subsequent year of assessment.

(7) Where relief under this Chapter is claimed and allowed for any year of assessment in respect of any contribution, relief shall not be given in respect of that contribution under any other provision of the Income Tax Acts for the same or a later year of assessment.

(8) Where approval of a PEPP is withdrawn pursuant to Article 8 of the PEPP Regulation there shall be made such assessments or amendment of assessments as may be appropriate for the purpose of withdrawing any relief given under this Chapter consequent on the grant of the approval.

Claims to relief

787Y. (1) Relief shall not be given under this Chapter in respect of a contribution to a PEPP except on a claim made to and allowed by a Revenue officer.

(2) A person aggrieved by a decision of a Revenue officer in relation to a claim for relief by that person may appeal the decision to the Appeal Commissioners, in accordance with section 949I, within the period of 30 days after the date of the notice of that decision.

PEPP – Extent of relief

787Z. (1) Subject to this section, the amount which may be deducted or set off in any year in respect of contributions made by an individual to one or

more PEPP products (in this section referred to as the 'maximum allowable contribution') shall not be more than—

(a) in the case of an individual who at any time during the year of assessment was of the age 30 years or over but had not attained the age of 40 years, 20 per cent,

(b) in the case of an individual who at any time during the year of assessment was of the age 40 years or over but had not attained the age of 50 years, 25 per cent,

(c) in the case of an individual who at any time during the year of assessment was of the age of 50 years or over but had not attained the age of 55 years or who for the year of assessment was a specified individual, 30 per cent,

(d) in the case of an individual who at any time during the year of assessment was of the age of 55 years or over but had not attained the age of 60 years, 35 per cent,

(e) in the case of an individual who at any time during the year of assessment was of the age of 60 years or over, 40 per cent, and

(f) in any other case, 15 per cent,

of the individual's net relevant earnings for that year of assessment.

(2) Notwithstanding subsection (1), where the maximum allowable contribution would but for this subsection be less than €1,525, subsection (1) shall apply as if the said maximum allowable contribution were €1,525.

(3) Where an individual is entitled to relief for a year of assessment under Chapter 2 in respect of a qualifying premium and in respect of any PRSA contribution (within the meaning of Chapter 2A), the maximum allowable contribution for that year of assessment, shall be reduced by the amount of such relief.

Taxation of payments from a PEPP

787AA.(1) Subject to subsections (2), (3) and (4)—

(a) the amount or value of any assets that a PEPP provider makes available to, or pays to, a PEPP saver or beneficiary or to any other person, including any annuity where the whole or part of the consideration for the grant of the annuity consisted of assets which, at the time of application of the said assets for the purchase of the annuity, were PEPP assets, shall, notwithstanding anything in section 18 or 19, be treated as a payment to the PEPP saver of emoluments to which Schedule E applies and, accordingly, the provisions of Chapter 4 of Part 42 shall apply to any such payment or amount treated as a payment, and

(b) the PEPP provider shall deduct tax from the assets at the higher rate

for the year of assessment in which the assets are made available unless the PEPP provider has received from the Revenue Commissioners a revenue payroll notification (within the meaning of section 983) for that year in respect of the PEPP saver.

(2) A PEPP provider shall be liable to pay to the Collector-General the income tax which the PEPP provider is required to deduct from any assets of a PEPP by virtue of this section and the individual beneficially entitled to assets held in a PEPP, including the personal representatives of a deceased individual who was so entitled prior to that individual's death, shall allow such deduction; but where there are no funds or insufficient funds available out of which the PEPP provider may satisfy the tax required to be deducted, the amount of such tax for which there are insufficient funds available shall be a debt due to the PEPP provider from the individual beneficially entitled to the assets in the PEPP or from the estate of the deceased individual, as the case may be.

(3) Subsection (1) shall not apply where the assets made available from a PEPP are—

(a) an amount made available, at the time assets of the PEPP are first made available to the PEPP saver, by way of lump sum not exceeding 25 per cent of the value of the assets in the PEPP at that time,

(b) an amount transferred to an approved retirement fund in accordance with section 787AB,

(c) an amount made available to the personal representatives of the PEPP contributor in accordance with section 787AB(1),

(d) an amount the PEPP provider makes available from the PEPP assets, to such extent as may be necessary, for the purpose of discharging a tax liability in relation to a PEPP saver, under the provisions of Chapter 2C of this Part, in connection with a relevant payment to the PEPP saver, or

(e) an amount made available from a PEPP, where the PEPP is a vested PEPP (within the meaning of section 790D(1)), for the purpose of—

(i) reimbursing, in whole or in part, an administrator (within the meaning of section 787O(1)) in respect of the payment by that administrator of income tax charged on a chargeable excess in respect of the PEPP contributor, or

(ii) payment by the PEPP provider of the amount, or part of the amount, of the appropriate share (within the meaning of section 787R(2A)(b)) of a non-member (within the meaning of section 787O(1)) (being the PEPP saver) of income tax charged on a

chargeable excess,

under the provisions of Chapter 2C of this Part.

(4) For the purposes of this Chapter, the circumstances in which a PEPP provider shall be treated as making assets of a PEPP available to an individual shall include—

(a) the making of a relevant payment by the PEPP provider,

(b) any circumstances whereby assets cease to be assets of the PEPP,

(c) any circumstances whereby assets cease to be beneficially owned by the PEPP saver, and

(d) any circumstances in which an annuity paid from the assets in a PEPP is—

(i) an annuity for the life of the PEPP saver or the PEPP beneficiary concerned,

(ii) an annuity for the life of the PEPP saver concerned or the widow, widower or surviving civil partner of the PEPP saver concerned, or

(iii) an annuity—

(I) for a term certain (not exceeding 10 years) notwithstanding the death of the PEPP saver or the PEPP beneficiary within that term,

(II) payment of which may be terminated or suspended on marriage or remarriage or in other circumstances, or

(III) which can be assigned by will or by distribution on intestacy.

(5) Without prejudice to the generality of subsection (4), the circumstances in which a PEPP provider shall, for the purposes of this Chapter, be treated as making assets of a PEPP (including a vested PEPP within the meaning of section 790D(1)) available to an individual shall include the use of those assets in connection with any transaction which would, if the assets were assets of an approved retirement fund, be regarded under section 784A as giving rise to a distribution for the purposes of that section and the amount to be regarded as made available shall be calculated in accordance with that section.

(6) For the purposes of subsection (9), the PEPP provider of a vested PEPP of a kind referred to in paragraph (b) of the definition of 'vested PEPP' in section 790D(1) shall be treated as making the assets of the PEPP available to the PEPP contributor on the date the contributor attains the age of 75 years or, where the contributor attained the age of 75 years prior to the date of passing of the *Finance Act 2022*, on the date of passing of that Act.

(7) At any time when a PEPP provider—

(a) is not resident in the State, or

(b) is not trading in the State through a fixed place of business,

the PEPP provider shall, in relation to the discharge of all duties and obligations relating to a PEPP which are imposed on the PEPP provider by virtue of the PEPP Regulation, this Chapter, Chapter 2C and section 125B of the Stamp Duties Consolidation Act 1999—

(i) enter into a contract with the Revenue Commissioners enforceable in a Member State of the European Communities in relation to the discharge of those duties and obligations and in entering into such a contract the parties to the contract shall acknowledge and agree in writing that—

(I) it shall be governed solely by the laws of the State, and

(II) that the courts of the State shall have exclusive jurisdiction in determining any dispute arising under it,

or

(ii) ensure that there is a person resident in the State, appointed by the PEPP provider, who will be responsible for the discharge of all of those duties and obligations and shall notify the Revenue Commissioners of the appointment of that person and the identity of that person.

(8) The Revenue Commissioners may by notice in writing require a PEPP provider or the person appointed in accordance with subsection (7)(ii), as the case may be, to provide, within 30 days of the date of such notice, such information and particulars as may be specified in the notice as they may reasonably require for the purposes of this Chapter, and, without prejudice to the generality of the foregoing, such information and particulars may include—

(a) the name, address and PPS Number of the PEPP saver,

(b) the name, address and PPS Number of any person to whom any payments have been made, or to whom any assets have been made available, by the PEPP provider, and

(c) the amount of any payments and the value of any assets referred to in paragraph (b).

(9) Notwithstanding subsection (1), where assets of a PEPP are treated under subsection (4) or subsection (6) as having been made available to an individual, the provisions of section 784A(4) shall apply as if assets of that PEPP at the time of death of that individual were assets of an approved retirement fund.

Approved Retirement Fund option

787AB.(1) At any time assets of a PEPP are allowed to be made available to a PEPP beneficiary, that individual may opt to have those assets transferred to an approved retirement fund and the PEPP provider shall make that transfer.

(2) The assets that a PEPP provider shall transfer to an approved retirement fund in accordance with subsection (1) shall be the assets available in the PEPP at the time the election under that subsection is made less any lump sum the PEPP provider is permitted to pay without deduction of tax in accordance with section 787AA(3)(a).

(3) Where an individual opts in accordance with subsection (1), sections 784A and 784B shall apply as if that option were an option in accordance with section 784(2A).

Exemption of PEPP

787AC.(1) Exemption from income tax shall, on a claim being made in that behalf, be allowed in respect of income derived from investments or deposits of a PEPP if, or to such extent as the Revenue Commissioners are satisfied that, it is income from investments or deposits held for the purposes of the PEPP.

(2) (a) In this subsection, 'financial futures' and 'traded options' mean respectively financial futures and traded options for the time being dealt in or quoted on any futures exchange or any stock exchange, whether or not that exchange is situated in the State.

(b) For the purposes of subsection (1), a contract entered into in the course of dealing in financial futures or traded options shall be regarded as an investment.

(3) Exemption from income tax shall, on a claim being made in that behalf, be allowed in respect of underwriting commissions if, or to such extent as the Revenue Commissioners are satisfied that, the underwriting commissions are applied for the purposes of the PEPP, and in respect of which the PEPP provider would, but for this subsection, be chargeable to tax under Case IV of Schedule D.

Allowance to employer

787AD.(1) For the purposes of this section—

(a) a reference to a 'chargeable period' shall be construed as a reference to a 'chargeable period or its basis period' (within the meaning of section 321), and

(b) in relation to an employer whose chargeable period is a year of assessment, 'basis period' means the period on the profits or gains of which income tax for that year of assessment is to be finally computed for the purposes of Case I or II of Schedule D in respect of the trade, profession or vocation of the employer.

(2) Subject to subsection (3), any sum paid by an employer by way of contribution to a PEPP of an employee shall for the purposes of Case I or II of Schedule D and of sections 83 and 707(4) be allowed to be deducted as an expense, or expense of management, incurred in the chargeable period in which the sum is paid but no other sum shall for those purposes be allowed to be deducted as an expense, or expense of management, in respect of the making, or any provision for the making, of any contributions under the PEPP contract.

(3) The amount of an employer's contributions which may be deducted under subsection (2) shall not exceed the amount contributed by that employer to PEPP products in respect of employees in a trade or undertaking in respect of the profits of which the employer is assessable to income tax or corporation tax, as the case may be.".

Pan-European Personal Pension Product (amendments consequential on insertion of Chapter 2D in Part 30)

21. (1) Section 110(5A)(d)(i)(II) of the Principal Act is amended by the substitution of "a PRSA within the meaning of section 787A, a PEPP within the meaning of Chapter 2D of Part 30," for "a PRSA within the meaning of section 787A,".

(2) Section 172A(1)(a) of the Principal Act is amended by the insertion of the following definitions:

" 'PEPP assets' has the same meaning as in Chapter 2D of Part 30;

'PEPP provider' has the same meaning as in Chapter 2D of Part 30;".

(3) Section 172C of the Principal Act is amended—

(a) in subsection (2), by the insertion of the following paragraph after paragraph (bb):

"(bc) a PEPP provider who is receiving the relevant distribution as income arising in respect of PEPP assets, and has made a declaration to the relevant person in relation to the relevant distribution in accordance with paragraph 12 of Schedule 2A,",

and

(b) in subsection (3)—

(i) in paragraph (cb), by the substitution of "unit trust," for "unit trust, and",

(ii) in paragraph (d), by the substitution of "(within the meaning of that section), and" for "(within the meaning of that section)", and

(iii) by the insertion of the following paragraph after paragraph (d):

"(e) a PEPP provider who receives a relevant distribution as income arising in respect of PEPP assets,".

(4) Section 256 of the Principal Act is amended, in subsection (1)—

(a) by the insertion of the following definitions:

" 'PEPP' has the same meaning as in Chapter 2D of Part 30;

'PEPP provider' has the same meaning as in Chapter 2D of Part 30;",

and

(b) in the definition of "relevant deposit"—

(i) in paragraph (j), by the substitution of "in subsection (1B)," for "in subsection (1B), or",

(ii) in paragraph (k), by the substitution of "Revenue Commissioners, or" for "Revenue Commissioners;", and

(iii) by the insertion of the following paragraph after paragraph (k):

"(l) which is made by a PEPP provider, held for the purposes of a PEPP and in respect of which a declaration in accordance with section 263F has been made to the relevant deposit taker;".

(5) The Principal Act is amended by the insertion of the following section after section 263E:

"Declarations relating to deposits made by a PEPP provider held for a PEPP

263F. (1) The declaration referred to in paragraph (l) of the definition of 'relevant deposit' in section 256(1) is a declaration in writing to a relevant deposit taker which—

(a) is made by a PEPP provider (in this section referred to as 'the declarer') in respect of a deposit that is an asset of a PEPP,

(b) is signed by the declarer,

(c) is made in such form as may be prescribed by the Revenue Commissioners,

(d) declares that, at the time when the declaration is made, the deposit in respect of which the declaration is made—

(i) is an asset of a PEPP, and

(ii) is managed by the declarer for the PEPP who is beneficially entitled to the deposit,

(e) contains the name, address and tax reference number of the PEPP referred to in paragraph (d),

(f) contains an undertaking by the declarer that if the deposit ceases to be an asset of the PEPP, including a case where the deposit is transferred to another PEPP, the declarer will notify the relevant deposit taker accordingly, and

(g) contains such other information as the Revenue Commissioners may reasonably require for the purpose of this Chapter.

(2) A relevant deposit taker shall—

(a) keep and retain for the longer of the following periods:

(i) a period of 6 years, and

(ii) a period which, in relation to the deposit in respect of which the declaration is made, ends not earlier than 3 years after the date on which the deposit is repaid or, as the case may be, becomes a relevant deposit,

and

(b) on being so required by notice given to it in writing by an inspector, make available to the inspector, within the time specified in the notice,

all declarations of the kind mentioned in subsection (1) which have been made in respect of deposits held by the relevant deposit taker.

(3) The inspector may examine or take extracts from or copies of any declarations made available to him or her under paragraph (a).

(4) In this section—

'PEPP' has the same meaning as it has in Chapter 2D of Part 30;

'PEPP provider' has the same meaning as it has in Chapter 2D of Part 30.".

(6) Section 531AM of the Principal Act is amended, in paragraph (a) of the Table to that section—

(a) in subparagraph (V), by the substitution of "under section 782A(3)," for "under section 782A(3), and",

(b) in subparagraph (VI), by the substitution of "(within the meaning of Chapter 2A of Part 30), and" for "(within the meaning of Chapter 2A of Part 30).", and

(c) by the insertion of the following subparagraph after subparagraph (VI):

"(VII) emoluments in the nature of a contribution by an employer to a PEPP (within the meaning of Chapter 2D of Part 30).".

(7) Section 608(2) of the Principal Act is amended by the substitution of "PRSA assets (within the meaning of section 787A) or PEPP assets (within the meaning of Chapter 2D of Part 30)." for "PRSA assets (within the meaning of section 787A).".

(8) Section 706(3) of the Principal Act is amended by the insertion of the following paragraph after paragraph (d):

"(e) (i) any PEPP contract (within the meaning of Chapter 2D of Part 30), and

(ii) any contract with a PEPP provider (within that meaning) being a contract which was entered into for the purposes only of the PEPP concerned;".

(9) Section 730D(2)(b) of the Principal Act is amended—

(a) in subparagraph (viii), by the substitution of "to which section 784 or 785 applies," for "to which section 784 or 785 applies, or",

(b) in subparagraph (ix), by the substitution of "within the meaning of section 784C, or" for "within the meaning of section 784C,", and

(c) by the insertion of the following subparagraph after subparagraph (ix):

"(x) a PEPP provider (within the meaning of Chapter 2D of Part 30),".

(10) Section 730E(3)(e) of the Principal Act is amended—

(a) in subparagraph (viii), by the substitution of "to which section 784 or 785 applies," for "to which section 784 or 785 applies, or",

(b) in subparagraph (ix), by the substitution of "within the meaning of section 784C, or" for "within the meaning of section 784C,", and

(c) by the insertion of the following subparagraph after subparagraph (ix):

"(x) a PEPP provider (within the meaning of Chapter 2D of Part 30),".

(11) Section 739D(6) of the Principal Act is amended—

(a) in paragraph (kc), by the substitution of "to the investment undertaking," for "to the investment undertaking, or",

(b) in paragraph (m), by the substitution of "(within the meaning of section 885), or" for "(within the meaning of section 885)," and

(c) by the insertion of the following paragraph after paragraph (m):

"(n) is a person who is entitled to exemption from income tax and capital gains tax by virtue of section 787AC and the units held are assets of a PEPP (within the meaning of Chapter 2D of Part 30) and the PEPP provider (within the meaning of that Chapter 2D) has made a declaration to the investment undertaking in accordance with paragraph 15 of Schedule 2B,".

(12) Section 739K(1) of the Principal Act is amended—

(a) by the insertion of the following definition:

" 'PEPP' has the same meaning as in Chapter 2D of Part 30;",

and

(b) in paragraph (a) of the definition of "specified person", by the substitution of "(including a vested PRSA within the meaning of section 790D(1)), a PEPP

(including a vested PEPP within the meaning of 790D(1))" for "(including a vested PRSA within the meaning of section 790D(1))".

(13) Section 739KA(1) of the Principal Act is amended, in the definition of "member"—

(a) in paragraph (b), by the substitution of "784C(2) or 785(1)," for "784C(2) or 785(1), or",

(b) in paragraph (c), by the substitution of "PRSA, or" for "PRSA;", and

(c) by the insertion of the following paragraph after paragraph (c):

"(d) a contributor, within the meaning of Chapter 2D of Part 30, in respect of a PEPP;".

(14) Section 783(2)(c) of the Principal Act is amended by the substitution of "of any PRSA contribution (within the meaning of Chapter 2A of this Part) or of any PEPP contribution (within the meaning of Chapter 2D of this Part) this Chapter, Chapter 2A and Chapter 2D" for "of any PRSA contribution (within the meaning of Chapter 2A of this Part) this Chapter and Chapter 2A".

(15) Section 787E of the Principal Act is amended by the substitution of the following subsection for subsection (5)—

"(5) Where an individual is entitled to relief for a year of assessment under—

(a) Chapter 2 of this Part in respect of a qualifying premium, or

(b) Chapter 2D of this Part in respect of a PEPP contribution,

the maximum allowable contribution for that year of assessment, other than additional voluntary PRSA contributions, shall be reduced by the amount of such relief.".

(16) Section 787M(1) of the Principal Act is amended—

(a) in the definition of "qualifying overseas pension plan", by the substitution of the following paragraph for paragraph (a):

"(a) which is in good faith established for the sole purpose of providing benefits of a kind similar to those referred to in Chapters 1, 2, 2A or 2D of this Part,",

and

(b) in the definition of "relevant migrant member", by the substitution of the following paragraph for paragraph (c):

"(c) was, immediately before the beginning of that period, resident outside of the State for a continuous period of 3 years (but this paragraph shall not apply where the contributions are to a sub-account, within the meaning of Article 2(23) of Regulation (EU) No. 2019/1238 of the European Parliament and Council of 20 June

2019[4]), and".

(17) Section 787N(1) of the Principal Act is amended—

(a) by the substitution of "or sections 787C, 787E, 787F or 787J of Chapter 2A (which relates to personal retirement savings accounts) or sections 787X, 787Z or 787AD of Chapter 2D (which relates to Pan-European Personal Pension Products) and" for "or sections 787C, 787E, 787F or 787J of Chapter 2A (which relates to personal retirement savings accounts),",

(b) in paragraph (i), by the substitution of "of the Pensions Act 1990, or a PEPP in accordance with Chapter 2D for the purposes of Regulation (EU) No. 2019/1238 of the European Parliament and of the Council of 20 June 2019[5], and" for "of the Pensions Act 1990, and", and

(c) in paragraph (ii)—

(i) in subparagraph (II), by the substitution of "of Chapter 2," for "of Chapter 2, or",

(ii) in subparagraph (III), by the substitution of "in Chapter 2A, or" for "in Chapter 2A.", and

(iii) by the insertion of the following subparagraph after subparagraph (III):

"(IV) an individual referred to in Chapter 2D.".

(18) Section 787O(1) of the Principal Act is amended—

(a) in the definition of "administrator"—

(i) in paragraph (c), by the substitution of "787A(1)," for "787A(1), and",

(ii) in paragraph (d), by the substitution of "787U, and" for "787U;", and

(iii) by the insertion of the following paragraph after paragraph (d):

"(e) a PEPP provider within the meaning of Chapter 2D;",

(b) in the definition of "date of the current event"—

(i) in paragraph (b), by the substitution of "section 772(3A), 784(2A), 787H(1) or, as the case may be section 787AB," for "section 772(3A), 784(2A) or, as the case may be section 787H(1)", and

(ii) by the insertion of the following paragraph after paragraph (ba):

"(bb) the annuity would otherwise become payable under a PEPP of a kind referred to in paragraph (g) of the definition of 'relevant pension arrangement' where an individual does not elect to exercise an option in accordance with section 787AB(1) and instead retains the assets available in the PEPP at that date, in that PEPP or any other PEPP,",

(c) in the definition of "Fund Administrator", by the substitution of "(within the

4 OJ No. L. 198, 25.7.2019. p.1.
5 OJ No. L. 198, 25.7.2019. p.1.

meaning of section 790D(1)) or vested PEPP provider (within the meaning of Chapter 2D),” for “(within the meaning of section 790D(1)),”,

(d) in the definition of “member”, by the substitution of “a PRSA contributor within the meaning of Chapter 2A, a contributor within the meaning of Chapter 2D” for “a PRSA contributor within the meaning of Chapter 2A”,

(e) by the insertion of the following definitions:

“ ‘PEPP assets’ has the same meaning as in Chapter 2D;

‘PEPP provider’ has the same meaning as in Chapter 2D;”,

(f) in the definition of “relevant option”, by the substitution of “section 772(3A), 784(2A), 787H(1) or 787AB(1),” for “section 772(3A), 784(2A) or 787H(1),”, and

(g) in the definition of “relevant pension arrangement”—

(i) in paragraph (e), by the substitution of “Public Service Superannuation (Miscellaneous Provisions) Act 2004,” for “Public Service Superannuation (Miscellaneous Provisions) Act 2004, or”,

(ii) in paragraph (f), by the substitution of “referred to in paragraph (e), or” for “referred to in paragraph (e);”, and

(iii) by the insertion of the following paragraph after paragraph (f):

“(g) a PEPP contract, within the meaning of Chapter 2D, in respect of a PEPP, within the meaning of that Chapter;”.

(19) Section 787Q(5A)(b) of the Principal Act is amended, by the substitution of the following subparagraph for subparagraph (ii):

“(ii) the approved retirement fund, approved minimum retirement fund (or where the non-member has an approved retirement fund and an approved minimum retirement fund, of both funds), a vested PRSA (or vested PRSAs, where the non-member has more than one vested PRSA) or a vested PEPP (or vested PEPPs, where the non-member has more than one vested PEPP), as the case may be, (in this subsection referred to as the ‘fund’),”.

(20) Section 787R of the Principal Act is amended—

(a) in subsection (5)—

(i) in paragraph (a), by the substitution of “any increased annual amount of pension,” for “any increased annual amount of pension, and”,

(ii) in paragraph (b), by the substitution of “in the said subparagraph (c), and” for “in the said subparagraph (c),”,

(iii) by the insertion of the following paragraph after paragraph (b):

“(c) where the benefit crystallisation event is an event of a kind

described at subparagraph (bd) or (be) of paragraph 2 of Schedule 23B, refuse to transfer an amount to the individual or refuse to make assets of the PEPP referred to in the said subparagraph (bd) available to the PEPP contributor,",

and

(b) in subsection (5A), in paragraph (a)—

(i) in the definition of "relevant administrator"—

(I) in subparagraph (i), by the substitution of "the administrator of that vested PRSA," for "the administrator of that vested PRSA, and",

(II) in subparagraph (ii), by the substitution of "made the annuity contract, and" for "made the annuity contract;", and

(III) by the insertion of the following subparagraph after subparagraph (ii):

"(iii) in the case of a vested PEPP of a kind referred to in paragraph (v) of the definition of 'vested PEPP' in section 790D(1), the PEPP provider of that vested PEPP;",

and

(ii) in the definition of "relevant person"—

(I) in subparagraph (i), by the substitution of "referred to in that paragraph," for "referred to in that paragraph, and",

(II) in subparagraph (ii), by the substitution of "in that section, and" for "in that section;", and

(III) by the insertion of the following subparagraph after subparagraph (ii):

"(iii) in the case of a vested PEPP of a kind referred to in paragraph (x) of the definition of 'vested PEPP' in section 790D(1), a PEPP contributor of a kind referred to in that paragraph;".

(21) Section 788(2) of the Principal Act is amended—

(a) in paragraph (f), by the substitution of "section 784C," for "section 784C, or",

(b) in paragraph (g), by the substitution of "of this Part, or" for "of this Part.", and

(c) by the insertion of the following paragraph after paragraph (g):

"(h) any annuity where the whole or part of the consideration for the grant of the annuity consisted of assets which, at the time of the application of the said assets for the purchase of the annuity, were PEPP assets, within the meaning of Chapter 2D.".

(22) Section 790A of the Principal Act is amended—

(a) in subsection (1)—

(i) in paragraph (c), by the substitution of "contribution," for "contribution, and",

(ii) in paragraph (d), by the substitution of "pension plan, and" for "pension plan,", and

(iii) by the insertion of the following paragraph after paragraph (d):

"(e) Chapter 2D in respect of a PEPP contribution,",

and

(b) in subsection (5), by the substitution of "787(7), 787C(3) or 787X(3)," for "787(7) or 787C(3),".

(23) Section 790AA of the Principal Act is amended—

(a) in subsection (1), in paragraph (a)—

(i) in the definition of "administrator"—

(I) in subparagraph (ii), by the substitution of "mentioned in section 784(4A)(ii)," for "mentioned in section 784(4A)(ii), and",

(II) in subparagraph (iii), by the substitution of "the meaning of section 787A(1), and" for "the meaning of section 787A(1);", and

(III) by the insertion of the following subparagraph after subparagraph (iii):

"(iv) a PEPP provider within the meaning of Chapter 2D;",

and

(ii) in the definition of "relevant pension arrangement"—

(I) in subparagraph (vi), by the substitution of "the meaning of section 787A(1)," for "the meaning of section 787A(1);", and

(II) by the insertion of the following subparagraph after subparagraph (vi):

"(vii) a PEPP contract, within the meaning of Chapter 2D, in respect of a PEPP, within the meaning of that Chapter;",

and

(b) by the insertion of the following subsection after subsection (19):

"(20) Subsection (2) of section 787AA shall apply in respect of any income tax deducted from an excess lump sum by virtue of subsection (3) of this section, by an administrator of a relevant pension arrangement of a kind described in paragraph (vii) of the definition of 'relevant pension arrangement' in subsection (1)(a) of this section, as it applies to income tax referred to in subsection (2) of section 787AA.".

(24) Section 790D of the Principal Act is amended—

(a) in subsection (1)—

(i) in the definition of "excluded distributions", by the insertion of the following paragraphs after paragraph (g):

"(h) a specified amount regarded as a distribution or the making available of PEPP assets under subsection (4);

(i) assets being made available from a PEPP, being assets of a kind referred to in section 787AA(3);

(j) the circumstances set out in section 787AA(4)(a) in which a PEPP provider is treated as making assets of a PEPP available to an individual;",

(ii) in the definition of "other manager"—

(I) in paragraph (b), by the deletion of "or" after "administrator,",

(II) in paragraph (c), by the substitution of "administrator, or" for "administrator,",

(III) by the insertion of the following paragraph after paragraph (c):

"(d) a PEPP provider,",

(IV) in paragraph (ii), by the deletion of "or" after "PRSA,",

(V) in paragraph (iii), by the substitution of "PRSA, or" for "PRSA,", and

(VI) by the insertion of the following paragraph after paragraph (iii):

"(iv) one or more than one vested PEPP,",

(iii) in the definition of "relevant distributions" by the insertion of the following paragraph after paragraph (b):

"and

(c) the assets, if any, that a PEPP provider makes available to, or pays to, the individual or to any other person during the tax year from one or more than one vested PEPP that is beneficially owned by that individual and administered by that PEPP provider,",

(iv) in the definition of "relevant fund"—

(I) in paragraph (a), by the deletion of "and" after "ARFs,",

(II) in paragraph (b), by the substitution of "PRSAs, and" for "PRSAs,", and

(III) by the insertion of the following paragraph after paragraph (b):

"(c) vested PEPPs,",

and

(v) by the insertion of the following definitions:

" 'PEPP' has the same meaning as in Chapter 2D;

'PEPP assets' has the same meaning as in Chapter 2D;

'PEPP contract' has the same meaning as in Chapter 2D;

'PEPP provider' has the same meaning as in Chapter 2D;

'vested PEPP' means—

(a) a PEPP in respect of which assets of the PEPP have been made available to, or paid to, the PEPP contributor or to any other person, by the PEPP provider, other than assets of a kind referred to in paragraphs (b), (c) and (d) of section 787AA(3), and for the purposes of this definition the provisions of subsections (4) and (5) of section 787AA shall apply, or

(b) a PEPP in respect of which the PEPP contributor has attained the age of 75 years where, up to and including the date on which the PEPP contributor attained that age, no assets of the PEPP have been made available to, or paid to, the PEPP contributor or to any other person, other than a transfer of part of the assets to another PEPP to which the contributor to the first mentioned PEPP is the contributor;",

(b) in subsection (4)—

(i) by the substitution of "subsections (1) and (2) of 787G, or in subsections (1) and (2) of section 787AA" for "subsections (1) and (2) of 787G",

(ii) by the insertion of the following paragraph after paragraph (b):

"(ba) where the relevant fund comprises of one or more than one vested PEPP, the making available to, or paying to, the PEPP contributor of assets of that amount or value from a PEPP,",

and

(iii) in paragraph (c)—

(I) by the substitution of ", one or more than one vested PEPP, and one or more than one vested PRSA" for "and one or more than one vested PRSA",

(II) by the substitution of the following subparagraph for subparagraph (i):

"(i) the qualifying fund manager, the PEPP provider and PRSA administrator of each ARF, of each PEPP and of each PRSA concerned are the same person, a distribution of that amount from an ARF,",

(III) in subparagraph (iii), by the substitution of "or value from a PRSA," for "or value from a PRSA, or", and

(IV) by the insertion of the following subparagraph after subparagraph (iv):

"(v) the nominee appointed in accordance with subsection (5) is a qualifying fund manager, a PEPP provider and PRSA administrator, a distribution of that amount from an ARF,",

(c) in subsection (5)(a)—

(i) in subparagraph (ii)—

(I) by the substitution of the following clause for clause (III):

"(III) more than one vested PEPP, or",

and

(II) by the insertion of the following clause after clause (III):

"(IV) one or more than one ARF, one or more than one vested PEPP, and one or more than one vested PRSA, and",

and

(ii) by the substitution of the following subparagraph for subparagraph (iii):

"(iii) in relation to each such relevant fund the qualifying fund manager of each ARF concerned, the PEPP provider of each vested PEPP concerned and the PRSA administrator of each vested PRSA concerned are not the same person,",

(d) in subsection (7)(a)—

(i) by the substitution of the following subparagraph for subparagraph (iii):

"(iii) the vested PEPP or vested PEPPs, or",

and

(ii) by the insertion of the following subparagraph after subparagraph (iii):

"(iv) the ARF or ARFs, and the vested PEPP or vested PEPPs and the vested PRSA or vested PRSAs",

(e) in subsection (8), by the substitution of "relevant distributions from an ARF, a vested PEPP or a vested PRSA" for "relevant distributions from an ARF or a vested PRSA",

(f) in subsection (9)—

(i) in subparagraph (B), by the substitution of "vested PRSAs," for "vested PRSAs, or",

(ii) by the substitution of the following for subparagraph (C):

"(C) the vested PEPP or vested PEPPs, or",

and

(iii) by the insertion of the following subparagraph after subparagraph (C):

"(D) the ARF or ARFs, the vested PEPP or PEPPs and the vested PRSA or vested PRSAs,",

and

(g) by the substitution of the following subsection for subsection (11):

"(11) Where an individual has a relevant fund of a kind referred to in subsection (5)(a) and the individual opts not to appoint a nominee as provided for in that subsection, then each person who on the specified date is—

(a) a qualifying fund manager,

(b) a PRSA administrator,

(c) a PEPP provider, or

(d) a qualifying fund manager, and a PRSA administrator and a PEPP provider,

of, as the case may be—

(i) one or more than one ARF,

(ii) one or more than one vested PRSA,

(iii) one or more than one vested PEPP, or

(iv) one or more than one ARF and one or more than one vested PRSA and one or more than one vested PEPP,

comprised in that relevant fund shall determine the specified amount in accordance with this section as if the relevant fund was comprised solely, as the case may be, of—

(I) the ARF or ARFs,

(II) the vested PRSA or vested PRSAs,

(III) the vested PEPP or vested PEPPs, or

(IV) the ARF or ARFs and the vested PRSA or vested PRSAs and the vested PEPP or vested PEPPs,

managed or administered by each such person.".

(25) Section 897A of the Principal Act is amended—

(a) in subsection (1)—

(i) in the definition of "employee"—

(I) in paragraph (a), by the substitution of "Chapter 1 of Part 30," for "Chapter 1 of Part 30, and",

(II) in paragraph (b), by the substitution of "subsection (1) of section 787A, and" for "subsection (1) of section 787A;", and

(III) by the insertion of the following paragraph after paragraph (b):

"(c) in relation to a PEPP contribution, has the same meaning as it has in Chapter 2D of Part 30;",

(ii) in the definition of "employer"—

(I) in paragraph (a), by the substitution of "Chapter 1 of Part 30," for "Chapter 1 of Part 30, and",

(II) in paragraph (b), by the substitution of "as in section 787A(1), and" for "as in section 787A(1);", and

(III) by the insertion of the following paragraph after paragraph (b):

"(c) in relation to an employee PEPP contribution and an employer PEPP contribution, shall be construed for the purposes of this section in the same way as it is construed for the purposes of Chapter 2D of Part 30;",

and

(iii) by insertion of the following definitions:

" 'PEPP' has the same meaning as it has in Chapter 2D of Part 30;

'PEPP contribution' has the same meaning as it has in Chapter 2D of Part 30;

'PEPP employer contribution', in relation to a year of assessment, means any PEPP contribution referred to in section 787AD(2) made by an employer to a PEPP in the year of assessment;",

and

(b) in subsection (2)—

(i) in paragraph (e), by the substitution of "an employer pension contribution," for "an employer pension contribution, and",

(ii) in paragraph (f), by the substitution of "PRSA employer contribution," for "PRSA employer contribution.", and

(iii) by the insertion of the following paragraphs after paragraph (f):

"(g) where a PEPP contribution deduction is made from the emoluments paid to an employee, the amount of the PEPP contribution, and

(h) the amount of a PEPP employer contribution.".

(26) Section 986(1)(g)(ii) of the Principal Act is amended by the substitution of "Chapter 2, Chapter 2A or Chapter 2D of Part 30" for "Chapter 2 or Chapter 2A of Part 30".

(27) Schedule 2A to the Principal Act is amended by the insertion of the following paragraph after paragraph 11:

"Declaration to be made by a PEPP provider

12. The declaration referred to in section 172C(2)(bc) shall be a declaration in writing to the relevant person in relation to the relevant distributions which—

(a) is made by the person (in this paragraph referred to as the 'declarer') beneficially entitled to the relevant distributions in

respect of which the declaration is made,

(b) is signed by the declarer,

(c) is made in such form as may be prescribed or authorised by the Revenue Commissioners,

(d) declares that, at the time when the declaration is made, the person beneficially entitled to the relevant distributions is a person referred to in section 172C(2)(bc),

(e) contains the name and tax reference number of the person,

(f) contains a statement that, at the time when the declaration is made, the relevant distributions in respect of which the declaration is made will be applied as income of a PEPP,

(g) contains an undertaking by the declarer that, if the person mentioned in subparagraph (d) ceases to be an excluded person, the declarer will, by notice in writing, advise the relevant person in relation to the relevant distributions accordingly, and

(h) contains such other information as the Revenue Commissioners may reasonably require for the purposes of Chapter 8A of Part 6.".

(28) Schedule 2B to the Principal Act is amended by the insertion of the following paragraph after paragraph 14:

"Declaration of PEPP provider

15. The declaration referred to in section 739D(6)(n) is a declaration in writing to the investment undertaking which—

(a) is made by a PEPP provider (in this paragraph referred to as the 'declarer') in respect of units which are assets in a PEPP,

(b) is signed by the declarer,

(c) is made in such form as may be prescribed by the Revenue Commissioners,

(d) declares that, at the time when the declaration is made, the units in respect of which the declaration is made—

(i) are assets of a PEPP, and

(ii) are managed by the declarer for the individual who is beneficially entitled to the units,

(e) contains the name, address and tax reference number of the individual referred to in subparagraph (d),

(f) contains an undertaking by the declarer that if the units cease to be assets of the PEPP, including a case where the units are transferred to another PEPP, the declarer will notify the investment undertaking accordingly, and

(g) contains such other information as the Revenue Commissioners may reasonably require for the purposes of Chapter 1A of Part 27.".

(29) Schedule 2C to the Principal Act is amended by the insertion of the following paragraph after paragraph 11:

"Declaration of PEPP providers regarding PEPPs and vested PEPPs

12. The declaration referred to in section 739K, in respect of a PEPP or a vested PEPP referred to in paragraph (a) or (f) of the definition of 'specified person' in that section, is a declaration in writing to the IREF which—

(a) is made by a PEPP provider (in this paragraph referred to as the 'declarer'),

(b) is signed by the declarer,

(c) is made in such form as may be prescribed by the Revenue Commissioners,

(d) declares that, at the time of making the declaration, the units in respect of which the declaration is made—

(i) are assets of a PEPP or a vested PEPP, and

(ii) are managed by the declarer for the person who is beneficially entitled to the units,

(e) contains the name, address and TIN of the person referred to in subparagraph (d)(ii),

(f) contains an undertaking by the declarer that if the units cease to be assets of the PEPP or the vested PEPP, including a case where the units are transferred to another PEPP or vested PEPP, the declarer will notify the IREF in writing accordingly,

(g) contains a certificate by the declarer stating whether or not the unit holder is a specified person after the application of section 739M,

(h) provides, where the PEPP or vested PEPP is one to which paragraph (f) of the definition of 'specified person' applies, supporting documentation evidencing equivalence,

(i) contains an undertaking by the declarer that if the PEPP or vested PEPP becomes a specified person, the declarer will notify the IREF in writing accordingly, and

(j) contains such other information as the Revenue Commissioners may reasonably require for the purposes of Chapter 1B of Part 27.".

(30) Schedule 23B to the Principal Act is amended—

(a) in paragraph 2—

(i) in subparagraph (b), by the substitution of "with section 772(3A), 784(2A), 787H(1) or 787AB(1)" for "with section 772(3A), 784(2A) or 787H(1)", and

(ii) by the insertion of the following subparagraphs after subparagraph (bc):

"(bd) the individual does not elect to exercise an option in accordance with section 787AB(1) and instead retains the assets of the PEPP in that PEPP,

(be) the individual is a PEPP contributor and the PEPP becomes a vested PEPP of a kind referred to in paragraph (c) of the definition of 'vested PEPP' in section 790D(1),",

(b) in paragraph 3, by the insertion of the following subparagraphs after subparagraph (dc):

"(dd) where the benefit crystallisation event is an event of a kind referred to in paragraph (2)(bd), the aggregate of the amount of so much of the cash sums and the market value of such of the assets as are retained in the PEPP or in any other PEPP,

(de) where the benefit crystallisation event is an event of a kind referred to in paragraph (2)(be), the aggregate of the amount of any cash sums and the market value of the assets in the PEPP at the date the individual attains the age of 75 years,".

(31) Schedule 34 to the Principal Act is amended by the insertion of the following paragraph after paragraph 12:

"13. A PEPP contract (within the meaning of Chapter 2D of Part 30) in respect of a PEPP (within the meaning of that Chapter).".

(32) Section 85(1) of the Capital Acquisitions Tax Consolidation Act 2003 is amended—

(a) in paragraph (b), by the substitution of "to an individual," for "to an individual, or",

(b) in paragraph (c), by the substitution of "Taxes Consolidation Act 1997, or" for "Taxes Consolidation Act 1997,",

(c) by the insertion of the following paragraph after paragraph (c):

"(d) a PEPP, within the meaning of Chapter 2D of Part 30 of the Taxes Consolidation Act 1997, where assets of the PEPP are treated under subsection (4) or (4B), as the case may be, of section 787AA of that Act as having been made available to an individual,",

(d) in paragraph (ii), by the substitution of "such property," for "such property, or",

(e) in paragraph (iii), by the substitution of "accumulations, or" for "accumulations.", and

(f) by the insertion of the following paragraph after paragraph (iii):

"(iv) a PEPP, within the meaning of Chapter 2D of Part 30 of the Taxes Consolidation Act 1997, registered for the purposes of that Chapter under Article 7 of Regulation (EU) No. 2019/1238 of the European Parliament and Council of 20 June 2019[6].".

(33) The Stamp Duties Consolidation Act 1999 is amended—

(a) in section 82C(1), in the definition of "pension scheme"—

(i) in paragraph (e), by the substitution of "the Act of 1997," for "the Act of 1997, or",

(ii) in paragraph (f), by the substitution of "Act of 1997," for "Act of 1997;", and

(iii) by the insertion of the following paragraph after paragraph (f):

"(g) a PEPP contract, within the meaning of Chapter 2D of Part 30 of the Act of 1997, in respect of a PEPP, within the meaning of that Chapter;",

and

(b) in section 125B(1)—

(i) in the definition of "administrator"—

(I) in paragraph (b), by the substitution of "in section 784(4A)(ii) of that Act," for "in section 784(4A)(ii) of that Act, and",

(II) in paragraph (c), by the substitution of "section 787A(1) of the Act of 1997, and" for "section 787A(1) of the Act of 1997;",

(III) by the insertion of the following paragraph after paragraph (c):

"(d) a PEPP provider, within the meaning of Chapter 2D of Part 30 of the Act of 1997;",

and

(ii) in the definition of "scheme"—

(I) in paragraph (b), by the substitution of "or part of a trust scheme, as the case may be," for "or part of a trust scheme, as the case may be, or",

(II) in paragraph (c), by the substitution of "made available to the PRSA contributor, or" for "made available to the PRSA contributor;",

(III) by the insertion of the following paragraph after paragraph (c):

"(d) a PEPP contract, within the meaning of Chapter 2D of Part 30 of the Act of 1997, in respect of a PEPP, within the meaning of that Chapter, other than a PEPP contract in respect of which a lump sum, to which paragraph (a) of section 787AA(3) of the Act of 1997 applies, has been paid or made available to the PEPP contributor;".

6 OJ No. L. 198, 25.7.2019, p.1.

Removal of benefit-in-kind charge from employer contributions to PRSAs and PEPPs

22. (1) Section 118 of the Principal Act is amended by the substitution of the following subsection for subsection (5):

"(5) Subsection (1) shall not apply to expense incurred by the body corporate in or in connection with the provision for a director or employee, or for the director's or employee's spouse, civil partner, children or dependants, or the children of the director's or employee's civil partner of any pension, annuity, lump sum, gratuity, contribution to a Personal Retirement Savings Account (within the meaning of Chapter 2A of Part 30), contribution to a PEPP (within the meaning of Chapter 2D of Part 30) or other like benefit to be given on the death or retirement of the director or employee.".

(2) Section 787E of the Principal Act is amended—

(a) in subsection (1), by the deletion of ", or deemed in accordance with subsection (2) to have been made by,", and

(b) by the deletion of subsection (2).

(3) Section 897A of the Principal Act is amended, in subsection (1), in the definition of "PRSA employer contribution", by the substitution of "section 787J(2)" for "section 787E(2)".

(4) Section 985A of the Principal Act is amended, in subsection (1), in subparagraph (i) of paragraph (a), by the deletion of ", other than a contribution to a PRSA (within the meaning of Chapter 2A of Part 30),".

Amendment of Schedule 13 to Principal Act (accountable persons for purposes of Chapter 1 of Part 18)

23. (1) Schedule 13 to the Principal Act is amended—

(a) by the substitution of the following paragraph for paragraph 26:

"26. A designated institution of higher education within the meaning of section 53(1) of the Higher Education Authority Act 2022.",

(b) by the deletion of paragraph 80,

(c) by the insertion of the following paragraphs:

"208. Approved Housing Bodies Regulatory Authority.

209. The Land Development Agency.",

and

(d) by the insertion of the following paragraph:

"211. Royal Irish Academy.".

(2) *Paragraphs (a)* and *(d)* of *subsection (1)* shall come into operation on such day as the Minister for Finance may by order appoint.

(3) An order under *subsection (2)* may, if the order so provides, have retrospective effect but shall not have retrospective effect to any date earlier than the date of the coming into operation of section 53(1) of the Higher Education Authority Act 2022.

Exemption of certain profits arising from production, maintenance and repair of certain musical instruments

24. The Principal Act is amended, in Chapter 1 of Part 7, by the insertion of the following section after section 216E:

"216F.(1) In this section—

'Commission Regulation (EU) No. 1407/2013' means Commission Regulation (EU) No. 1407/2013 of 18 December 2013[7] on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid;

'early Irish harp' means a harp instrument which is—

(a) traditionally referred to in the Irish language as 'cruit' or 'cláirseach' by reason of its characteristics and shape,

(b) traditionally played with the left hand above the right and with the fingernails,

(c) strung with 29 or 30 metal strings, that emerge through eyelets set in a solid soundboard which has been hollowed out from behind, which are held in place along the harmonic curve by the tuning and bridge pins, without a semitone lever system, and

(d) traditionally associated with a relevant musical practice;

'Irish lever harp' means a harp instrument which—

(a) is traditionally referred to in the Irish language as 'cruit' or 'cláirseach' by reason of its characteristics and shape,

(b) is traditionally played with the right hand above the left and with the tips or pads of the fingers,

(c) does not have pedals of any kind,

(d) is generally strung with not less than 34 but not more than 36 strings,

(e) has levers on its strings which can raise the note of a string by a semitone, and

(f) is traditionally associated with a relevant musical practice;

'relevant activities' means the production, maintenance or repair of relevant musical instruments;

'relevant musical instrument' means an early Irish harp, an Irish lever

7 OJ No. L352, 24.12.2013, p. 1.

harp or uilleann pipes;

'relevant musical practice' means—

(a) the practice of uilleann piping, as inscribed by the United Nations Educational, Scientific and Cultural Organization on the Representative List of the Intangible Cultural Heritage of Humanity pursuant to Decision of the Intergovernmental Committee: 12.COM 11.B.16 of 7 December 2017, or

(b) the practice of Irish harping, as inscribed by the United Nations Educational, Scientific and Cultural Organization on the Representative List of the Intangible Cultural Heritage of Humanity pursuant to Decision of the Intergovernmental Committee: 14.COM 10.B.18 of 12 December 2019;

'relevant period' means the years of assessment 2023, 2024 and 2025;

'relevant person' means—

(a) in the case of early Irish harps and Irish lever harps, Harp Foundation Ireland Company Limited by Guarantee, a private company incorporated in the State with registration number 614434,

(b) in the case of uilleann pipes, Na Píobairí Uilleann Cuideachta Faoi Theorainn Ráthaíochta, a private company incorporated in the State with registration number 242874, or

(c) such other person with appropriate experience in relation to relevant musical instruments and relevant musical practice as the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media may designate in writing for the purposes of this section;

'relevant profit' means profits or gains from relevant activities;

'uilleann pipes' means a set of bagpipes which—

(a) has air supplied by a bellows that is operated by the elbow, and

(b) is traditionally associated with a relevant musical practice.

(2) This section applies to an individual who has, in the relevant period, relevant profits chargeable to income tax under Schedule D.

(3) (a) An individual to whom this section applies, and who duly makes a claim to the Revenue Commissioners in that behalf, shall, subject to paragraph (b), be entitled to have relevant profits arising to him or her disregarded during the relevant period for the purposes of the Income Tax Acts.

(b) The amount of relevant profits which an individual shall be entitled to have disregarded for the purposes of the Income Tax Acts by virtue of paragraph (a) shall not exceed €20,000 in any year of

assessment.

(c) The relief provided by this section may be given by repayment or otherwise.

(4) As respects the making of a return of income (being a return which a chargeable person, within the meaning of Part 41A, is required to deliver under Chapter 3 of that Part), the Tax Acts shall apply—

(a) as if subsection (3) had not been enacted,

(b) notwithstanding anything to the contrary in Part 41A, as if the individual to whom relevant profits arise for any year of assessment were, if such person would not otherwise be, a chargeable person (within the meaning of Part 41A) for that chargeable period,

(c) where an individual to whom relevant profits arise for any year of assessment is an individual to whom a notice under section 959N has been issued, as if such a notice had not been issued, and

(d) in so far as those Acts relate to the keeping of records (within the meaning of section 886) and the making available of such records for inspection, as if such profits or gains were chargeable to income tax.

(5) Where an individual to whom this section applies carries on a trade only part of the activities of which are relevant activities, then, for the purposes of this section, the profits of that trade shall be apportioned, on a just and reasonable basis, between those that are relevant profits and those that are not.

(6) Notwithstanding anything to the contrary in section 851A, where any question arises as to whether an instrument is a relevant musical instrument for the purposes of this section, the Revenue Commissioners may consult with a relevant person.

(7) (a) Where an individual to whom this section applies constitutes a single undertaking within the meaning of Commission Regulation (EU) No. 1407/2013, any relief provided by this section shall be available only insofar as it does not exceed the ceiling of aid laid down in Commission Regulation (EU) No. 1407/2013.

(b) An individual who avails of relief provided by this section shall be liable for the payment of any income tax in excess of the ceiling laid down as referred to in paragraph (a).

(c) An individual referred to in paragraph (a) shall—

(i) provide such information as may be reasonably required by the Revenue Commissioners for the purposes of ensuring compliance by the individual with Commission Regulation (EU) No. 1407/2013, and

(ii) keep a record of any other information the Revenue Commissioners may deem to be necessary to ensure compliance by the individual with Commission Regulation (EU) No. 1407/2013.

(d) Notwithstanding any obligation to maintain secrecy or any other restriction on the disclosure of information imposed by or under statute or otherwise, the Revenue Commissioners, or any other officer authorised by them for the purposes of this subsection, may—

(i) disclose to any board established by statute, any other public or local authority or any other agency of the State, information relating to the amount of relief claimed by a person under this section, being information, which is required by the relevant board, authority or agency concerned for the purpose of ensuring that the ceiling of aid in Commission Regulation (EU) No. 1407/2013 is not exceeded, and

(ii) provide to the European Commission such information as may be requested by the European Commission in accordance with Article 6 of Commission Regulation (EU) No. 1407/2013.".

Chapter 4

Income Tax, Corporation Tax and Capital Gains Tax

Amendment of Chapter 13 of Part 10 of Principal Act (Living City Initiative)

25. The Principal Act is amended—

(a) in section 372AAA, in the definition of "qualifying period", by the substitution of "31 December 2027" for "31 December 2022",

(b) in section 372AAB—

(i) by the substitution of the following subsection for subsection (2):

"(2) (a) Where an individual, having duly made a claim, proves to have incurred qualifying expenditure on a qualifying premises in a year of assessment before the year of assessment 2023, the individual is entitled, for the year of assessment in which the expenditure was incurred and for any of the 9 subsequent years of assessment in which the qualifying premises is his or her only or main residence, to have a deduction made from his or her total income of an amount equal to 10 per cent of the amount of that expenditure.

(b) Where an individual, having duly made a claim, proves to have incurred qualifying expenditure on a qualifying premises in the year of assessment 2023 or any subsequent year, the individual is entitled, subject to subsection (11), for the year of assessment in which expenditure was incurred and for any of the 6 subsequent years of assessment in which the qualifying premises is his or her

only or main residence, to have a deduction made from his or her total income of an amount equal to—

(i) 15 per cent of that expenditure incurred for each of the first 6 years of assessment, and

(ii) 10 per cent of that expenditure for the final year of assessment.",

and

(ii) by the insertion of the following subsection after subsection (10):

"(11) (a) Where in a year of assessment an individual is entitled to a deduction under subsection (2)(b), in respect of which a deduction has not been wholly given in that year of assessment, the individual may claim that any portion of the deduction which has not been given shall be carried forward and, in so far as may be, deducted from his or her total income in subsequent years of assessment in which the qualifying premises remains as his or her only or main residence.

(b) Subject to paragraph (c), any deduction under this subsection shall be given as far as possible from the assessment for the first and subsequent year of assessment and, in so far as it cannot be so given, from the assessment for the next year of assessment and so on.

(c) No deduction shall be allowed under this subsection for a year of assessment commencing 10 or more years after the year of assessment in which a claim was first made under subsection (2)(b).",

and

(c) in section 372AAD(1), in the definition of "relevant qualifying period", by the substitution of "31 December 2027" for "31 December 2022".

Amendment of section 757 of Principal Act (charges on capital sums received for sale of patent rights)

26. Section 757 of the Principal Act is amended—

(a) by the insertion of the following subsection after subsection (4):

"(4A) (a) This subsection shall apply where—

(i) there is a sale of patent rights that constitutes a disposal for the purposes of the Capital Gains Tax Acts, and

(ii) the person selling the patent rights would be chargeable to capital gains tax in respect of that sale but for the net proceeds of the sale being excluded from the computation of the gain accruing on that disposal by virtue of section 551.

(b) Where, but for the application of this section, section 617 would apply to a sale referred to in paragraph (a), then—

(i) section 617 and Chapter 1 of Part 20 and Chapter 2 of Part 9, in so far as those Chapters relate to section 617, shall apply for the purposes of a charge to tax under this section as those provisions apply for the purposes of the Capital Gains Tax Acts, with any necessary modifications, and

(ii) in applying section 617 to a sale referred to in paragraph (a), references in this section to the capital sum received for the sale of patent rights for the purposes of this section shall be read as references to the consideration referred to in section 617(1).",

and

(b) by the insertion of the following subsection after subsection (5):

"(6) (a) This section shall not apply to a sale which results in the purchaser being entitled to have their title as applicant, or co-applicant, for the patent, or proprietor, or co-proprietor, of the patent, registered in the Register of Patents under the Patents Act 1992 or in accordance with the analogous law of another jurisdiction, or being absolutely entitled as against the applicant, or co-applicant, for the patent, or proprietor, or co-proprietor, of the patent.

(b) In this section, 'applicant' and 'proprietor of the patent' shall have the same meaning, respectively, as they have in the Patents Act 1992 and 'co-applicant' and 'co-proprietor' shall be construed accordingly.".

Amendment of Chapter 2 of Part 29 of Principal Act (scientific and certain other research)

27. (1) Section 766 of the Principal Act is amended—

(a) in subsection (1)—

(i) in paragraph (a), by the substitution of "In this section and in section 766C—" for "In this section—",

(ii) in paragraph (b)—

(I) by the substitution of "For the purposes of this section and section 766C—" for "For the purposes of this section—", and

(II) in subparagraph (vi)—

(A) in subclause (A), by the substitution of "trade," for "trade, and",

(B) in subclause (B), by the substitution of "trade is reduced, and" for "trade is reduced;", and

(C) by the insertion of the following subclause after subclause (B):

"(C) for the purposes of section 766C(1), as it would if it was

incurred in the first accounting period which commenced on or after the time the company begins to trade;",

and

(iii) by the deletion of paragraph (c),

(b) by the insertion of the following subsection after subsection (4C):

"(4D) Where, in respect of a claim made in respect of an accounting period that commenced before 1 January 2022, an amount is due to be paid as—

(a) a second instalment under subsection (4B)(b)(ii), or

(b) a last instalment under subsection (4B)(b)(iii),

in an accounting period that commences on or after 1 January 2022 (in this subsection referred to as the 'second-mentioned accounting period'), the company may, notwithstanding subsection (5), within 12 months of the end of the second-mentioned accounting period, make a claim in the return filed under Part 41A to have the excess paid to the company by the Revenue Commissioners, notwithstanding the restrictions set out in subparagraphs (ii)(II) and (iii)(II) of subsection (4B) in relation to the period before the expiry of which the Revenue Commissioners may not make a payment of the second or last instalment, as the case may be.",

(c) in subsection (6)(a), by the substitution of "for the purposes of this section and section 766C" for "for the purposes of this section",

(d) in subsection (7)(a)—

(i) by the substitution of "under this section or section 766A, 766C or 766D—" for "under this section or section 766A—", and

(ii) in subparagraph (ii), by the substitution of "under this section or section 766A, 766C or 766D—" for "under this section, or under section 766A—",

(e) in subsection (7B)—

(i) in paragraph (b)—

(I) in subparagraph (i)—

(A) by the deletion of "or pursuant to section 766C(4)", and

(B) by the deletion of "or an amount pursuant to section 766C(4)",

and

(II) in subparagraph (ii), by the substitution of "Any claim in respect of a specified amount that remains unpaid shall be deemed" for "Any claim in respect of subsection (4B), section 766A(4B) or pursuant to section 766C(4), as the case may be, that remains unpaid, shall be deemed",

and

(ii) in paragraph (c), by the substitution of the following subparagraph for subparagraph (i):

"(i) Subject to subparagraph (ii), where a company makes a claim in respect of a specified amount and it is subsequently found that the claim is not as authorised by this section or by section 766A, as the case may be, then the company may be charged to tax under Case IV of Schedule D for the accounting period in respect of which the payment was made or the amount surrendered, as the case may be, in an amount equal to 4 times so much of the specified amount as is not so authorised.",

and

(f) by the insertion of the following subsection after subsection (8):

"(9) (a) A claim shall not be made under subsection (2) or (2A) in respect of expenditure on research and development incurred in an accounting period that commences on or after 1 January 2023.

(b) A company may, in respect of expenditure on research and development incurred in an accounting period make a claim under this section or section 766C.".

(2) Section 766A of the Principal Act is amended—

(a) in subsection (1)—

(i) in paragraph (a), by the substitution of "In this section and in section 766D—" for "In this section—", and

(ii) in paragraph (b), by the substitution of "For the purposes of this section and section 766D—" for "For the purposes of this section—",

(b) by the insertion of the following subsection after subsection (4B):

"(4C) Where, in respect of a claim made in respect of an accounting period that commenced before 1 January 2022, an amount is due to be paid as—

(a) a second instalment under subsection (4B)(b)(ii), or

(b) a last instalment under subsection (4B)(b)(iii),

in an accounting period that commences on or after 1 January 2022 (in this subsection referred to as the 'second-mentioned accounting period'), the company may, notwithstanding subsection (5), within 12 months of the end of the second-mentioned accounting period, make a claim in the return filed under Part 41A to have such excess paid to the company by the Revenue Commissioners, notwithstanding the restrictions set out in subparagraphs (ii)(II) and (iii)(II) of subsection (4B) in relation to the period before the expiry of which the Revenue

Commissioners may not make a payment of the second or last instalment, as the case may be.",

and

(c) by the insertion of the following subsection after subsection (8):

"(9) (a) A claim shall not be made under subsection (2) in respect of expenditure on research and development incurred in an accounting period that commences on or after 1 January 2023.

(b) A company may, in respect of expenditure on research and development incurred in an accounting period make a claim under this section or section 766D.".

(3) Section 766B of the Principal Act is amended by the insertion of the following subsection after subsection (3):

"(4) This section shall not apply in respect of a claim made under section 766(4B) or 766A(4B) in a return the specified return date (within the meaning of Part 41A) of which is on or after 23 September 2023.".

(4) The Principal Act is amended by the insertion of the following sections after section 766B:

"Research and development corporation tax credit

766C. (1) Subject to subsection (2), where in respect of any accounting period a company makes a claim in that behalf, it shall be entitled to an amount (in this section referred to as 'the credit') equal to 25 per cent of the qualifying expenditure attributable to the company as is referable to the accounting period.

(2) (a) This subsection applies in respect of a company (in this subsection referred to as a 'surrendering company') that—

(i) in respect of any accounting period claims the credit in accordance with this section, and

(ii) specifies that the credit, or any portion of the credit, shall be treated as an overpayment of tax under subsection (7)(a),

where the amount specified by the company under subparagraph (ii) is in excess of the company's liabilities (within the meaning of section 960H), and the difference between that amount so specified and those liabilities shall be referred to in this subsection as 'the excess'.

(b) A surrendering company may make a claim under paragraph (c) in respect of the amount of the excess.

(c) A surrendering company may, on making a claim in that behalf, surrender all or part of the excess, to one or such number of key employees as the surrendering company may specify but the aggregate of such amounts, attributable to such employees, may not

exceed the amount so surrendered.

(d) The part of that amount of the credit that may be surrendered by the surrendering company as referred to in paragraph (c) may not exceed the corporation tax payable by that surrendering company in respect of that accounting period.

(e) A claim in accordance with this subsection shall be made in such form as the Revenue Commissioners may prescribe and the surrendering company shall notify the key employee, in writing, of any amount surrendered to that employee.

(3) Where in respect of any accounting period a company makes a claim under subsections (1) and (2) and the amount so claimed or surrendered, or both, as the case may be, is subsequently found not to have been as is authorised by this section, then, the amount which is not so authorised shall be first attributable to a claim under subsection (1) in priority to a claim under subsection (2).

(4) Where in respect of an accounting period, a company makes a claim under subsection (2) and it is subsequently found that the amount surrendered in accordance with that claim (hereafter in this section referred to as the 'initial amount') is not as authorised by this section, then, in relation to each key employee, the amount surrendered, which is authorised by this section, shall be an amount (hereafter in this section referred to as the 'relevant authorised amount') determined by the formula—

$$A \times \frac{B}{C}$$

where—

A is the portion of the initial amount attributable to that key employee in accordance with the claim under subsection (2),

B is the aggregate amount that may be surrendered by the company in respect of that accounting period as is authorised by this section, and

C is the initial amount,

and the company shall notify the key employee in writing of the relevant authorised amount.

(5) For the purposes of subsection (1)—

(a) qualifying expenditure attributable to a company in relation to a relevant period shall be so much of the amount of qualifying group expenditure on research and development in the relevant period as is attributed to the company in the manner specified in a notice made jointly in writing by the qualified companies that are members of the group, but where no such notice is given means an

amount determined by the formula—

$$Q \times \frac{C}{G}$$

where—

Q is the qualifying group expenditure on research and development in the relevant period,

C is the amount of expenditure on research and development incurred by the company in the relevant period at a time when the company is a member of the group, and

G is the group expenditure on research and development in the relevant period,

(b) where a relevant period coincides with an accounting period of a company, the amount of qualifying expenditure on research and development attributable to the company as is referable to the accounting period of the company shall be the full amount of that expenditure, and

(c) where the relevant period does not coincide with an accounting period of the company—

(i) the qualifying expenditure on research and development attributable to the company shall be apportioned to the accounting periods which fall wholly or partly in the relevant period, and

(ii) the amount so apportioned to an accounting period shall be treated as the amount of qualifying expenditure on research and development attributable to the company as is referable to the accounting period of the company.

(6) Where, in an accounting period, a company makes a claim in respect of the credit under subsection (1), the amount so claimed shall be payable in 3 annual instalments as follows:

(a) the first instalment shall equal—

(i) €25,000, or if lower, the amount of the credit claimed, or

(ii) 50 per cent of the amount of the credit claimed,

whichever is the greater;

(b) the second instalment, if any, shall be an amount determined by the formula—

$$(A - B) \text{ X } 3/5$$

where—

A is the amount of the credit claimed, and

B is the amount of the first instalment under paragraph (a);

(c) the third instalment, if any, shall be an amount determined by the formula—

$$A – (B + C)$$

where—

A is the amount of the credit claimed,

B is the amount of the first instalment under paragraph (a), and

C is the amount of the second instalment under paragraph (b).

(7) The company shall specify in respect of each instalment referred to in subsection (6) whether such amounts, or any portion of such amounts, are to be—

(a) treated as an overpayment of tax, for the purposes of section 960H, or

(b) paid to the company by the Revenue Commissioners.

(8) The credit, if any, arising to a company in accordance with this section shall not be income of the company or another company for any tax purpose.

(9) (a) Any claim under this section shall be made within 12 months from the end of the accounting period in which the expenditure, giving rise to the claim, is incurred and shall be made in the return that the company is required to file, under Part 41A, in respect of that accounting period.

(b) The company shall, when making a claim in accordance with paragraph (a), provide details of —

(i) the amount of the expenditure attributable to research and development activities incurred by the company during the accounting period concerned in respect of—

(I) machinery or plant as referred to in section 766(1A)(a), and

(II) emoluments of the employees carrying on qualifying research and development activities,

and

(ii) the sum of the remaining qualifying expenditure incurred by the company during the accounting period concerned.

(c) In this subsection, ‘emoluments’ and ‘employees’ have the meanings given to them by section 983.

(10) (a) Any claim in respect of the credit under subsection (1) (whether the amount of the credit is to be treated as an overpayment of tax under

subsection (7)(a) or paid to the company under subsection (7)(b)) shall, for the purposes of 851A and 851B, Chapter 4 of Part 38 and Part 47, be treated as a claim for a credit and the amount so claimed shall be treated as an amount of tax refundable.

(b) In respect of any claim in respect of the credit that remains unpaid, for the purposes of determining an amount in accordance with subsections (3) or (4) of section 1077F, a reference to an amount of tax that would have been payable for the relevant period by the person concerned shall be read as if it were a reference to the amount so claimed.

(c) (i) Subject to subparagraph (ii), where a company makes a claim in respect of the credit and it is subsequently found that the claim is not as authorised by this section then the company may be charged to tax under Case IV of Schedule D for the accounting period in respect of which the payment was made or the amount surrendered, as the case may be, in an amount equal to 4 times so much of the amount of the credit as is not so authorised.

(ii) An amount chargeable to tax under this paragraph shall be treated—

(I) as income against which no loss, deficit, expense or allowance may be set off, and

(II) as not forming part of the income of the company for the purposes of calculating a surcharge under section 440.

(d) Where in accordance with paragraph (c) an assessment is made the amount so charged shall, for the purposes of section 1080, be deemed to be tax due and payable and shall carry interest as determined in accordance with subsection (2)(c) of section 1080 as if a reference to the date when the tax became due and payable were a reference to the date the amount was paid or offset, under section 960H, by the Revenue Commissioners.

(11) Where a claim in respect of the credit under this section is made the amount of the credit shall be paid or offset in full, in the manner specified by the company under subsection (7), by the Revenue Commissioners within 48 months from when a valid claim is made and where a valid claim has been made—

(a) the first instalment shall be payable on the making of the return referred to in subsection (9),

(b) the second instalment shall be payable—

(i) where the accounting period (in this subsection referred to as the 'first-mentioned accounting period') immediately succeeding the accounting period in respect of which the claim was made is for a period of 12 months, on the filing of the return that the

company is required to file under Part 41A for the first-mentioned accounting period, or

(ii) in all other cases, 12 months after the specified return date, within the meaning of Part 41A, for the return referred to in subsection (9),

and

(c) the third instalment shall be payable—

(i) where the accounting period (in this subsection referred to as the 'second-mentioned accounting period') immediately succeeding the first-mentioned accounting period is for a period of 12 months, on the filing of the return that the company is required to file under Part 41A for the second-mentioned accounting period, or

(ii) in all other cases, 24 months after the specified return date, within the meaning of Part 41A, for the return referred to in subsection (9).

(12) No amount of the credit shall be paid or offset under subsection (11) unless a valid claim has been made to the Revenue Commissioners for that purpose.

(13) Where a company specifies that the first instalment, under subsection (6)(a), is to be treated, under subsection (7)(a), as an overpayment of tax, and where that amount is, under section 960H, offset in whole or in part against the company's corporation tax payable (within the meaning of Part 41A) for the accounting period, then, for the purposes of calculating the amount of preliminary tax due in respect of that accounting period and the subsequent accounting period under section 959AR or 959AS, as the case may be, the amount of corporation tax payable by the company for that accounting period shall be reduced by the amount so offset.

(14) In this section, 'valid claim' means a claim in relation to the credit which is made under and in accordance with this section and in respect of which all information which the Revenue Commissioners may reasonably require to enable them determine if, and to what extent, the credit is due to a company in respect of an accounting period, has been furnished by that company.

(15) In this section, a reference to an amount payable, in so far as the reference is in respect of the credit, shall be construed as a reference to an amount to be offset under section 960H pursuant to subsection (7)(a) or to be paid under subsection (7)(b), as the case may be.

Research and development corporation tax credit: expenditure on buildings or structures

766D.(1) Where in an accounting period a qualified company incurs relevant expenditure and the company makes a claim on that behalf it shall be

entitled to an amount (in this section referred to as 'the credit') equal to 25 per cent of the specified relevant expenditure.

(2) (a) This subsection applies in respect of a qualified company (in this subsection referred to as a 'surrendering company') that—

(i) in respect of any accounting period claims the credit in accordance with this section,

(ii) specifies that the credit, or any portion of that credit, shall be treated as an overpayment of tax under subsection (6)(a), and

(iii) is a member of a group of companies,

where the amount specified under subparagraph (ii) is in excess of that company's liabilities (within the meaning of section 960H), and the difference between that amount so specified and those liabilities shall be referred to in this subsection as 'the excess'.

(b) A surrendering company may make a claim under paragraph (c) in respect of the amount of the excess.

(c) A surrendering company may, on making a claim in that behalf, specify that all or part of the excess is to be treated as an amount of an overpayment (within the meaning of section 960H) by another company which is a member of that group for that other company's corresponding accounting period.

(d) A claim under paragraph (c) shall be made in such form as the Revenue Commissioners may prescribe.

(3) Where—

(a) in an accounting period a company incurs relevant expenditure on a building or structure,

(b) in relation to that expenditure the credit has been claimed under this section, and

(c) at any time in the period of 10 years commencing at the beginning of the accounting period referred to in paragraph (a) the building or structure is sold or ceases to be used by the company for the purpose of research and development activities or for the purpose of the same trade that was carried on by the company at the beginning of the specified relevant period, in connection with which the research and development activities were carried on,

then the company shall be charged to tax under Case IV of Schedule D for the accounting period in which the building or structure is sold or ceases to be used for the purpose of research and development activities or for the purpose of the trade, in an amount equal to 4 times the amount claimed.

(4) (a) Where expenditure is incurred by a company on a building or

structure and the building or structure will not be used by the company wholly and exclusively for the purposes of research and development, the proportion of the use of the building or the amount of the expenditure attributable to research and development shall be such portion of the use of the building or the expenditure as is just and reasonable.

(b) Where, at any time, any apportionment referred to in paragraph (a), or a further apportionment made under this paragraph, ceases to be just and reasonable, then—

(i) such further apportionment shall be made at that time as is just and reasonable,

(ii) any such further apportionment shall supersede any earlier apportionment, and

(iii) any such adjustments, assessments or repayments of tax shall be made as are necessary to give effect to any apportionment under this subsection.

(5) Where, in an accounting period, a company makes a claim in respect of the credit under subsection (1) the amount so claimed shall be payable in 3 annual instalments as follows:

(a) the first instalment shall equal 50 per cent of the amount of the credit claimed;

(b) the second instalment, if any, shall be an amount determined by the formula—

$$(A - B) \text{ X } 3/5$$

where—

A is the amount of the credit claimed, and

B is the amount of the first instalment under paragraph (a);

(c) the third instalment, if any, shall be an amount determined by the formula—

$$A - (B + C)$$

where—

A is the amount of the credit claimed,

B is the amount of the first instalment under paragraph (a), and

C is the amount of the second instalment under paragraph (b).

(6) The company shall specify in respect of each instalment referred to in subsection (5) whether such amounts, or any portion of such amounts, are to be—

(a) treated as an overpayment of tax, for the purposes of section 960H, or

(b) paid to the company by the Revenue Commissioners.

(7) The credit, if any, arising to a company in accordance with this section shall not be income of the company or another company for any tax purpose.

(8) Any claim under this section shall be made within 12 months from the end of the accounting period in which the expenditure, giving rise to the claim, is incurred and shall be made in the return that the company is required to file, under Part 41A, in respect of that accounting period.

(9) (a) Any claim in respect of the credit under subsection (1) (whether the amount of the credit is to be treated as an overpayment of tax under subsection (6)(a) or paid to the company under subsection (6)(b)) shall, for the purposes of sections 851A and 851B, Chapter 4 of Part 38 and Part 47, be treated as a claim for a credit and the amount so claimed shall be treated as an amount of tax refundable.

(b) In respect of a claim in respect of the credit that remains unpaid, for the purposes of determining an amount in accordance with subsections (3) or (4) of section 1077F, a reference to an amount of tax that would have been payable for the relevant period by the person concerned shall be read as if it were a reference to the amount so claimed.

(c) (i) Subject to subparagraph (ii), where a company makes a claim in respect of the credit and it is subsequently found that the claim is not as authorised by this section then the company may be charged to tax under Case IV of Schedule D for the accounting period in respect of which the payment was made or the amount surrendered, as the case may be, in an amount equal to 4 times so much of the amount of the credit as is not so authorised.

(ii) An amount chargeable to tax under this paragraph shall be treated—

(I) as income against which no loss, deficit, expense or allowance may be set off, and

(II) as not forming part of the income of the company for the purposes of calculating a surcharge under section 440.

(d) Where in accordance with paragraph (c) an assessment is made the amount so charged shall, for the purposes of section 1080, be deemed to be tax due and payable and shall carry interest as determined in accordance with subsection (2)(c) of section 1080 as if a reference to the date when the tax became due and payable were a reference to the date the amount was paid or offset, under section 960H, by the Revenue Commissioners.

(10) Where a claim in respect of the credit under this section is made the amount of the credit shall be paid or offset in full, in the manner specified by the company under subsection (6), by the Revenue Commissioners within 48 months from when a valid claim is made and where a valid claim has been made—

(a) the first instalment shall be payable on the making of the return referred to in subsection (8),

(b) the second instalment shall be payable—

(i) where the accounting period (in this subsection referred to as the 'first-mentioned accounting period') immediately succeeding the accounting period in respect of which the claim was made is for a period of 12 months, on the filing of the return that the company is required to file under Part 41A for the first-mentioned accounting period, or

(ii) in all other cases, 12 months after the specified return date, within the meaning of Part 41A, for the return referred to in subsection (8),

and

(c) the third instalment shall be payable—

(i) where the accounting period (in this subsection referred to as the 'second-mentioned accounting period') immediately succeeding the first-mentioned accounting period is for a period of 12 months, on the filing of the return that the company is required to file under Part 41A for the second-mentioned accounting period, or

(ii) in all other cases, 24 months after the specified return date, within the meaning of Part 41A, for the return referred to in subsection (8).

(11) No amount of the credit shall be paid or offset under subsection (10) unless a valid claim has been made to the Revenue Commissioners for that purpose.

(12) Where a company specifies that the first instalment, under subsection (5)(a), is to be treated, under subsection (6)(a), as an overpayment of tax, and where that amount is, under section 960H, offset in whole or in part against the company's corporation tax payable (within the meaning of Part 41A) for the accounting period, then, for the purposes of calculating the amount of preliminary tax due in respect of that accounting period and the subsequent accounting period under section 959AR or 959AS, as the case may be, the amount of corporation tax payable by the company for that accounting period shall be reduced by the amount so offset.

(13) In this section, 'valid claim' means a claim in relation to the credit

which is made under and in accordance with this section and in respect of which all information which the Revenue Commissioners may reasonably require to enable them determine if, and to what extent, the credit is due to a company in respect of an accounting period, has been furnished by that company.

(14) In this section, a reference to an amount payable, in so far as the reference is in respect of the credit, shall be construed as a reference to any amount to be offset under section 960H pursuant to subsection (6)(a) or to be paid under subsection (6)(b), as the case may be.".

(5) *Subsection (4)* applies in respect of accounting periods the specified return date (within the meaning of Part 41A) of which is on or after 23 September 2023.

(6) Section 25 of the Finance Act 2019 is amended by the deletion of subsections (2)(c)(ii), (4)(b) and (5).

Amendment of section 472D of Principal Act (relief for key employees engaged in research and development activities)

28. (1) Section 472D of the Principal Act is amended—

(a) in subsection (1)—

(i) in the definition of "key employee", by the substitution of "under section 766(2) or 766C(1)," for "under section 766(2),", and

(ii) in the definition of "relevant employer", by the substitution of "under section 766(2) or 766C(1)" for "under section 766(2)",

(b) in subsection (2)(a), by the substitution of "under section 766(2A) or section 766C(2)" for "under section 766(2A)",

(c) in subsection (3)(a), by the substitution of "under section 766(2A) or section 766C(2)" for "under section 766(2A)",

(d) in subsection (4), by the substitution of "under section 766(2A) or section 766C(2)" for "under section 766(2A)", in each place where it occurs, and

(e) in subsection (5), by the substitution of "under section 766(2A) or section 766C(2)" for "under section 766(2A)".

(2) *Subsection (1)* shall apply in respect of accounting periods of the relevant employer (within the meaning of section 766C of the Principal Act) commencing on or after 1 January 2022.

Amendment to Chapter 2 of Part 23 of Principal Act (farming: relief for increase in stock values)

29. (1) The Principal Act is amended—

(a) in section 667B—

(i) in subsection (5)(b), by the substitution of "30 June 2023" for "31 December

2022", and

(ii) in subsection (5B), by the deletion of "as provided for by Article 18 of Commission Regulation (EU) No. 702/2014 of 25 June 2014 or that Regulation as may be revised from time to time",

(b) in section 667C—

(i) in subsection (2), by the substitution of the following paragraph for paragraph (b):

"(b) the following was substituted for subsection (4)—

'(4)(a) A deduction shall not be allowed under this section in computing a company's trading income for any accounting period which ends after 30 June 2023.

(b) Any deduction allowed by virtue of this section in computing the profits or gains of a trade of farming for an accounting period of a person other than a company shall not apply for any purpose of the Income Tax Acts for any year of assessment later than the year 2023.',",

and

(ii) in subsection (4), by the substitution of "30 June 2023" for "31 December 2022",

and

(c) in section 667D(8)(b), by the deletion of "as provided for by Article 18 of Commission Regulation (EU) No. 702/2014 of 25 June 2014 or that Regulation as may be revised from time to time".

(2) *Subsection (1)* shall come into operation on such day or days as the Minister for Finance may appoint by order.

Farming: accelerated allowances for capital expenditure on slurry storage

30. (1) The Principal Act is amended—

(a) in Chapter 1 of Part 23, by the insertion of the following section after section 658:

"Farming: accelerated allowances for capital expenditure on slurry storage

658A. (1) In this section—

'qualifying capital items' means the items specified in column (1) of the Table in Part 2 of Schedule 35A meeting the description specified in column (2) of that Table opposite the reference to those items in column (1);

'qualifying expenditure' means capital expenditure incurred during the relevant period on the provision or construction, as the case may be, of

qualifying capital items;

'relevant period' means the period commencing on 1 January 2023 and ending on 30 June 2023;

'relevant regulation' means Article 7 of the European Union (Good Agricultural Practice for Protection of Waters) Regulations 2022 (S.I. No. 113 of 2022);

'relevant tax', in relation to a person, means—

(a) where the person is a company, any corporation tax, and

(b) where the person is not a company, any contributions paid under the Social Welfare Consolidation Act 2005, income tax or universal social charge;

'Rescuing and Restructuring Guidelines' means the Communication from the Commission on Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty[8];

'undertaking in difficulty' shall be construed in accordance with section 2.2 of the Rescuing and Restructuring Guidelines.

(2) Where a person incurs qualifying expenditure for the purpose of a trade of farming land occupied by that person, then, where for any chargeable period—

(a) a writing down allowance is to be made under section 658—

(i) subsection (2) of that section shall apply as if—

(I) the reference in paragraph (a) of that subsection to 7 years were a reference to 2 years, and

(II) the following were substituted for paragraph (b) of that subsection:

'(b) The farm buildings allowance to be made under this subsection shall be 50 per cent of the capital expenditure referred to in paragraph (a).',

and

(ii) subsection (12) of that section shall apply as if 'Chapter 1 or 2 of Part 9' were substituted for 'Chapter 1 of Part 9',

or

(b) a wear and tear allowance is to be made under section 284, subsection (2) of that section shall apply as if the reference in paragraph (ad) of that subsection to 12.5 per cent were a reference to 50 per cent.

(3) For the purposes only of determining, in relation to a claim for an

8 OJ No. C249, 31.7.2014, p. 1

allowance under section 658 as applied by subsection (2)(a), whether and to what extent capital expenditure incurred on qualifying capital items is incurred in the relevant period, only such an amount of that capital expenditure as is properly attributable to work on the construction of the qualifying capital items concerned actually carried out during that period shall (notwithstanding any other provision of the Tax Acts as to the time when any capital expenditure is or is to be treated as incurred) be treated as having been incurred in that period.

(4) Subsection (2) shall not apply where the person concerned—

(a) is, or is part of, an undertaking in difficulty,

(b) is subject to an outstanding recovery order following a previous decision of the Commission of the European Union that declared an aid illegal and incompatible with the internal market, or

(c) is, or is part of, an undertaking that is not a micro, small or medium-sized enterprise within the meaning of Commission Regulation (EU) No. 702/2014 of 25 June 2014[9].

(5) The aggregate amount of relief granted to a person under this section shall not exceed €500,000.

(6) This subsection applies to a person in respect of a chargeable period where the aggregate of the amount of the relief granted under this section to the person in that chargeable period and in previous chargeable periods is greater than €60,000.

(7) Notwithstanding section 851A, where subsection (6) applies to a person in respect of a chargeable period, the Revenue Commissioners may disclose the following information in respect of the year in which the chargeable period ends:

(a) the name of the person;

(b) the sector of activity at NACE group level, within the meaning of Regulation (EC) No. 1893/2006 of the European Parliament and of the Council of 20 December 2006[10], as amended by Regulation (EC) No. 295/2008 of the European Parliament and of the Council of 11 March 2008[11], Regulation (EU) No. 70/2012 of the European Parliament and of the Council of 18 January 2012[12] and Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019[13];

(c) the territorial unit, within the meaning of the NUTS Level 2 classification specified in Annex 1 to Regulation (EC) No. 1059/2003 of the European Parliament and of the Council of 26

9 OJ No. L193, 1.7.2014, p. 1
10 OJ No. L393, 30.12.2006, p. 1
11 OJ No. L97, 9.4.2008, p. 13
12 OJ No. L32, 3.2.2012, p.1
13 OJ No. L198, 25.7.2019, p. 241

May 2003[14], as amended by Regulation (EC) No. 1888/2005 of the European Parliament and of the Council of 26 October 2005[15], Commission Regulation (EC) No. 105/2007 of 1 February 2007[16], Regulation (EC) No. 176/2008 of the European Parliament and of the Council of 20 February 2008[17], Regulation (EC) No. 1137/2008 of the European Parliament and of the Council of 22 October 2008[18], Commission Regulation (EU) No. 31/2011 of 17 January 2011[19], Council Regulation (EU) No. 517/2013 of 13 May 2013[20], Commission Regulation (EU) No. 1319/2013 of 9 December 2013[21], Commission Regulation (EU) No. 868/2014 of 8 August 2014[22], Commission Regulation (EU) No. 2016/2066 of 21 November 2016[23], Regulation (EU) 2017/2391 of the European Parliament and of the Council of 12 December 2017[24] and Commission Delegated Regulation (EU) 2019/1755 of 8 August 2019[25], in which the person is located;

(d) the year in which the relief is granted.

(8) For the purposes of subsections (5) and (6), the amount of relief granted to a person in a chargeable period shall be the amount determined by the formula—

$$R = A - B$$

where—

R is the amount of the relief granted to the person in the chargeable period,

A is the amount of relevant tax that would be payable by the person for the chargeable period, but for subsection (2), and

B is the amount of relevant tax payable by the person for that chargeable period.",

and

(b) by the insertion of the following Schedule after Schedule 35:

"SCHEDULE 35A

Types and Descriptions of Slurry Storage Items for the Purposes of Section 658A

14 OJ No. L154, 21.6.2003, p. 1
15 OJ No. L309, 25.11.2005, p. 1
16 OJ No. L39, 10.2.2007, p. 1
17 OJ No. L61, 5.3.2008, p. 1
18 OJ No. L311, 21.11.2008, p. 1
19 OJ No. L13, 18.1.2011, p. 3
20 OJ No. L158, 10.6.2013, p. 1
21 OJ No. L342, 18.12.2013, p. 1
22 OJ No. L241, 13.8.2014, p.1
23 OJ No. L322, 29.11.2016, p. 1
24 OJ No. L350, 29.12.2017, p.1
25 OJ No. L270, 24.10.2019, p. 1

PART 1

Definition

In this Schedule, 'slurry' means—

(a) excreta produced by livestock while in a building or yard, and

(b) a mixture of such excreta with rainwater, washings, or such other extraneous material or any combination of these.

PART 2

Items **(1)**	**Description** **(2)**
Floors and walls of animal housing	Floors and walls of slurry collecting and storing buildings used to house livestock, built in accordance with the relevant specifications as may be approved from time to time by the Minister for Agriculture, Food and the Marine as required by the relevant regulation.
Mass concrete tanks with roof or cover	Slurry storage tank built in accordance with the relevant specifications as may be approved from time to time by the Minister for Agriculture, Food and the Marine as required by the relevant regulation. The tank must be covered.
Precast concrete tanks with roof or cover	Precast concrete tank built in accordance with the relevant specifications as may be approved from time to time by the Minister for Agriculture, Food and the Marine as required by the relevant regulation. The tank must be covered.
Circular slurry stores with roof or cover	Circular slurry tank built in accordance with the relevant specifications as may be approved from time to time by the Minister for Agriculture, Food and the Marine as required by the relevant regulation. The tank must be covered.
Geo-membrane lined stores with roof or cover	Geo-membrane lined slurry store built in accordance with the relevant specifications as may be approved from time to time by the Minister for Agriculture, Food and the Marine as required by the relevant regulation. The tank must be covered.
Farmyard manure pit with roof or cover	Structure for storage of high dry matter slurry built in accordance with the relevant specifications as may be approved from time to time by the Minister for Agriculture, Food and the Marine as required by the relevant regulation.
	Slurry collecting structure used for the holding

Collecting yards	of animals while they are waiting to be milked, built in accordance with the relevant specifications as may be approved from time to time by the Minister for Agriculture, Food and the Marine as required by the relevant regulation.
Cattle enclosure yards	Slurry collecting structure used for the holding of animals while they are waiting for handling, built in accordance with the relevant specifications as may be approved from time to time by the Minister for Agriculture, Food and the Marine as required by the relevant regulation.
Automatic slurry scrapers	A fixed device for the collection of slurry from the floor of an animal house for storage in a slurry store. The device will consist of a scraper blade that is either pulled or pushed along the floor of an animal house. The blade is usually driven by either a rope, chain or track.
Simple slurry aeration system	System for keeping stored slurry in a homogeneous pumpable state. The system works by pumping low pressure air through a valve system to outlet branches fixed to the base of the slurry store. Each outlet branch sequentially releases the air for a set period, with the rising air bubbles mixing and aerating the slurry.

".

(2) *Subsection (1)* shall come into operation on such day as the Minister for Finance may appoint by order.

Amendment of section 97A of Principal Act (pre-letting expenditure in respect of vacant premises)

31. (1) Section 97A of the Principal Act is amended—

(a) in subsection (1), in the definition of "vacant premises", by the substitution of "6 months" for "12 months", and

(b) in subsection (4), by the substitution of "€10,000" for "€5,000".

(2) *Subsection (1)* shall apply in relation to a vacant premises (within the meaning of section 97A of the Principal Act) where the specified day (within the said meaning) falls on or after 1 January 2023.

Deduction for retrofitting expenditure

32. The Principal Act is amended by the insertion of the following section after section 97A:

"97B. (1)In this section—

'Act of 2004' means the Residential Tenancies Act 2004;

'approved retrofitting grant' means any of the following:

(a) the grant commonly known as the Individual Energy Upgrade Grant;

(b) the grant commonly known as the One Stop Shop Service;

(c) any other grant administered by the Sustainable Energy Authority of Ireland and designated by order under subsection (2);

'qualifying contractor' means a person—

(a) who has been issued with a tax clearance certificate in accordance with section 1095 and such tax clearance certificate has not been rescinded under subsection (3A) of that section, and

(b) is either—

(i) a person to whom section 530G or 530H applies, or

(ii) in the case of a person who is not a subcontractor (within the meaning of Chapter 2 of Part 18), a person who satisfies the conditions specified in subsection (1) of section 530G or subsection (1) of 530H, other than the conditions specified in paragraphs (a) and (b) of either of those subsections;

'qualifying expenditure' means expenditure—

(a) incurred by the person chargeable on qualifying works in the relevant period, and

(b) in respect of which the person chargeable has received an approved retrofitting grant;

'qualifying premises' means a residential premises situated in the State—

(a) owned by the person chargeable,

(b) occupied by a tenant under a tenancy registered by the person chargeable under Part 7 of the Act of 2004, and

(c) which continues to be subject to a tenancy throughout the period during which the qualifying works are carried out;

'qualifying works' means works carried out by a qualifying contractor on a qualifying premises during the relevant period with the objective of improving the energy efficiency of that premises;

'relevant amount', means the lesser of—

(a) the qualifying expenditure, and

(b) €10,000;

'relevant period' means the period beginning on 1 January 2023 and ending on 31 December 2025;

'tenant' has the same meaning as it has in the Act of 2004;

'tenancy' has the same meaning as it has in the Act of 2004;

'the 2-year period', in relation to a qualifying premises, means the 2 years immediately following the end of the year in which the qualifying works concerned are completed;

'VAT registration number', in relation to a person, means the registration number assigned to the person under the Value-Added Tax Consolidation Act 2010.

(2) The Revenue Commissioners may, by order, designate a grant for the purpose of paragraph (c) of the definition of 'approved retrofitting grant' in subsection (1), where they are satisfied that the grant is similar in nature and objective to a grant referred to in paragraph (a) or (b) of that definition or previously designated under this subsection.

(3) Where the Sustainable Energy Authority of Ireland commences administering a grant similar in nature and objective to a grant—

(a) referred to in paragraph (a) or (b) of the definition of 'approved retrofitting grant' in subsection (1), or

(b) designated under subsection (2),

it will advise the Revenue Commissioners accordingly.

(4) Subject to subsections (5) and (6), where a person chargeable has incurred qualifying expenditure in a year of assessment, that person is entitled, in computing for the purposes of section 97(1) the amount of a surplus or deficiency in respect of the rent from the qualifying premises concerned for the year of assessment following that in which the qualifying expenditure is incurred, to a deduction equal to the relevant amount.

(5) A person chargeable shall not be entitled to a deduction under subsection (4) in respect of more than two qualifying premises.

(6) The maximum deduction available to a person chargeable under this section in respect of qualifying expenditure incurred on a qualifying premises during the relevant period shall not exceed the relevant amount.

(7) This subsection applies where—

(a) a deduction has been made in accordance with subsection (4) in respect of a qualifying premises, and

(b) one or more of the following conditions are satisfied during the 2-year period:

(i) the person chargeable is in breach of their obligations under Part 3 of the Residential Tenancies Act 2004 in respect of a tenancy of the qualifying premises;

(ii) the qualifying premises ceases to be subject to a tenancy;

(iii) subsection (8) applies in respect of the qualifying premises, but subsection (9) does not apply in respect of the qualifying premises following the termination of the tenancy concerned.

(8) This subsection applies in respect of a qualifying premises where—

(a) a tenant terminates a tenancy of the qualifying premises, or

(b) the person chargeable concerned issues a notice of termination of the tenancy of the qualifying premises on the ground that the tenant of the qualifying premises has failed to comply with any of his or her obligations in relation to the tenancy.

(9) This subsection applies in respect of a qualifying premises where, following the termination of the tenancy concerned, either—

(a) the qualifying premises is subject to a tenancy, or

(b) all of the conditions specified in subsection (10) are satisfied in respect of the qualifying premises.

(10) The conditions referred to in subsection (9)(b) are as follows:

(a) the qualifying premises is being actively marketed for rent with a view to the person chargeable entering into a residential tenancy agreement with a willing tenant;

(b) the rent sought for the qualifying premises does not exceed market rent;

(c) there are no conditions attaching to the tenancy which are unreasonable or designed to impede or disrupt the negotiation of a tenancy agreement.

(11) Where subsection (7) applies—

(a) an amount equal to the deduction shall be deemed to be profits or gains of the person chargeable computed under section 97(1) in the year of assessment in which, as the case may be—

(i) that person is in breach of Part 3 of the Residential Tenancies Act 2004,

(ii) the premises concerned ceases to be subject to a tenancy, or

(iii) the tenancy is terminated such that subsection (8) applies,

and

(b) assessments shall as necessary be made or amended to give effect

to this subsection.

(12) On making a claim under this section, the person chargeable shall provide the following to the Revenue Commissioners on their annual return of income:

(a) the unique identification number assigned in accordance with section 27 of the Finance (Local Property Tax) Act 2012 for each qualifying premises on which qualifying works were carried out;

(b) the Eircode for each such qualifying premises;

(c) the amount of any approved retrofitting grant received in respect of each of the qualifying premises, and confirmation of the grant payment from the Sustainable Energy Authority of Ireland;

(d) the amount of the qualifying expenditure for each of the qualifying premises;

(e) the relevant amount for each of the qualifying premises;

(f) confirmation that each of the premises is a qualifying premises for the purposes of this section;

(g) the name, business address (including the Eircode), tax reference number and VAT registration number of the qualifying contractor;

(h) such other information as the Revenue Commissioners may require.

(13) Where relief is given under this section, no relief, deduction or credit under any other provision of the Tax Acts or the Capital Gains Tax Acts shall be given or allowed in respect of the qualifying expenditure.

(14) For the purposes of this section, expenditure shall not be regarded as incurred by a person in so far as it has been or is to be met, directly or indirectly, by the State, by any Board established by statute or by any public or local authority.

(15) A deduction shall not be given under this section where the requirements of the Finance (Local Property Tax) Act 2012, in relation to the making of returns and the payment of local property tax, have not been complied with in respect of the qualifying premises.

(16) A deduction shall not be given under this section unless the person chargeable has been issued with a tax clearance certificate in accordance with section 1095 and such tax clearance certificate has not been rescinded under subsection (3A) of that section.

(17) Where there is more than one person chargeable for the rental income from a qualifying premises—

(a) the references to 'the person chargeable' in the definition of 'qualifying expenditure' in subsection (1) shall be construed as references to all such persons,

(b) the reference to 'the person chargeable' in paragraph (a) of the definition of 'qualifying premises' in subsection (1) shall be construed as a reference to all such persons,

(c) the reference to registration by the person chargeable in paragraph (b) of the definition of 'qualifying premises' in subsection (1) shall be construed as a reference to registration by any of those persons,

(d) the references in subsections (4), (6) and (12)(e) to 'the relevant amount' shall be construed as references to the amount of the portion of the relevant amount that is equal to the portion of the rental income from the qualifying premises to which the person chargeable concerned is entitled,

(e) the reference in subsection (7)(b)(i) to the person chargeable being in breach shall be construed as a reference to any of those persons being in breach,

(f) the reference in subsection (8)(b) to the person chargeable issuing a notice shall be construed as a reference to any of those persons issuing a notice,

(g) the reference in subsection (10)(a) to the person chargeable entering into a residential tenancy agreement shall be construed as a reference to any of those persons entering into a residential tenancy agreement.".

Amendment of certain tax exemption provisions of Principal Act

33. (1) The Principal Act is amended—

(a) in Schedule 4, by the insertion of the following paragraph after paragraph 79A:

"79B. The National Standards Authority of Ireland.",

and

(b) in Part 1 of Schedule 15, by the insertion of the following paragraph after paragraph 47:

"48. The National Standards Authority of Ireland.".

(2) *Subsection (1)* shall be deemed to have come into operation on 14 April 1997.

Amendment of Part 16 of Principal Act (relief for investment in corporate trades)

34. Part 16 of the Principal Act is amended—

(a) in section 500, by the insertion of the following subsection after subsection (7):

"(8) For the purposes of subsection (2), an individual shall not be connected with a company by reason that an associate of the individual—

(a) has an interest in the share capital of that company, and

(b) is a partner of the individual solely by virtue of their both being partners in a qualifying investment fund within the meaning of section 508IA.",

(b) in section 508A(3)(a)(vi), by the substitution of "subsection (2)(a) or (2A) of section 502, as the case may be" for "section 502(2)(a)", and

(c) in section 508U—

(i) by the substitution of the following subsection for subsection (1):

"(1) Where a statement of qualification issued by a company is incorrect, any relief claimed by an individual in excess of the relief which would have been claimed had a correct statement of qualification been furnished shall be withdrawn by the making of an assessment on the qualifying company to corporation tax under Case IV of Schedule D for the year of assessment for which the relief was given—

(a) in an amount equal to 1.2 times the amount in section 508A(3)(a)(vi), or such part of that amount as does not qualify for relief, where the relief is in respect of shares issued on or before 31 December 2022, or

(b) in an amount equal to 1.6 times the amount in section 508A(3)(a)(vi), or such part of that amount as does not qualify for relief, where the relief is in respect of shares issued on or after 1 January 2023.",

and

(ii) in subsection (2), by the substitution of the following paragraph for paragraph (b):

"(b) Where this subsection applies, any relief that has been given which is subsequently found not to have been due, shall be withdrawn by the making of an assessment to corporation tax under Case IV of Schedule D for the year of assessment for which the relief was given—

(i) in an amount equal to 1.2 times the amount in section 508A(3)(a)(vi), or such part of that amount as no longer qualifies for relief, where the relief is in respect of shares issued on or before 31 December 2022, or

(ii) in an amount equal to 1.6 times the amount in section 508A(3)(a)(vi), or such part of that amount as no longer qualifies for relief, where the relief is in respect of shares issued on or after 1 January 2023.".

Amendment of section 835D of Principal Act (principles for construing rules in accordance with OECD Guidelines)

35. (1) Section 835D of the Principal Act is amended—

(a) in subsection (1), by the substitution of the following definition for the definition of "transfer pricing guidelines":

> " 'transfer pricing guidelines' means the OECD Transfer Pricing Guidelines for Multinational Enterprises and Tax Administrations published by the OECD on 20 January 2022 supplemented by such additional guidance, published by the OECD on or after the date of passing of the *Finance Act 2022*, as may be designated by the Minister for Finance for the purposes of this Part by order made under subsection (3).",

and

(b) in subsection (3), by the deletion of "paragraph (c) of".

(2) *Subsection (1)* shall apply for chargeable periods (within the meaning of section 321(2) of the Principal Act) commencing on or after 1 January 2023.

Amendment of section 743 of Principal Act (material interest in offshore funds)

36. Section 743 of the Principal Act is amended—

(a) in subsection (1)(b), by the substitution of "subject to subsection (1B), a unit trust scheme" for "a unit trust scheme", and

(b) by the insertion of the following subsection after subsection (1A):

"(1B) (a) In this subsection, 'relevant Member State' means—

(i) a state, other than the State, which is a Member State of the European Union, or

(ii) not being such a Member State, a state which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2 May 1992, as adjusted by the Protocol signed at Brussels on 17 March 1993.

(b) A unit trust scheme referred in subsection (1)(b) shall not include a unit trust scheme—

(i) which is or is deemed to be an authorised unit trust scheme (within the meaning of the Unit Trusts Act 1990) and has not had its authorisation under that Act revoked,

(ii) the trustee of which is resident in a relevant Member State and provides the services of a trustee to the unit trust scheme through a branch in the State, and

(iii) the general administration of which is ordinarily carried on in the State.".

Reporting by exempt unit trusts, common contractual funds and investment limited partnerships

37. (1) Section 731 of the Principal Act is amended in subsection (5)(a)(iii)—

(a) in clause (I), by the deletion of "and",

(b) in clause (II)(B), by the substitution of "may require, and" for "may require.", and

(c) by the insertion of the following clause after clause (II):

"(III) specifies in respect of the unit trust—

(A) the business undertaken by the unit trust, namely those activities involving the assets of the unit trust used to generate gains of the unit trust which, in accordance with subparagraph (i), are not chargeable gains, including, but not limited to, activities which would be regarded as material to the operation of the unit trust, and

(B) the net asset value of the unit trust.".

(2) Section 739I of the Principal Act is amended—

(a) in subsection (4)—

(i) in paragraph (a), by the deletion of "and",

(ii) in paragraph (b)(iii), by the substitution of "may require, and" for "may require.", and

(iii) by the insertion of the following paragraph after paragraph (b):

"(c) specifies in respect of the common contractual fund—

(i) the business undertaken by the common contractual fund, namely those activities involving the assets of the common contractual fund used to generate the relevant profits of the common contractual fund which, in accordance with subsection (2)(a), are not chargeable to tax, including, but not limited to, activities which would be regarded as material to the operation of the common contractual fund, and

(ii) the net asset value of the common contractual fund.",

and

(b) by the insertion of the following subsection after subsection (4):

"(4A) Where the management company of the common contractual fund—

(a) makes an incorrect or incomplete statement under subsection (4), or

(b) fails, without reasonable excuse to make such a statement,

then the management company shall be liable to a penalty of €3,000.".

(3) Section 739J of the Principal Act is amended—

(a) in subsection (3)—

(i) in paragraph (a), by the substitution of "partnership," for "partnership, and",

(ii) in paragraph (b)(iii), by the substitution of "may require, and" for "may require.", and

(iii) by the insertion of the following paragraph after paragraph (b):

"(c) specifies in respect of the investment limited partnership—

(i) the business undertaken by the investment limited partnership, namely those activities involving the assets of the investment limited partnership used to generate the relevant gains, relevant income and relevant payments of the investment limited partnership which, in accordance with subsection (2)(a), are not chargeable to tax, including, but not limited to, activities which would be regarded as material to the operation of the investment limited partnership, and

(ii) the net asset value of the investment limited partnership.",

and

(b) by the insertion of the following subsection after subsection (3):

"(3A) Where the partners of the investment limited partnership—

(a) make an incorrect or incomplete statement under subsection (3), or

(b) fail, without reasonable excuse to make such a statement,

then those partners shall be liable to a penalty of €3,000.".

Chapter 5

Corporation Tax

Amendment of section 79 of Principal Act (foreign currency: computation of income and chargeable gains)

38. Section 79 of the Principal Act is amended, in subsection (1)(a)—

(a) by the substitution of the following definition for the definition of "relevant monetary item":

" 'relevant monetary item', in relation to a company, means—

(i) a trade receivable of the company,

(ii) a debt owed by a bank which is represented by a sum standing to the credit of the company in an account in the bank, where the sole purpose of the account is the lodgement and disbursement of amounts that are taken into account in

computing profits or losses of a trade carried on by that company,

(iii) money held by the company for the purposes of a trade carried on by it, or

(iv) money payable by the company for the purposes of a trade carried on by it;",

and

(b) by the insertion of the following definitions:

" 'balance sheet' means a balance sheet, statement of financial position or equivalent prepared in accordance with generally accepted accounting practice;

'trade receivable', in respect of a company, means an amount recorded in the company's balance sheet as owed to that company in respect of goods or services sold by that company for the purposes of a trade carried on by it;".

Interest limitation

39. (1) Section 400 of the Principal Act is amended, in subsection (7A), by the substitution of "section 835AAD(8)" for "section 835AAD(8) or (10)".

(2) Part 35D of the Principal Act is amended—

(a) in section 835AY, in subsection (1)—

(i) by the substitution of the following definition for the definition of 'consolidating entity':

" 'consolidating entity' means an entity, other than a non-consolidating entity, which is included in the ultimate consolidated financial statements or would be included in the ultimate consolidated financial statements but for being excluded by the ultimate parent on materiality grounds under generally accepted accounting practice or an alternative body of accounting standards;",

(ii) in the definition of "interest equivalent"—

(I) by the insertion of the following paragraph after paragraph (c):

"(ca) any amounts referred to in paragraph (a) or (b) claimed by a claimant company under section 420A(3) or 420B(2) that are treated under section 247(4G) for the purposes of Chapter 5 of Part 12 as relevant trading charges on income (within the meaning of section 243A),",

(II) in paragraph (e), by the substitution of "amounts economically equivalent to interest," for "amounts economically equivalent to interest, and",

(III) in paragraph (f), by the substitution of "to be economically equivalent to

interest, and" for "to be economically equivalent to interest;", and

(IV) by the insertion of the following paragraph after paragraph (f):

"(g) any amounts referred to in paragraphs (a) to (f) treated for the purposes of section 83, in accordance with subsection (3) of that section, as if those amounts had been disbursed as expenses of management;",

and

(iii) in the definition of "large scale asset"—

(I) in paragraph (h), by the substitution of "Regulation of Utilities," for "Regulation of Utilities, or",

(II) in paragraph (i), by the substitution of "section 835AAA(1), or" for "section 835AAA(1)," and

(III) by the insertion of the following paragraph after paragraph (i):

"(j) a large-scale residential development within the meaning of the Planning and Development Act 2000, approved by a planning authority under section 34 or section 170 of that Act,",

(b) in section 835AZ—

(i) in subsection (1)—

(I) in paragraph (i), by the substitution of "but for this Part," for "but for this Part, and",

(II) in paragraph (ii), by the substitution of "but for this Part, and" for "but for this Part.", and

(III) by the insertion of the following paragraph after paragraph (ii):

"(iii) the amount of the excess referred to in subsection (2) of section 420B as it relates to interest on a loan to which section 247(4G) applies, to the extent relief may be claimed under that subsection, but for this Part.",

(ii) in subsection (4), by the substitution of the following paragraph for paragraph (c):

"(c) amounts set off under section 420 or 420A other than:

(i) interest treated as a charge on income that may be set off under section 420(6), but for this Part,

(ii) expenses of management that may be set off under section 420(3), but for this Part, and

(iii) interest treated as a charge on income that may be set off under section 420A(3), but for this Part.",

(c) in section 835AAB, by the insertion of the following subsection after subsection (2):

"(2A) Where a debt, consisting in part of legacy debt and in part of debt which is not legacy debt, is repaid in part, the part so repaid shall be treated for the purposes of this Part as being a repayment of that part of the debt which is legacy debt in priority to that part of the debt which is not legacy debt.",

(d) in section 835AAD, by the substitution of the following subsection for subsection (15):

"(15) The aggregate in an accounting period of—

(a) the deemed borrowing cost utilised under sections (3), (8) and (12), and

(b) a deduction in respect of an amount which, pursuant to subsection (19), was treated as an amount of interest for which relief could not be given by virtue of section 291A(6)(a) for the purposes of section 291A(6)(b)(ii),

shall be limited to the amount of the total spare capacity in the accounting period.",

(e) in section 835AAE—

(i) in subsection (6) by the substitution of "under subsection (3), (8) or (12)" for "under subsection (3), (8) or (10)", and

(ii) by the insertion of the following subsection after subsection (6):

"(7) Where an amount that is not deductible in respect of a deemed borrowing cost under section 835AAD(19) is deducted in a subsequent accounting period, having been treated as an amount of interest for which relief cannot be given by virtue of section 291A(6)(a) for the purposes of section 291A(6)(b)(ii), the amount of total spare capacity available for any subsequent claims or deductions shall be reduced by the amount so deducted.",

(f) in section 835AAG, in subsection (1)—

(i) by the substitution of the following definition for the definition of "group EBITDA":

" 'group EBITDA' means the amount included in respect of profit or loss, before taking into account any amount of income tax, finance income, finance costs, depreciation, amortisation or impairments, excluding any amounts in respect of a qualifying long-term infrastructure project, in the ultimate consolidated financial statements of the worldwide group or single company worldwide group, as the case may be, of which the relevant entity is a member for the period in which the relevant entity's accounting period ends;",

and

(ii) by the substitution of the following definition for the definition of "group

exceeding borrowing costs":

" 'group exceeding borrowing costs' means the amount included in respect of net finance expense, excluding any amount of finance income or finance expense in respect of a qualifying long-term infrastructure project, in the ultimate consolidated financial statements of the worldwide group or single company worldwide group, as the case may be, of which the relevant entity is a member for the period in which the relevant entity's accounting period ends;",

and

(g) in section 835AAI, by the insertion of the following subsection after subsection (1):

"(1A) The ratio of equity over total assets for a relevant entity for an accounting period shall be calculated on the basis of financial statements that are prepared in accordance with—

(a) the same body of accounting standards, and

(b) the same accounting policies,

that apply to the ultimate consolidated financial statements of the worldwide group of which the relevant entity is a member.".

(3) Subsections (1) and (2) shall apply for accounting periods commencing on or after 1 January 2023.

(4) Section 959AR of the Principal Act is amended, in subsection (4), by the substitution of the following paragraph for paragraph (b):

"(b) for accounting periods commencing on or after 1 January 2022 and ending on or before 31 December 2027—

(i) the preliminary tax paid by the chargeable person for the accounting period in accordance with subsection (1) is less than 90 per cent of the tax payable by the chargeable person for the accounting period,

(ii) the preliminary tax so paid by the chargeable person for the accounting period is not less than 90 per cent of the amount of tax which would be payable by the chargeable person for the accounting period if no amount were included in the company's profits for the accounting period—

(I) in respect of chargeable gains on the disposal of assets in the part of the accounting period which is after the date by which preliminary tax for the accounting period is payable in accordance with subsection (1),

(II) in the case of a relevant company, in respect of profits or gains or losses accruing, and not realised, in the accounting period on financial assets or financial liabilities as are

attributable to changes in value of those assets or liabilities in the part of the accounting period which is after the end of the month immediately preceding the month in which preliminary tax for the accounting period is payable in accordance with subsection (1), or

(III) in respect of a disallowable amount (within the meaning of Part 35D),

(iii) the chargeable person makes a further payment, if required, of preliminary tax for the accounting period within one month after the end of the accounting period and the aggregate of that payment and the preliminary tax paid by the chargeable person for the accounting period in accordance with subsection (1) is not less than 90 per cent of the tax payable by the chargeable person for the accounting period if no amount were included in the company's profits for the accounting period in respect of a disallowable amount (within the meaning of Part 35D),

(iv) the chargeable person makes a further payment of preliminary tax, if required, for the accounting period within a period of 6 months after the end of the accounting period, but where the last day of that period of 6 months is later than day 21 of the month in which it occurs, the further payment of preliminary tax for the accounting period is paid no later than—

(I) day 21 of the month in which that last day occurs, or

(II) where payment is made by such electronic means as are required by the Revenue Commissioners, day 23 of the month in which that last day occurs,

and

(v) following the making of any payment referred to in subparagraph (iii) or (iv), the aggregate of those payments and the preliminary tax paid by the chargeable person for the accounting period in accordance with subsection (1) is not less than 90 per cent of the tax payable by the chargeable person for the accounting period,".

(5) Section 959AS of the Principal Act is amended—

(a) in subsection (1), by the substitution of "preliminary tax appropriate to a relevant accounting period" for "preliminary tax appropriate to an accounting period", and

(b) in subsection (7), by the substitution of the following paragraph for paragraph (b)—

"(b) for accounting periods commencing on or after 1 January 2022 and ending on or before 31 December 2027—

(i) the aggregate of the initial instalment and the final instalment of

preliminary tax paid by the chargeable person for the accounting period in accordance with subsection (2) is less than 90 per cent of the tax payable by the chargeable person for the accounting period,

(ii) the aggregate of the initial instalment and the final instalment of preliminary tax so paid by the chargeable person for the accounting period is not less than 90 per cent of the amount of tax which would be payable by the chargeable person for the accounting period if no amount were included in the company's profits for the accounting period—

(I) in respect of chargeable gains on the disposal of assets in the part of the accounting period which is after the date by which preliminary tax for the accounting period is payable in accordance with subsection (1),

(II) in the case of a relevant company, in respect of profits or gains or losses accruing, and not realised, in the accounting period on financial assets or financial liabilities as are attributable to changes in value of those assets or liabilities in the part of the accounting period which is after the end of the month immediately preceding the month in which preliminary tax for the accounting period is payable in accordance with subsection (1), or

(III) in respect of a disallowable amount (within the meaning of Part 35D),

(iii) the chargeable person makes a further payment of preliminary tax, if required, for the accounting period within one month after the end of the accounting period and the aggregate of that payment and the initial instalment and final instalment of preliminary tax paid by the chargeable person for the accounting period in accordance with subsection (2) is not less than 90 per cent of the tax payable by the chargeable person for the accounting period if no amount were included in the company's profits for the accounting period in respect of a disallowable amount (within the meaning of Part 35D),

(iv) the chargeable person makes a further payment of preliminary tax, if required, for the accounting period within a period of 6 months after the end of the accounting period, but where the last day of that period of 6 months is later than day 21 of the month in which it occurs, the further payment of preliminary tax for the accounting period is paid no later than—

(I) day 21 of the month in which that last day occurs, or

(II) where payment is made by such electronic means as are required by the Revenue Commissioners, day 23 of the

month in which that last day occurs,

and

(v) following the making of any payment referred to in subparagraph (iii) or (iv), the aggregate of those payments and the initial instalment and final instalment of preliminary tax paid by the chargeable person for the accounting period in accordance with subsection (2) is not less than 90 per cent of the tax payable by the chargeable person for the accounting period,".

Amendment of Chapter 5 of Part 29 of Principal Act (taxation of companies engaged in knowledge development)

40. (1) Chapter 5 of Part 29 of the Principal Act is amended—

(a) in section 769I(5), by the substitution of "20 per cent" for "50 per cent",

(b) in section 769K—

(i) in subsection (2), by the substitution of "20 per cent" for "50 per cent" in each place where it occurs, and

(ii) in subsection (3), by the substitution of "125 per cent" for "200 per cent",

and

(c) in section 769Q, by the substitution of "1 January 2027" for "1 January 2023".

(2) (a) *Paragraphs (a)* and *(b)* of *subsection (1)* shall come into operation on such day (in this subsection referred to as the "appointed day") as the Minister for Finance may by order appoint and shall apply as respects accounting periods commencing on or after the appointed day.

(b) Where an accounting period of a company commences before the appointed day and ends on or after the appointed day, it shall be divided into two parts, one commencing on the date on which the accounting period commences and ending on the day before the appointed day, the other commencing on the appointed day and ending on the date on which the accounting period ends, and both parts shall be treated, for the purposes of *paragraph (a)* as if they were separate accounting periods of the company.

Amendment of section 481 of Principal Act (relief for investment in films)

41. (1) Section 481 of the Principal Act is amended, in subsection (3C), by the substitution of "31 December 2028" for "31 December 2024".

(2) *Subsection (1)* shall come into operation on such day as the Minister for Finance may appoint by order.

Amendment of section 481A of Principal Act (relief for investment in digital games)

42. (1) Section 481A of the Principal Act is amended—

(a) in subsection (1)—

(i) by the substitution of the following definition for the definition of "digital games development company":

" 'digital games development company' means a company that—

(a) is resident in the State, or is resident in an EEA State,

(b) carries on a trade of developing digital games that are wholly or principally to be made available to the public on a commercial basis with a view to the realisation of profit, and

(c) is not, or is not part of, an undertaking which would be regarded as an undertaking in difficulty;",

and

(ii) by the substitution of the following definition for the definition of "qualifying expenditure":

" 'qualifying expenditure', in relation to an interim digital game or a qualifying digital game, is expenditure (the types of which are specified in regulations made under subsection (17)) incurred by the digital games development company on the design, production and testing of a digital game;",

(b) in subsection (13)—

(i) in paragraph (e) by the deletion of "or",

(ii) in paragraph (f) by the substitution of "market," for "market.", and

(iii) by the insertion of the following paragraphs after paragraph (f):

"(g) the digital games development company is resident in an EEA State other than the State and does not carry on business in the State through a branch or agency, or

(h) the digital games development company has not delivered to the Collector-General a return, in accordance with section 959I, in respect of—

(i) the accounting period referred to in paragraph (a) of the definition of 'qualifying period', or

(ii) each accounting period ending in the qualifying period, referred to in paragraph (b) of that definition,

as the case may be.",

(c) in subsection (14)(d)(ii) by the substitution of "another Member State" for "another relevant Member State", and

(d) in subsection (16)(a)(i) by the substitution of the following clause for clause (I):

"(I) an EEA State, or".

(2) *Subsection (1)* shall come into operation on such day as the Minister for Finance may appoint by order.

Amendment of section 835YA of Principal Act (non-cooperative jurisdictions: modified application of sections 835T, 835U and 835V)

43. Section 835YA of the Principal Act is amended by the substitution of the following subsection for subsection (1):

"(1) In this section, 'listed territory' means—

(a) in relation to an accounting period beginning on or after 1 January 2021 but before 1 January 2022, a territory included in Annex 1 of the Council conclusions on the revised EU list of non-cooperative jurisdictions for tax purposes[26], as replaced by the EU list of non-cooperative jurisdictions for tax purposes Report by the Code of Conduct Group (business taxation) suggesting amendments to the Annexes to the Council conclusions of 18 February 2020[27],

(b) in relation to an accounting period beginning on or after 1 January 2022 but before 1 January 2023, a territory included in Annex 1 of the Council conclusions on the revised EU list of non-cooperative jurisdictions for tax purposes[28], and

(c) in relation to an accounting period beginning on or after 1 January 2023, a territory included in Annex 1 of the Council conclusions on the revised EU list of non-cooperative jurisdictions for tax purposes[29].".

PART 2

Excise

Amendment of Schedule 2 to Finance Act 1999 (rates of mineral oil tax)

44. The Finance Act 1999 is amended with effect as on and from 28 September 2022 by the substitution of the following for Schedule 2 (amended by section 12 of the Finance (Covid-19 and Miscellaneous Provisions) Act 2022):

"SCHEDULE 2

Rates of Mineral Oil Tax

With effect as on and	Light Oil: Rates per 1,000 litres	Heavy Oil: Rates per 1,000 litres	Liquefied Petroleum Gas: Rates per 1,000 litres	Vehicle gas:

26 OJ No. C64, 27.2.2020, p.8
27 OJ No. C331, 7.10.2020, p.3
28 OJ No. C413I, 12.10.2021, p.1
29 OJ No. C391, 12.10.2022, p.2

from:	Petrol	Aviation gasoline	Used as a propellant	Used for air navigation	Used for private pleasure navigation	Kerosene used other than as a propellant	Fuel oil	Other heavy oil	Used as a propellant	Other liquefied petroleum gas	Rate per megawatt hour at gross calorific value
10 March 2022	€474.11	€474.11	€413.51	€413.51	€413.51	€84.84	€118.01	€120.55	€118.27	€54.68	€9.36
1 April 2022	€465.98	€465.98	€405.38	€405.38	€405.38	€84.84	€118.01	€120.55	€118.27	€54.68	€9.36
1 May 2022	€465.98	€465.98	€405.38	€405.38	€405.38	€103.83	€141.12	€111.14	€130.52	€66.93	€9.36
12 October 2022	€483.34	€483.34	€425.45	€425.45	€425.45	€103.83	€141.12	€111.14	€130.52	€66.93	€9.36
1 March 2023	€654.07	€654.07	€555.53	€555.53	€555.53	€103.83	€141.12	€158.50	€130.52	€66.93	€9.36
1 May 2023	€654.07	€654.07	€555.53	€555.53	€555.53	€122.83	€164.23	€178.83	€142.76	€79.17	€9.36
11 October 2023	€671.43	€671.43	€575.61	€575.61	€575.61	€122.83	€164.23	€178.83	€142.76	€79.17	€9.36
1 May 2024	€671.43	€671.43	€575.61	€575.61	€575.61	€141.82	€187.34	€199.17	€155.01	€91.42	€10.13
9 October 2024	€688.78	€688.78	€595.68	€595.68	€595.68	€141.82	€187.34	€199.17	€155.01	€91.42	€10.13
1 May 2025	€688.78	€688.78	€595.68	€595.68	€595.68	€160.81	€210.45	€219.50	€167.25	€103.66	€11.48
8 October 2025	€706.14	€706.14	€615.76	€615.76	€615.76	€160.81	€210.45	€219.50	€167.25	€103.66	€11.48
1 May 2026	€706.14	€706.14	€615.76	€615.76	€615.76	€179.81	€233.57	€239.83	€179.49	€115.90	€12.84
14 October 2026	€723.49	€723.49	€635.83	€635.83	€635.83	€179.81	€233.57	€239.83	€179.49	€115.90	€12.84
1 May 2027	€723.49	€723.49	€635.83	€635.83	€635.83	€198.80	€256.68	€260.16	€191.74	€128.15	€14.20
13 October 2027	€740.85	€740.85	€655.90	€655.90	€655.90	€198.80	€256.68	€260.16	€191.74	€128.15	€14.20
1 May 2028	€740.85	€740.85	€655.90	€655.90	€655.90	€217.80	€279.79	€280.49	€203.98	€140.39	€15.56
11 October 2028	€758.21	€758.21	€675.98	€675.98	€675.98	€217.80	€279.79	€280.49	€203.98	€140.39	€15.56
1 May 2029	€758.21	€758.21	€675.98	€675.98	€675.98	€236.79	€302.90	€300.83	€216.23	€152.64	€16.91
10 October 2029	€773.25	€773.25	€693.38	€693.38	€693.38	€236.79	€302.90	€300.83	€216.23	€152.64	€16.91
1 May 2030	€773.25	€773.25	€693.38	€693.38	€693.38	€253.25	€322.93	€318.45	€226.84	€163.25	€18.09

”.

Amendment of section 98 of Finance Act 1999 (horticultural production)

45. (1) Section 98 of the Finance Act 1999 is amended in subsection (1)—

(a) by the substitution of “carbon charge paid” for “mineral oil tax paid less an amount calculated at a rate specified in the Table to this subsection”, and

(b) by the deletion of the Table to that subsection.

(2) *Subsection (1)* shall come into operation on such day as the Minister for Finance may appoint by order.

Amendment of Chapter 2 of Part 3 of Finance Act 2010 (natural gas carbon tax)

46. (1) The Finance Act 2010 is amended—

(a) in section 66, by the insertion of the following definition:

“ ‘glasshouse’ means any building or structure made substantially of glass or other transparent or translucent material which is capable of being

artificially heated and which is used for growing horticultural produce;",

(b) in section 71(1)—

(i) in paragraph (c), by the substitution of "State," for "State, or",

(ii) in paragraph (d), by the substitution of "25 October 2012," for "25 October 2012.", and

(iii) by the insertion of the following paragraphs after paragraph (d):

"(e) in the production of horticultural produce in one or more than one glasshouse of a total area of not less than a quarter of an acre, or

(f) in the cultivation of mushrooms in one or more than one building or structure of a total area of not less than 3,000 square feet.",

and

(c) in section 72(2)(a), by the substitution of "paragraph (a), (b), (c), (e) or (f)" for "paragraphs (a), (b) and (c)".

(2) *Subsection (1)* shall come into operation on such day as the Minister for Finance may appoint by order.".

Amendment of Schedule 2 to Finance Act 2005 (rates of tobacco products tax)

47. The Finance Act 2005 is amended with effect as on and from 28 September 2022 by the substitution of the following Schedule for Schedule 2 to that Act:

"SCHEDULE 2

Rates of Tobacco Products Tax

(With effect as on and from 28 September 2022)

Description of Product	Rate of Tax
Cigarettes …. …. …. ….	Rate of tax at— (a) except where paragraph (b) applies, €402.32 per thousand together with an amount equal to 8.73 per cent of the price at which the cigarettes are sold by retail, or (b) €452.52 per thousand in respect of cigarettes sold by retail where the rate of tax would be less than that rate had the rate been calculated in accordance with paragraph (a).
Cigars …. …. …. ….	Rate of tax at €454.071 per kilogram.
Fine-cut tobacco for the rolling of cigarettes …. …. …. ….	Rate of tax at €436.842 per kilogram.
Other smoking tobacco …. …. …. ….	Rate of tax at €315.014 per kilogram.

".

Amendment of Chapter 1 of Part 2 of Finance Act 2003 (alcohol products tax)

48. (1) The Finance Act 2003 is amended—

(a) in section 78A—

(i) in subsection (1)(a), by the substitution of "75,000 hectolitres" for "50,000 hectolitres",

(ii) in subsection (3)(b)(ii), by the substitution of "150,000 hectolitres" for "100,000 hectolitres", and

(iii) in subsection (4)(b), by the substitution of "75,000 hectolitres" for "50,000 hectolitres",

(b) in section 78B, by the substitution of the following subsection for subsection (1):

"(1) A producer of alcohol products established in the State availing of reduced rates of duty in accordance with Article 4, 9a, 13a, 18a or 22 of the Directive in another Member State shall, in accordance with such conditions as the Commissioners may prescribe, provide declarations as to—

(a) the compliance of the producer with the criteria set out in Article 4, 9a, 13a, 18a or 22 of the Directive, as may be applicable, and

(b) the total annual production of the producer in the previous year.",

and

(c) by the insertion of the following section after section 78B:

"Relief for small producers of cider and perry

78C. (1) In the case of cider and perry exceeding 2.8% vol but not exceeding 8.5% vol that is subject to alcohol products tax, a relief of half the amount of alcohol products tax paid on such cider and perry shall, subject to subsection (3) and to such conditions as the Commissioners may prescribe or otherwise impose, be granted on a combined total quantity of cider and perry not exceeding 8,000 hectolitres in a calendar year, produced by a producer of cider and perry—

(a) where the combined total quantity of cider and perry produced by that producer in the previous year has not exceeded 10,000 hectolitres,

(b) which is legally and economically independent of any other producer of cider and perry,

(c) the premises of which are situated physically apart from those of any other producer of cider and perry, and

(d) where less than 50 per cent of the cider and perry produced by that

producer in the previous calendar year has been produced under a licence, franchise or contract arrangement for another producer of cider and perry.

(2) Relief under subsection (1) shall be granted by the Commissioners either by means of remission or repayment.

(3) (a) Subject to paragraph (b), relief under subsection (1) does not apply to any cider and perry produced for another producer of cider and perry under a licence, franchise or contract arrangement.

(b) Notwithstanding paragraph (a), where cider and perry is produced by a producer of cider and perry under a licence, franchise, contract or other cooperation arrangement with one or more other producers of cider and perry, and where—

(i) such a producer and each of the producers with which it has such an arrangement satisfy the criteria set down in paragraphs (a), (b) and (c) of subsection (1), and

(ii) the combined total quantity of the cider and perry produced in the previous calendar year, by such producer and the producers with which it has such an arrangement, has not exceeded 15,000 hectolitres,

then subsection (1)(d) does not apply, and such cider and perry qualifies for relief under subsection (1).

(4) (a) For the purposes of subsection (1)(b), a producer of cider and perry is not considered to be legally and economically independent of another producer of cider and perry where such producers are directly or indirectly owned or partly owned—

(i) by the same person, or

(ii) by associated companies within the meaning of section 432 of the Taxes Consolidation Act 1997 or by legal entities corresponding to such associated companies.

(b) Notwithstanding subsection (1)(b) and paragraph (a), where a person referred to in paragraph (a)(i) or (ii) directly or indirectly owns two or more producers of cider and perry and the combined total quantity of cider and perry produced by those producers in the previous calendar year has not exceeded 10,000 hectolitres, they may be treated for the purposes of this section as a single producer of cider and perry which is legally and economically independent of any other producer of cider and perry.

(5) (a) Claims for repayment under subsection (2) shall be made in such form as the Commissioners may direct and shall be in respect of payments of alcohol products tax made within a period of 3 calendar months beginning on the first day of January, April, July

or October.

(b) A repayment may not be made under this section unless the claim is made within 6 months following the end of each such period or within such longer period as the Commissioners may, in any particular case, allow.".

(2) *Subsection (1)* shall come into operation on such day or days as the Minister for Finance may by order or orders appoint and different days may be appointed for different purposes or different provisions.

Reduction in excise duty on special exemption orders

49. (1) Section 78 of the Finance Act 1980 is amended by the substitution of the following subsection for subsection (4):

"(4) There shall be charged, levied and paid on every special exemption order granted under section 5 of the Intoxicating Liquor Act 1927, or section 13 of the Intoxicating Liquor Act 1962, a duty of excise of €55.".

(2) *Subsection (1)* shall have effect as on and from 28 September 2022.

Amendment of section 67 of Finance Act 2002 (betting duty)

50. Section 67 of the Finance Act 2002 is amended by the insertion of the following subsection after subsection (2):

"(2A) Notwithstanding subsection (2), where a bet is placed by a person in pursuance of an offer which permits the person to pay nothing or less than the amount which that person would have been required to pay without the offer, the amount of the bet shall be equal to the amount of the unit stake.".

Amendment of section 126 of Finance Act 2001 (proceedings in relation to offences)

51. (1) Section 126 of the Finance Act 2001 is amended by the insertion of the following subsection after subsection (6):

"(7) Subsection (5) shall not apply to summary proceedings instituted in respect of an offence that is triable, at the election of the prosecution, either on indictment or summarily.".

(2) This section shall have effect as respects proceedings referred to in section 126 of the Finance Act 2001 instituted after the coming into operation of this section.

PART 3

VALUE-ADDED TAX

Interpretation (*Part 3*)

52. In this Part, "Principal Act" means the Value-Added Tax Consolidation Act 2010.

Amendment of section 46 of Principal Act (rates of tax)

53. Section 46 of the Principal Act is amended, in subsection (1)(caa), by the substitution of "28 February 2023" for "31 October 2022".

Amendment of section 59 of and Schedule 1 to Principal Act

54. The Principal Act is amended—

(a) in section 59(1), in the definition of "qualifying activities"—

(i) in paragraph (d), by the substitution of the following subparagraph for subparagraph (ii):

"(ii) directly in connection with the export of goods to a place outside the Community, and",

and

(ii) by the deletion of paragraph (e),

and

(b) in Part 2 of Schedule 1, in paragraph 6(1), by the substitution of the following clause for clause (a):

"(a) issuing, transferring or otherwise dealing in stocks, shares, debentures and other securities (other than documents establishing title to goods);''.

Registration

55. The Principal Act is amended—

(a) in section 65(3), by—

(i) the designation of the existing provision as paragraph (a) of that subsection, and

(ii) the insertion of the following paragraphs after paragraph (a):

"(b) Where an accountable person, when registering for tax, has furnished particulars specified in regulations referred to in paragraph (a) stating that he or she shall not engage in intra-Community trade, and the person subsequently engages in intra-Community trade, that person shall, within the period of 30 days

beginning on the date on which he or she first engages in intra-Community trade, notify the Revenue Commissioners in writing of such an engagement.

(c) Where an accountable person notifies the Revenue Commissioners under paragraph (b) regarding his or her engagement in intra-Community trade, the Revenue Commissioners shall request that person to correct the particulars furnished as specified in regulations referred to in paragraph (a).

(d) In this subsection, 'intra-Community trade' means—

(i) the intra-Community supply of goods made by an accountable person and dispatched or transported from the State to a person registered for value-added tax in another Member State, or

(ii) the intra-Community acquisition of goods.",

(b) in section 91C(2), by the substitution of "subsection (3)(a) of section 65" for "subsection (3) of section 65",

(c) in section 91E(2), by the substitution of "subsection (3)(a) of section 65" for "subsection (3) of section 65", and

(d) in section 91K(2), by—

(i) the substitution of "subsection (3)(a) of section 65" for "subsection (3) of section 65", and

(ii) the substitution of "subsection (3)(a)" for "subsection (3)".

Amendment of section 86 of Principal Act (special provisions for tax invoiced by flat-rate farmers)

56. Section 86 of the Principal Act is amended, in subsection (1), with effect from 1 January 2023, by the substitution of "5 per cent" for "5.5 per cent".

Amendment of Part 13 of Principal Act (administration and general)

57. Part 13 of the Principal Act is amended—

(a) in section 108—

(i) in subsection (7), by the substitution of "subsection (8)" for "subsection (7)", and

(ii) by the substitution of the following subsection for subsection (8):

"(8) (a) In this subsection—

'EEA Agreement' means the Agreement on the European Economic Area signed at Oporto on 2 May 1992 as adjusted by all subsequent amendments to that Agreement;

'EEA state' means a state which is a contracting party to the EEA

Agreement;

'EU value-added tax' means value-added tax referred to in the VAT Directive and includes tax within the meaning of section 2;

'financial institution' means—

(i) a person who holds or has held a licence under section 9 or an authorisation granted under section 9A of the Central Bank Act 1971, or a person who holds or has held a licence or other similar authorisation under the law of an EEA state, other than the State, which corresponds to a licence granted under the said section 9,

(ii) a person referred to in section 7(4) of the Central Bank Act 1971, or

(iii) a credit institution (within the meaning of the European Union (Capital Requirements) Regulations 2014 (S.I. No. 158 of 2014)) which has been authorised by the Central Bank of Ireland to carry on the business of a credit institution in accordance with the provisions of any financial services legislation (within the meaning of those Regulations), other than an authorisation granted under section 9A of the Central Bank Act 1971;

'records' means any document, or any other written or printed material in any form, including any information stored, maintained or preserved by means of any mechanical or electronic device, whether or not stored, maintained or preserved in a legible form, which a person is required to keep, retain, issue or produce for inspection or which may be inspected under any provision relating to EU value-added tax.

(b) The case referred to in subsection (7) is a case in which an authorised officer is required by Council Regulation 904/2010/EU of 7 October 2010[30] on administrative cooperation and combating fraud in the field of value-added tax to provide to a requesting authority (as defined in Article 2 of that Council Regulation) in another Member State, on request by that authority, any books, records, accounts or other documents whether—

(i) related to a business being carried on in the State or another Member State,

(ii) connected with that business by means of trading relations, either current or otherwise, that such a business has had with other businesses, or

(iii) held by a financial institution,

30 OJ No. L268, 12.11.2010, p.1

and where such a request is made, the books, records, accounts or other documents that may be the subject of the exercise of the powers referred to in subsection (7) shall extend to such books, records, accounts or other documents as are deemed to be relevant by the authorised officer.

(c) Notwithstanding any obligation as to secrecy or other restriction upon disclosure of information imposed by or under statute or otherwise, and subject to this section, an authorised officer may, for the purpose of fulfilling a request related to the case referred to in this subsection, serve on a financial institution a notice in writing—

(i) requiring the financial institution, within such period as may be specified in the notice, not being less than 30 days from the date of service of the notice, to do either or both of the following, as may be specified in the notice:

(I) to make available for inspection by the authorised officer such books, records, accounts or other documents as are in the financial institution's power, possession or procurement and as contain, or may, in the opinion of the authorised officer (being an opinion formed on reasonable grounds) contain, information relevant to the case referred to in this subsection;

(II) to furnish to the authorised officer, in writing or otherwise, such information, explanations and particulars as the authorised officer may reasonably require, being information, explanations and particulars that are relevant to any such case,

and

(ii) informing the financial institution of the consequences under section 115(5A) of failing to comply with the notice.

(d) Where, in compliance with the requirements of a notice under paragraph (c), a financial institution makes available for inspection by an authorised officer, books, records, accounts or other documents specified in the notice, it shall afford the authorised officer reasonable assistance, including information, explanations and particulars, in relation to the use of all the electronic or other automatic means, if any, by which the books, records, accounts or other documents, in so far as they are in a non-legible form, are capable of being reproduced in a legible form and any data equipment or any associated apparatus or material.

(e) An authorised officer shall not serve a notice on a financial institution under paragraph (c) without the consent in writing of a Revenue Commissioner and without having reasonable grounds to believe that the financial institution is likely to have information

relevant to the case referred to in this subsection.

(f) Where, in compliance with a notice served under paragraph (c), a financial institution makes books, records, accounts or other documents available for inspection by an authorised officer, the authorised officer may take extracts from or make copies of all or any part of the books, records, accounts or other documents.",

and

(b) in section 115, by the insertion of the following subsection after subsection (5):

"(5A) A financial institution which fails to comply with a notice served under section 108(8)(c) shall be liable to a penalty of €4,000.".

Amendment of paragraph 2 of Schedule 1 to Principal Act (medical and related services)

58. Schedule 1 to the Principal Act is amended, in Part 1, in paragraph 2, by the substitution of the following subparagraph for subparagraph (3):

"(3) Professional medical care services (other than dental or optical services) supplied by—

(a) a member of a designated profession (within the meaning of section 3 of the Health and Social Care Professionals Act 2005) whose name is entered in the register of members of that profession under and in accordance with that Act,

(b) a registered medical practitioner (within the meaning of section 2 of the Medical Practitioners Act 2007), or

(c) a registered midwife or registered nurse (both within the meaning of section 2 of the Nurses and Midwives Act 2011),

but only if those services are not supplied in the course of carrying on a business that wholly or partly consists of selling goods.".

Amendment of paragraph 3 of Schedule 1 to Principal Act (certain independent groups, non-profit making organisations and other bodies)

59. Schedule 1 to the Principal Act is amended, in Part 1, in paragraph 3, by the substitution of the following subparagraph for subparagraph (1):

"(1) The supply of services by an independent group of persons, being a group that is an independent entity established for administrative convenience by persons each of whom carries on an activity which is exempt from, or is not subject to, tax, for the purpose of rendering to its members the services directly necessary to enable them to carry on that activity, but only if the group recovers from its members the exact amount of each member's share of the joint expenses.".

Amendment of paragraph 6(2) of Schedule 1 to Principal Act (financial services – EU funds)

60. The Principal Act is amended, in Part 2 of Schedule 1, in paragraph 6(2), by the insertion of the following clauses after clause (eb):

"(ec) an undertaking for collective investment in transferable securities (within the meaning of Article 1 of Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009[31]) which has been authorised by the competent authority (as defined in point (h) of Article 2(1) of that Directive) of another Member State;

(ed) an EU AIF (as defined in point (k) of Article 4(1) of Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011[32]) managed by an AIFM (as defined in point (b) of Article 4(1) of that Directive) which has been authorised by the competent authority (as defined in point (g) of Article 4(1) of that Directive) of another Member State;".

Amendment of paragraph 6(2) of Schedule 1 to Principal Act (financial services – section 110 companies)

61. (1) The Principal Act is amended in Part 2 of Schedule 1, in paragraph 6(2), by the substitution of the following clause for clause (e):

"(e) an undertaking that is a qualifying company for the purposes of section 110 of the Taxes Consolidation Act 1997, other than a qualifying company which holds qualifying assets (within the meaning of the said section 110) that consist of plant and machinery;".

(2) *Subsection (1)* shall come into operation on 1 March 2023.

Amendment of paragraph 7 of Schedule 1 to Principal Act (agency services)

62. Schedule 1 to the Principal Act is amended, in Part 2, in paragraph 7, by the deletion of subparagraph (2).

Amendment of Schedule 2 to Principal Act (zero-rated goods and services)

63. Schedule 2 to the Principal Act is amended, in paragraph 8(1), in item (c) of column (2) of Part E of Table 1, by the deletion of "and preparations and extracts derived from milk".

Amendment of Schedule 2 and Schedule 3 to Principal Act (zero-rated goods and services)

64. The Principal Act is amended with effect from 1 January 2023—

(a) in Schedule 2, in Part 2—

31 OJ No. L 302, 17.11.2009, p. 32
32 OJ No. L 174, 1.7.2011, p. 1

(i) in paragraph 9—

(I) by the substitution of "atlases and newspapers" for "atlases", and

(II) in subparagraph (a), by the substitution of "newspapers which are wholly or predominantly devoted to advertising" for "newspapers",

(ii) by the insertion of the following paragraph after paragraph 9:

"Electronically supplied newspapers

9A. Newspapers, supplied electronically, but excluding those which are wholly or predominantly devoted to advertising, or consist wholly or predominantly of audible music or video content.",

(iii) in paragraph 11—

(I) by the substitution of the following subparagraph for subparagraph (1):

"(1) The supply of medicine of a kind used for—

(a) human oral consumption, or

(b) human non-oral consumption when supplied for the purpose of—

(i) hormone replacement therapy, or

(ii) nicotine replacement therapy.",

and

(II) in subparagraph (3)—

(A) by the insertion of the following clause after clause (b):

"(ba) automated external defibrillators,",

and

(B) in clause (d), by the substitution of "clauses (a), (b), (ba) and (c)" for "clauses (a), (b) and (c)",

and

(iv) in paragraph 13, by the substitution of the following subparagraph for subparagraph (3):

"(3) The supply of sanitary towels, sanitary tampons, menstrual cups, menstrual pants and menstrual sponges.",

and

(b) in Schedule 3, in Part 2—

(i) by the deletion of paragraph 5A,

(ii) in paragraph 7(a), by the deletion of "newspapers and", and

(iii) in paragraph 7A, by the deletion of ", newspapers".

PART 4

STAMP DUTIES

Interpretation (*Part 4*)

65. In this Part, "Principal Act" means the Stamp Duties Consolidation Act 1999.

Stamp duty on certain acquisitions of residential property

66. The Principal Act is amended, in section 31E—

(a) in subsection (1), by the insertion of the following definitions:

" 'home reversion agreement' has the same meaning as it has in Part V of the Central Bank Act 1997;

'home reversion firm' has the same meaning as it has in Part V of the Central Bank Act 1997;",

(b) by the insertion of the following subsection after subsection (4):

"(4A) In this section, a reference to acquisition of a residential unit shall include a reference to acquisition of a partial estate or interest in a residential unit.",

(c) in subsection (5), by the substitution of "(in this subsection and subsections (6) and (7A) referred to as the 'first-mentioned person')" for "(in this subsection and subsection (6) referred to as the 'first-mentioned person')",

(d) by the substitution of the following subsection for subsection (7):

"(7) For the purposes of subsection (5), no account shall be taken of—

(a) a residential unit in an apartment block, or

(b) a residential unit acquired by a home reversion firm by way of a home reversion agreement.",

and

(e) by the insertion of the following subsection after subsection (7):

"(7A) For the purposes of subsection (5), when calculating the total number of residential units acquired, account shall be taken of any partial estate or interest in a residential unit, expressible as a fraction of an estate or interest in the residential unit, acquired by the first-mentioned person and any person connected with that person.".

Amendment of section 83D of Principal Act (repayment of stamp duty where land used for residential development)

67. Section 83D of the Principal Act is amended—

(a) by the substitution of "(4)(b)" for "(4)(i)" in each place where it occurs, and

(b) in subsection (18), by the substitution of "31 December 2025" for "31 December 2022".

Repayment of stamp duty in certain circumstances

68. (1) The Principal Act is amended, in Chapter 1 of Part 7—

(a) by the insertion of the following sections after section 83D:

"Repayment of stamp duty under affordable dwelling purchase arrangements

83DA. (1) In this section—

'Act of 2021' means the Affordable Housing Act 2021;

'direct sales agreement' has the same meaning as it has in Part 2 of the Act of 2021;

'electronic means' has the same meaning as it has in section 917EA of the Taxes Consolidation Act 1997;

'eligible applicant' has the same meaning as it has in Part 2 of the Act of 2021;

'housing authority' has the same meaning as it has in the Housing (Miscellaneous Provisions) Act 1992;

'relevant instrument' means an instrument that has been stamped in accordance with—

(a) paragraph (1) of the heading in Schedule 1 titled 'CONVEYANCE or TRANSFER' on sale of any property other than stocks or marketable securities or a policy of insurance or a policy of life insurance', or

(b) paragraph (3)(a) of the heading in Schedule 1 titled 'LEASE';

'residential unit' means residential property situated in the State comprising an individual dwelling.

(2) This subsection applies where, in the 12-month period commencing on the day after the date a relevant instrument effecting the acquisition of a residential unit is executed, the following conditions are satisfied:

(a) the accountable person enters into a direct sales agreement with a housing authority for the direct sale, to eligible applicants nominated by the housing authority, of dwellings specified in the agreement, one of which dwellings is the residential unit, and

(b) the residential unit is conveyed or transferred to an eligible applicant on the sale of the residential unit by the accountable person to the eligible applicant in accordance with the terms of the agreement referred to in paragraph (a).

(3) Where subsection (2) applies in respect of a residential unit, subject to the other provisions of this section, the stamp duty paid on the relevant instrument concerned may be repaid in accordance with this section.

(4) A claim for a repayment under this section shall—

(a) be made by an accountable person,

(b) without prejudice to paragraph (d), be made in a form and manner specified by the Commissioners,

(c) include a declaration, in such form as the Commissioners specify, stating that subsection (2) applies,

(d) be made by electronic means and through such electronic systems as the Commissioners may make available for the time being for any such purpose, and the relevant provisions of Chapter 6 of Part 38 of the Taxes Consolidation Act 1997 shall apply, and

(e) not be made until such time as the conditions in subsection (2) have been satisfied.

(5) Subject to the other provisions of this section, a repayment of stamp duty under this section shall—

(a) be made by the Commissioners pursuant to a claim made in accordance with subsection (4),

(b) not carry interest, and

(c) not be made pursuant to a claim made after the expiry of 4 years after the date the condition specified in subsection (2)(b) has been satisfied.

(6) Where, in relation to a claim for repayment, the Commissioners are of the opinion that the requirements of this section have not been met, they shall decide to refuse the claim and shall notify the claimant in writing of the decision and the reasons for it.

(7) An accountable person aggrieved by a decision to refuse a claim for repayment may appeal to the Appeal Commissioners against the decision in accordance with section 949I of the Taxes Consolidation Act 1997 within the period of 30 days after the date of the notification of the decision.

(8) For the purposes of this section—

(a) section 128A shall apply as if the period of 6 years referred to in subsection (4) of that section commenced on the date of execution of the instrument effecting the conveyance or transfer, as the case may be, referred to in subsection (2)(b), and

(b) the records referred to in section 128A shall include—

(i) a copy of the direct sales agreement concerned, and

(ii) a copy of the contract for sale, in relation to the residential unit concerned, between the accountable person and the eligible applicant.

(9) Where a repayment has been made under this section and it is subsequently found that a declaration made in accordance with subsection (4)—

(a) was untrue in any material particular that would have resulted in a repayment, or part of a repayment, allowed by this section not being made, and

(b) was made knowing same to be untrue or in reckless disregard as to whether or not it was true,

then the person who made such a declaration shall be liable to pay to the Commissioners as a penalty an amount equal to 125 per cent of the stamp duty that would not have been repaid had all the facts been truthfully declared, together with interest charged on that amount as may so become payable, calculated in accordance with section 159D, from the date on which the repayment was made to the date the penalty is paid.

Repayment of stamp duty in respect of certain residential units

83DB. (1) In this section—

'Act of 1991' means the Child Care Act 1991;

'Act of 1992' means the Housing (Miscellaneous Provisions) Act 1992;

'Act of 2007' means the Health Act 2007;

'Act of 2009' means the Housing (Miscellaneous Provisions) Act 2009;

'Act of 2021' means the Affordable Housing Act 2021;

'approved housing body' means a body approved of or standing approved of, under, or for the purposes of, section 6 of the Act of 1992;

'children's residential centre' has the same meaning as it has in Part VIII of the Act of 1991;

'cost rental dwelling' has the same meaning as it has in Part 3 of the Act of 2021;

'designated centre' has the same meaning as it has in the Act of 2007;

'electronic means' has the same meaning as it has in section 917EA of the Taxes Consolidation Act 1997;

'housing authority' has the same meaning as it has in the Act of 1992;

'qualifying date', in relation to a relevant residential unit, means the date on which the unit becomes a qualifying relevant residential unit;

'qualifying lease' means a lease, for a term of not less than 10 years, in respect of a relevant residential unit entered into with a housing authority or an approved housing body for the purpose of the provision of social housing support;

'qualifying relevant residential unit' means a relevant residential unit in respect of which a condition specified in subsection (3), (4), (5) or (6) is satisfied;

'relevant instrument' means an instrument executed on or after 20 May 2021 that has been stamped in accordance with—

(a) paragraph (1)(b) of the heading in Schedule 1 titled 'CONVEYANCE or TRANSFER on sale of any property other than stocks or marketable securities or a policy of insurance or a policy of life insurance', or

(b) paragraph (3)(a)(i)(II) of the heading in Schedule 1 titled 'LEASE',

where the instrument was chargeable, in respect of the whole or part of the consideration under the instrument, to stamp duty at a rate of 10 per cent;

'relevant residential unit' has the same meaning as it has in section 31E;

'social housing support' has the same meaning as it has in the Act of 2009.

(2) In this section, a reference to acquisition shall include a reference to acquisition by way of a conveyance, transfer, lease, instrument, contract or agreement referred to in section 31E(2).

(3) The condition specified in this subsection is that, in the 24-month period commencing on the day after the date a relevant instrument effecting the acquisition of a relevant residential unit is executed, a person enters into a qualifying lease in respect of the relevant residential unit.

(4) The condition specified in this subsection is that, in the 6-month period commencing on the day after the date a relevant instrument effecting the acquisition of a relevant residential unit is executed, the relevant residential unit is designated as a cost rental dwelling under Part 3 of the Act of 2021.

(5) The condition specified in this subsection is that, in the 18-month period commencing on the day after the date a relevant instrument effecting the acquisition of a relevant residential unit is executed, the relevant residential unit is registered as a designated centre under Part 8 of the Act of 2007.

(6) The condition specified in this subsection is that, in the 18-month period commencing on the day after the date a relevant instrument effecting the acquisition of a relevant residential unit is executed, the relevant residential unit is registered as a children's residential centre under Part VIII of the Act of 1991.

(7) Where a condition specified in subsection (3), (4), (5) or (6) is satisfied, stamp duty paid on a relevant instrument effecting the acquisition of the relevant residential unit concerned may be repaid in accordance with the provisions of this section.

(8) The amount of stamp duty to be repaid in relation to a relevant instrument and a qualifying relevant residential unit shall be determined by the formula—

A - B

where—

A is the amount of stamp duty paid on the relevant instrument that was attributable to the qualifying relevant residential unit, and

B is the amount of stamp duty, attributable to the qualifying relevant residential unit, that would have been chargeable on the execution of the relevant instrument if the qualifying relevant residential unit had not been a relevant residential unit.

(9) A claim for a repayment under this section shall—

(a) be made by an accountable person,

(b) without prejudice to paragraph (d), be made in a form and manner specified by the Commissioners,

(c) include a declaration, in such form as the Commissioners specify, stating that a condition specified in subsection (3), (4), (5) or (6), as the case may be, has been satisfied,

(d) be made by electronic means and through such electronic systems as the Commissioners may make available for the time being for any such purpose, and the relevant provisions of Chapter 6 of Part 38 of the Taxes Consolidation Act 1997 shall apply, and

(e) not be made before the qualifying date concerned.

(10) Subject to the other provisions of this section, a repayment of stamp duty under this section shall—

(a) be made by the Commissioners pursuant to a claim made in accordance with subsection (9),

(b) not carry interest, and

(c) not be made pursuant to a claim made after the expiry of 4 years after the qualifying date concerned.

(11) Where, in relation to a claim for repayment under this section, the Commissioners are of the opinion that the requirements of the section have not been met, they shall decide to refuse the claim and shall notify the claimant in writing of the decision and the reasons for it.

(12) An accountable person aggrieved by a decision to refuse a claim for repayment may appeal to the Appeal Commissioners against the decision in accordance with section 949I of the Taxes Consolidation Act 1997, within the period of 30 days after the date of the notification of the decision.

(13) An accountable person shall be liable to pay to the Commissioners some or all of the stamp duty that had been repaid to the accountable person under subsection (10) (and that stamp duty to which the foregoing liability attaches is referred to in this section as a 'clawback')—

(a) in a case in which the stamp duty was repaid pursuant to a claim made on the basis that the condition specified in subsection (3) was satisfied, where the lease concerned is terminated before the expiry of 10 years after the qualifying date,

(b) in a case in which the stamp duty was repaid pursuant to a claim made on the basis that the condition specified in subsection (5) was satisfied, where the relevant residential unit concerned is registered as a designated centre under Part 8 of the Act of 2007 for a period of less than 10 years after the qualifying date, or

(c) in a case in which the stamp duty was repaid pursuant to a claim made on the basis that the condition specified in subsection (6) was satisfied, where the relevant residential unit concerned is registered as a children's residential centre under Part VIII of the Act of 1991 for a period of less than 10 years after the qualifying date.

(14) The amount of a clawback shall be determined by the formula—

$$A \times [(10 - Y) / 10]$$

where—

A is the amount of stamp duty repaid that was attributable to the qualifying relevant residential unit,

Y is the number of years (including a part of a year) that have expired, after the qualifying date, on the date on which, as the case may be—

(a) the lease referred to in subsection (3) is terminated,

(b) the relevant residential unit ceases to be registered as a designated centre under Part 8 of the Act of 2007, or

(c) the relevant residential unit ceases to be registered as a children's residential centre under Part VIII of the Act of 1991.

(15) Interest shall be payable on the clawback calculated in accordance with section 159D from the date on which the repayment was made to the date of payment of the clawback to the Commissioners.

(16) Where an accountable person fails to pay the clawback, the Commissioners may make an assessment of the amount of the stamp duty concerned as if the failure to pay were a failure to deliver a return under section 20(2).

(17) Where there is more than one accountable person in relation to an instrument and a clawback, they shall be liable jointly and severally whether or not an assessment is made.

(18) Where a repayment has been made under this section and it is subsequently found that a declaration made in accordance with subsection (9)—

(a) was untrue in any material particular that would have resulted in a repayment, or part of a repayment, allowed by this section not being made, and

(b) was made knowing same to be untrue or in reckless disregard as to whether or not it was true,

then the person who made such a declaration shall be liable to pay to the Commissioners as a penalty an amount equal to 125 per cent of the stamp duty that would not have been repaid had all the facts been truthfully declared, together with interest charged on that amount as may so become payable, calculated in accordance with section 159D, from the date on which the repayment was made to the date the penalty is paid.

(19) Where a person is liable to pay, in relation to a qualifying relevant residential unit, a clawback under subsection (13) and a penalty under subsection (18), the total liability of the person under those subsections shall be limited to the greater of the clawback under subsection (13) and the penalty under subsection (18).

(20) For the purposes of this section—

(a) section 128A shall apply as if the period of 6 years referred to in subsection (4) of that section commenced on the qualifying date concerned, and

(b) the records referred to in section 128A shall include, in relation to the qualifying relevant residential unit concerned—

(i) in a case in which the stamp duty was repaid pursuant to a claim made on the basis that the condition specified in subsection (4) was satisfied, the cost rental designation (within the meaning of Part 3 of the Act of 2021),

(ii) in a case in which the stamp duty was repaid pursuant to a claim

made on the basis that the condition specified in subsection (5) was satisfied, certificates of registration issued under section 50(3) of the Act of 2007, or

(iii) in a case in which the stamp duty was repaid pursuant to a claim made on the basis that the condition specified in subsection (6), the notifications, if any, issued under section 61(6)(b) of the Act of 1991.

(21) Notwithstanding any enactment or rule of law, the Commissioners may, by notice in writing, request—

(a) the Minister for Housing, Local Government and Heritage,

(b) the Minister for Health, or

(c) the Minister for Children, Equality, Disability, Integration and Youth,

to provide them with such information as is in the possession or control of the Minister concerned as the Commissioners may reasonably require for the purposes of verifying—

(i) in the case of the Minister for Housing, Local Government and Heritage, in respect of a claim for repayment made on the basis that the condition specified in subsection (3) was satisfied—

(I) the execution of the lease referred to in subsection (3), or

(II) the termination of the lease referred to in that subsection,

(ii) in the case of the Minister for Health, in respect of a claim for repayment made on the basis that the condition specified in subsection (5) was satisfied, whether the relevant residential unit is, or was, registered as a designated centre under Part 8 of the Act of 2007, and

(iii) in the case of the Minister for Children, Equality, Disability, Integration and Youth, in respect of a claim for repayment made on the basis that the condition specified in subsection (6) was satisfied, whether the relevant residential unit is, or was, registered as a children's residential centre under Part VIII of the Act of 1991.

(22) Where the Commissioners make a request under subsection (20), the Minister concerned shall provide such information as may be specified in the notice within the period specified in the notice which period, in any case, shall not be less than 30 days.

(23) Taxpayer information within the meaning of section 851A(1) of the Taxes Consolidation Act 1997 may be disclosed by a Revenue officer to the Minister concerned for the purposes of enabling the Minister to comply with a request made under subsection (20).",

and

(b) by the repeal of sections 83E and 83F.

(2) *Subsection (1)* shall come into operation on such day or days as the Minister for Finance may by order or orders appoint and different days may be appointed for different purposes or different provisions.

Securities transferred by means of electronic systems

69. (1) The Principal Act is amended—

(a) by the deletion of sections 68, 69, 70, 71, 72, 73, 76, 77 and 78,

(b) in section 78A—

(i) in subsection (1)—

(I) by the deletion of the definition of "dematerialised securities", and

(II) by the insertion of the following definitions:

" 'operator' means a person who operates a securities settlement system;

'participant' means a person permitted by an operator to input a transfer order;",

and

(ii) by the substitution of the following subsection for subsection (3):

"(3) This Chapter applies only where an interest in securities is transferred by electronic means.",

(c) in section 78H, by the insertion of the following subsection after subsection (1):

"(1A) Where—

(a) an agreement referred to in section 78E(2) is in force between the Commissioners and an operator in relation to the payment of stamp duty, and

(b) there is a transfer of an interest in securities in the system that is the subject of the agreement concerned,

subsection (1) shall apply only to the person who enters, or causes to be entered, the transfer order in that system.",

(d) in section 134A—

(i) in subsection (1)—

(I) by the deletion of " 'instruction', 'relevant system' and 'system-member' have each the same meaning as they have, respectively, in section 68(2);",

(II) by the insertion of the following definitions:

" 'participant', 'securities settlement system' and 'transfer order' have

the same meaning as they have, respectively, in section 78A;",

and

(III) in paragraph (a) of the definition of "person", by the substitution of "participant" for "system-member",

(ii) in subsection (2), by the substitution of the following paragraph for paragraph (b):

"(b) enters or causes to be entered an incorrect transfer order in a securities settlement system and such incorrect transfer order gives rise to an underpayment of duty, or results in a claim for exemption from duty to which there is no entitlement,",

and

(iii) in subsection (4), by the substitution of the following paragraph for paragraph (b):

"(b) enters or causes to be entered an incorrect transfer order in a securities settlement system and such incorrect transfer order gives rise to an underpayment of duty, or results in a claim for exemption from duty to which there is no entitlement.",

(e) in section 159A(1), by the substitution of "the date the transfer order referred to in section 78B was entered" for "the date the operator-instruction referred to in section 69 was made",

(f) in section 159B(1), in the definition of "relevant document", by the substitution of the following paragraph for paragraph (b):

"(b) a transfer order entered in a securities settlement system under section 78B;",

and

(g) in section 159C(1)—

(i) in the definition of "neglect", by the substitution of the following paragraph for paragraph (c):

"(c) in the case of a transfer order referred to in section 78B, a failure to enter a correct transfer order in a securities settlement system within the meaning of section 78A;",

(ii) in the definition of "relevant instrument", by the substitution of the following paragraph for paragraph (b):

"(b) a transfer order referred to in section 78B;",

and

(iii) in paragraph (a) of the definition of "relevant period", by the substitution of the following subparagraph for subparagraph (iii):

"(iii) the date the transfer order was entered,".

(2) *Subsection (1)* shall come into operation on 1 January 2023.

Banking levies modernisation

70. (1) The Finance Act 2021 is amended, in section 61—

(a) by the insertion of the following subsection after subsection (1):

"(1A) Notwithstanding the amendments effected by subsection (1)—

(a) paragraph (a) of that subsection shall not apply in respect of a statement required to be delivered to the Revenue Commissioners pursuant to subsection (2) or (2B) of section 123B not later than 31 January 2023, and

(b) paragraphs (c)(i)(II)(B), (c)(ii)(II)(B) and (c)(iv) of that subsection shall not apply in respect of a statement required to be delivered to the Revenue Commissioners pursuant to subsection (1)(b) or (2)(b) of section 124 not later than 31 January 2024.",

and

(b) by the substitution of the following subsection for subsection (4):

"(4) This section shall come into operation on 1 January 2023.".

(2) The Principal Act is amended in section 123B, in subsection (1)—

(a) by the substitution of the following definition for the definition of "credit institution":

" 'credit institution' means an undertaking which satisfies point (a) of the definition of 'credit institution' in Article 4(1) of the Capital Requirements Regulation;",

(b) by the substitution of the following definition for the definition of "financial institution":

" 'financial institution' has the same meaning as it has in the Capital Requirements Regulation;",

and

(c) by the insertion of the following definition:

" 'Capital Requirements Regulation' means Regulation (EU) No. 575/2013 of the European Parliament and of the Council of 26 June 2013[33] on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No. 648/2012, as amended by—

(a) Commission Delegated Regulation (EU) 2015/62 of 10 October

33 OJ No. L. 176, 27.06.2013. p. 1.

2014[34] amending Regulation (EU) No. 575/2013 of the European Parliament and of the Council with regard to the leverage ratio,

(b) Regulation (EU) 2016/1014 of the European Parliament and of the Council of 8 June 2016[35] amending Regulation (EU) No. 575/2013 as regards exemptions for commodity dealers,

(c) Commission Delegated Regulation (EU) 2017/2188 of 11 August 2017[36] amending Regulation (EU) No. 575/2013 of the European Parliament and of the Council as regards the waiver on own funds requirements for certain covered bonds,

(d) Regulation (EU) 2017/2395 of the European Parliament and of the Council of 12 December 2017[37] amending Regulation (EU) No. 575/2013 as regards transitional arrangements for mitigating the impact of the introduction of IFRS 9 on own funds and for the large exposures treatment of certain public sector exposures denominated in the domestic currency of any Member State,

(e) Regulation (EU) 2017/2401 of the European Parliament and of the Council of 12 December 2017[38] amending Regulation (EU) No. 575/2013 on prudential requirements for credit institutions and investment firms,

(f) Commission Delegated Regulation (EU) 2018/405 of 21 November 2017[39] correcting certain language versions of Regulation (EU) No. 575/2013 of the European Parliament and of the Council on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No. 648/2012,

(g) Regulation (EU) 2019/630 of the European Parliament and of the Council of 17 April 2019[40] amending Regulation (EU) No. 575/2013 as regards minimum loss coverage for non-performing exposures,

(h) Regulation (EU) 2019/876 of the European Parliament and of the Council of 20 May 2019[41] amending Regulation (EU) No. 575/2013 as regards the leverage ratio, the net stable funding ratio, requirements for own funds and eligible liabilities, counterparty credit risk, market risk, exposures to central counterparties, exposures to collective investment undertakings, large exposures, reporting and disclosure requirements, and Regulation (EU) No. 648/2012,

(i) Regulation (EU) 2019/2033 of the European Parliament and of the Council of 27 November 2019[42] on the prudential requirements of

34 OJ No. L. 11, 17.1.2015, p. 37.
35 OJ No. L. 171, 29.6.2016, p. 153.
36 OJ No. L. 310, 25.11.2017, p. 1.
37 OJ No. L. 345, 27.12.2017, p. 27.
38 OJ No. L. 347, 28.12.2017, p. 1.
39 OJ No. L. 74, 16.3.2018, p. 3.
40 OJ No. L. 111, 25.4.2019, p. 4.
41 OJ No. L. 150, 7.6.2019, p. 1.
42 OJ No. L. 314, 5.12.2019, p. 1.

investment firms and amending Regulations (EU) No. 1093/2010, (EU) No. 575/2013, (EU) No. 600/2014 and (EU) No. 806/2014, and

(j) Regulation (EU) 2020/873 of the European Parliament and of the Council of 24 June 2020[43] amending Regulations (EU) No. 575/2013 and (EU) 2019/876 as regards certain adjustments in response to the COVID-19 pandemic;".

(3) The Principal Act is amended, in section 123D (as inserted by section 61(1)(b) of the Finance Act 2021)—

(a) in subsection (1)—

(i) by the substitution of the following definitions for the definitions of 'credit institution' and 'financial institution':

" 'credit institution' means an undertaking which satisfies point (a) of the definition of 'credit institution' in Article 4(1) of the Capital Requirements Regulation;

'financial institution' has the same meaning as it has in the Capital Requirements Regulation;",

and

(ii) by the insertion of the following definition:

" 'Capital Requirements Regulation' means Regulation (EU) No. 575/2013 of the European Parliament and of the Council of 26 June 2013[44] on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No. 648/2012, as amended by—

(a) Commission Delegated Regulation (EU) 2015/62 of 10 October 2014[45] amending Regulation (EU) No. 575/2013 of the European Parliament and of the Council with regard to the leverage ratio,

(b) Regulation (EU) 2016/1014 of the European Parliament and of the Council of 8 June 2016[46] amending Regulation (EU) No. 575/2013 as regards exemptions for commodity dealers,

(c) Commission Delegated Regulation (EU) 2017/2188 of 11 August 2017[47] amending Regulation (EU) No. 575/2013 of the European Parliament and of the Council as regards the waiver on own funds requirements for certain covered bonds,

(d) Regulation (EU) 2017/2395 of the European Parliament and of the Council of 12 December 2017[48] amending Regulation (EU) No. 575/2013 as regards transitional arrangements for mitigating the

43 OJ No. L. 204, 26.6.2020, p. 4.
44 OJ No. L. 176, 27.06.2013, p. 1.
45 OJ No. L. 11, 17.1.2015, p. 37.
46 OJ No. L. 171, 29.6.2016, p. 153.
47 OJ No. L. 310, 25.11.2017, p. 1.
48 OJ No. L. 345, 27.12.2017, p. 27.

impact of the introduction of IFRS 9 on own funds and for the large exposures treatment of certain public sector exposures denominated in the domestic currency of any Member State,

(e) Regulation (EU) 2017/2401 of the European Parliament and of the Council of 12 December 2017[49] amending Regulation (EU) No. 575/2013 on prudential requirements for credit institutions and investment firms,

(f) Commission Delegated Regulation (EU) 2018/405 of 21 November 2017[50] correcting certain language versions of Regulation (EU) No. 575/2013 of the European Parliament and of the Council on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No. 648/2012,

(g) Regulation (EU) 2019/630 of the European Parliament and of the Council of 17 April 2019[51] amending Regulation (EU) No. 575/2013 as regards minimum loss coverage for non-performing exposures,

(h) Regulation (EU) 2019/876 of the European Parliament and of the Council of 20 May 2019[52] amending Regulation (EU) No. 575/2013 as regards the leverage ratio, the net stable funding ratio, requirements for own funds and eligible liabilities, counterparty credit risk, market risk, exposures to central counterparties, exposures to collective investment undertakings, large exposures, reporting and disclosure requirements, and Regulation (EU) No. 648/2012,

(i) Regulation (EU) 2019/2033 of the European Parliament and of the Council of 27 November 2019[53] on the prudential requirements of investment firms and amending Regulations (EU) No. 1093/2010, (EU) No. 575/2013, (EU) No. 600/2014 and (EU) No. 806/2014, and

(j) Regulation (EU) 2020/873 of the European Parliament and of the Council of 24 June 2020[54] amending Regulations (EU) No. 575/2013 and (EU) 2019/876 as regards certain adjustments in response to the COVID-19 pandemic;",

and

(b) in subsection (2), by the substitution of "commencing with the year 2023" for "commencing with the year 2024".

(4) The Principal Act is amended in section 124, in paragraph (a) of subsection (1)—

(a) by the substitution of the following definition for the definition of "credit institution":

49 OJ No. L. 347, 28.12.2017, p. 1.
50 OJ No. L. 74, 16.3.2018, p. 3.
51 OJ No. L. 111, 25.4.2019, p. 4.
52 OJ No. L. 150, 7.6.2019, p. 1.
53 OJ No. L. 314, 5.12.2019, p. 1.
54 OJ No. L. 204, 26.6.2020, p. 4.

" 'credit institution' means an undertaking which satisfies point (a) of the definition of 'credit institution' in Article 4(1) of the Capital Requirements Regulation;",

(b) by the substitution of the following definition for the definition of "financial institution":

" 'financial institution' has the same meaning as it has in the Capital Requirements Regulation;",

and

(c) by the insertion of the following definition:

" 'Capital Requirements Regulation' means Regulation (EU) No. 575/2013 of the European Parliament and of the Council of 26 June 2013[55] on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No. 648/2012, as amended by—

(a) Commission Delegated Regulation (EU) 2015/62 of 10 October 2014[56] amending Regulation (EU) No. 575/2013 of the European Parliament and of the Council with regard to the leverage ratio,

(b) Regulation (EU) 2016/1014 of the European Parliament and of the Council of 8 June 2016[57] amending Regulation (EU) No. 575/2013 as regards exemptions for commodity dealers,

(c) Commission Delegated Regulation (EU) 2017/2188 of 11 August 2017[58] amending Regulation (EU) No. 575/2013 of the European Parliament and of the Council as regards the waiver on own funds requirements for certain covered bonds,

(d) Regulation (EU) 2017/2395 of the European Parliament and of the Council of 12 December 2017[59] amending Regulation (EU) No. 575/2013 as regards transitional arrangements for mitigating the impact of the introduction of IFRS 9 on own funds and for the large exposures treatment of certain public sector exposures denominated in the domestic currency of any Member State,

(e) Regulation (EU) 2017/2401 of the European Parliament and of the Council of 12 December 2017[60] amending Regulation (EU) No. 575/2013 on prudential requirements for credit institutions and investment firms,

(f) Commission Delegated Regulation (EU) 2018/405 of 21 November 2017[61] correcting certain language versions of Regulation (EU) No. 575/2013 of the European Parliament and of the Council on prudential requirements for credit institutions and investment firms

55 OJ No. L. 176, 27.06.2013, p.1.
56 OJ No. L. 11, 17.1.2015, p. 37.
57 OJ No. L. 171, 29.6.2016, p. 153.
58 OJ No. L. 310, 25.11.2017, p. 1.
59 OJ No. L. 345, 27.12.2017, p. 27.
60 OJ No. L. 347, 28.12.2017, p. 1.
61 OJ No. L. 74, 16.3.2018, p. 3.

and amending Regulation (EU) No. 648/2012,

(g) Regulation (EU) 2019/630 of the European Parliament and of the Council of 17 April 2019[62] amending Regulation (EU) No. 575/2013 as regards minimum loss coverage for non-performing exposures,

(h) Regulation (EU) 2019/876 of the European Parliament and of the Council of 20 May 2019[63] amending Regulation (EU) No. 575/2013 as regards the leverage ratio, the net stable funding ratio, requirements for own funds and eligible liabilities, counterparty credit risk, market risk, exposures to central counterparties, exposures to collective investment undertakings, large exposures, reporting and disclosure requirements, and Regulation (EU) No. 648/2012,

(i) Regulation (EU) 2019/2033 of the European Parliament and of the Council of 27 November 2019[64] on the prudential requirements of investment firms and amending Regulations (EU) No. 1093/2010, (EU) No. 575/2013, (EU) No. 600/2014 and (EU) No. 806/2014, and

(j) Regulation (EU) 2020/873 of the European Parliament and of the Council of 24 June 2020[65] amending Regulations (EU) No. 575/2013 and (EU) 2019/876 as regards certain adjustments in response to the COVID-19 pandemic;".

Levy on authorised insurers: modernisation and compliance

71. (1) The Principal Act is amended—

(a) in section 125A—

(i) in subsection (1), by the insertion of the following definition:

" 'electronic means' has the same meaning as it has in section 917EA of the Taxes Consolidation Act 1997;",

(ii) in subsection (2), by the deletion of "in writing",

(iii) by the substitution of the following subsection for subsection (6):

"(6) In the case of failure by an authorised insurer in respect of an accounting period—

(a) to deliver not later than the due date any statement required by subsection (2) to be delivered by the authorised insurer, or

(b) to pay the stamp duty chargeable on any such statement on the delivery of the statement,

the authorised insurer shall from that due date until the day on which

62 OJ No. L. 111, 25.4.2019, p. 4.
63 OJ No. L. 150, 7.6.2019, p. 1.
64 OJ No. L. 314, 5.12.2019, p. 1.
65 OJ No. L. 204, 26.6.2020, p. 4.

the stamp duty is paid, be liable to pay, in addition to the duty, interest on the stamp duty calculated in accordance with section 159D.",

(iv) by the deletion of subsection (8), and

(v) by the insertion of the following subsection after subsection (12):

"(13) Any statement required to be delivered to the Commissioners pursuant to subsection (2) shall be delivered by electronic means and the relevant provisions of Chapter 6 of Part 38 of the Taxes Consolidation Act 1997 shall apply.",

(b) in section 126C, in subsection (1), in the definition of "specified section", by the substitution of "125, 125A or 125C" for "125 or 125C", and

(c) in section 134A, in subsection (1), in the definition of "relevant statement", by the substitution of "125, 125A or 125C" for "125 or 125C".

(2) (a) Subject to *paragraph (b), subsection (1)* shall come into operation on 1 January 2023.

(b) *Subparagraphs (i), (ii)* and *(v)* of *subsection (1)(a)* shall apply in respect of an accounting period (as defined in section 125A(1) of the Principal Act) beginning on or after 1 January 2023.".

Amendment of section 126AA of Principal Act (further levy on certain financial institutions)

72. Section 126AA of the Principal Act is amended—

(a) in subsection (1), in paragraph (d) of the definition of "base year", by the substitution of "years 2021, 2022 and 2023" for "years 2021 and 2022",

(b) in subsection (2)—

(i) in paragraph (a), by the substitution of "2023" for "2022", and

(ii) in paragraph (b), by the substitution of "each of the years 2022 and 2023" for "the year 2022",

and

(c) in subsection (3A), by the substitution of "year 2022 or 2023" for "year 2022".

Extension of farming reliefs

73. (1) The Principal Act is amended—

(a) in section 81AA—

(i) in subsection (7A), by the deletion of "as provided for by Article 18 of the EU Regulation", and

(ii) in subsection (16), by the substitution of "30 June 2023" for "31 December 2022",

and

(b) in section 81C—

(i) in subsection (1), in the definition of "relevant period", by the substitution of "30 June 2023" for "31 December 2022", and

(ii) in subsection (12), by the substitution of "30 June 2023" for "31 December 2022".

(2) *Subsection (1)* shall come into operation on such day or days as the Minister for Finance may appoint by order.

PART 5

Capital Acquisitions Tax

Interpretation (*Part 5*)

74. In this Part, "Principal Act" means the Capital Acquisitions Tax Consolidation Act 2003.

Amendment of Principal Act in relation to section 4B of Succession Act 1965

75. The Principal Act is amended—

(a) in section 2—

(i) in subsection (1)—

(I) in the definition of "child", by the insertion of the following paragraph after paragraph (b):

"(c) an affected person;",

and

(II) by the insertion of the following definitions:

" 'affected person' shall be construed in accordance with section 4B(11) of the Succession Act 1965;

'social father', 'social mother' and 'social parent' have the same meaning, respectively, as they have in section 4B(12) of the Succession Act 1965;",

(ii) by the insertion of the following subsection after subsection (1B):

"(1C) Any reference in this Act to 'father', 'mother' or 'parent', respectively, includes a reference to 'social father', 'social mother' or 'social parent', respectively.",

(iii) in subsection (4), by the substitution of "Subject to subsection (10), for the purposes of this Act" for "For the purposes of this Act", and

(iv) by the insertion of the following subsection after subsection (9):

"(10) For the purposes of this Act, the relationship—

(a) between an affected person and his or her father and mother, and

(b) between an affected person and his or her social father and social mother,

shall be deduced, and all other relationships determined accordingly, in accordance with section 4B(1) of the Succession Act 1965.",

and

(b) in Schedule 2, by the insertion in Part 1 of the following paragraph after paragraph 11:

"12. (a) In this paragraph—

'beneficiary' means a donee or successor;

'taxable benefit' means a taxable gift or taxable inheritance.

(b) For the purposes of this Act, where a taxable benefit is taken by a beneficiary from a disponer to whom he or she is related by virtue of section 4B(1) of the Succession Act 1965 as applied by section 2(10)—

(i) the beneficiary shall make an election as to whether or not the relationship that arises by virtue of the said section 4B(1) as so applied shall apply in relation to that taxable benefit, and

(ii) the election referred to in clause (i) shall apply in relation to any taxable benefit received by that beneficiary from the same disponer.".

Amendment of section 48A of Principal Act (information about a deceased person's property)

76. Section 48A of the Principal Act is amended—

(a) in subsection (1), by the insertion of the following definition:

" 'banker' has the same meaning as in section 109;",

(b) in subsection (3)—

(i) by the substitution of the following paragraph for paragraph (a):

"(a) details of all property in respect of which probate is being sought,",

(ii) by the insertion of the following paragraph after paragraph (a):

"(aa) in the case of a deceased person who on the date of his or her death was—

(i) resident or ordinarily resident and domiciled in the State, or

(ii) resident or ordinarily resident and not domiciled in the State and who had been resident in the State for the 5 consecutive years of assessment immediately preceding the year of assessment in

which the date of death falls,

details of all property, wherever situate, the beneficial ownership of which, on the person's death, is affected by—

(I) that person's will,

(II) the rules for distribution on intestacy, or

(III) Part IX or section 56 of the Succession Act 1965 or under the analogous law of another territory,",

(iii) by the insertion of the following paragraph after paragraph (e):

"(ea) details of the inheritances (including the property comprised in those inheritances), if any, other than those referred to in paragraphs (c), (d) and (e), arising on the death of the deceased person,",

(iv) in paragraph (f), by the deletion of "and" after "deceased person,",

(v) in paragraph (g)(iv), by the substitution of "regulations, and" for "regulations.", and

(vi) by the insertion of the following paragraph after paragraph (g):

"(h) such other particulars as the Commissioners may reasonably require for the purposes of this Act.",

and

(c) by the insertion of the following subsections after subsection (3):

"(3A) For the purposes of subsection (3), the details referred to in paragraphs (a) and (aa) shall include—

(a) the nature of the property,

(b) the nature of the deceased person's interest in the property,

(c) the situation of the property,

(d) the valuation of the property, and

(e) any debts or charges attaching to the property.

(3B) For the purposes of this section, where a banker receives a request, in writing, to provide information in relation to property held by a deceased person (including property held jointly with any other person) being such information as may be specified by the Commissioners in regulations made under subsection (3) from—

(a) a person who intends to apply for probate in relation to the estate of the deceased person, or

(b) a person acting on behalf of the person referred to in paragraph (a),

the banker shall provide to the person such information to the extent

that it is in the banker's power, possession or procurement, notwithstanding any obligation as to secrecy or other restriction upon disclosure of information imposed by or under statute or otherwise.".

Amendment of section 82 of Principal Act (exemption of certain receipts)

77. Section 82 of the Principal Act is amended, in subsection (1), by the insertion of the following paragraph after paragraph (ba):

"(bb) the receipt by a person of any payment made by or on behalf of the Minister for Health under the COVID-19 Death in Service Ex-Gratia Scheme for Health Care Workers (that is to say the scheme administered under that title by the Minister for Health in furtherance of a decision of the Government of 8 March 2022);".

PART 6

Miscellaneous

Interpretation (*Part 6*)

78. In this Part, "Principal Act" means the Taxes Consolidation Act 1997.

Amendment of section 949AP of Principal Act (appealing against determinations)

79. Section 949AP of the Principal Act is amended, in subsection (3)(c), by the substitution of "42 days" for "21 days".

Amendment of section 949AQ of Principal Act (case stated for High Court)

80. Section 949AQ of the Principal Act is amended, in subsection (3), by the substitution of "42 days" for "21 days" in both places where it occurs.

Amendment of Part 38 of Principal Act (returns of income and gains, other obligations and returns, and Revenue powers)

81. (1) Part 38 of the Principal Act is amended by the insertion of the following section after section 891H:

"Implementation of Article 1(8) of Council Directive (EU) 2021/514 of 22 March 2021 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation in relation to platform operators

891I.(1) This section provides for the collection and reporting of certain information by reporting platform operators in respect of relevant activities undertaken by reportable sellers on their platforms.

(2) In this section—

'AML Directive' means Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015[66] on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EU, as amended by Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018[67];

'authorised DAC officer' means an officer of the Revenue Commissioners authorised under subsection (12) whose authorisation under that subsection includes authorisation for the purpose of exercising the powers set out in subsection (20);

'beneficial owner' has the same meaning as in the AML Directive;

'business registration number' means a unique business identification number issued by a Member State, or a functional equivalent in the absence of a business identification number;

'consideration', 'entity', 'excluded platform operator', 'excluded seller', 'financial account identifier', 'goods', 'platform', 'platform operator', 'primary address', 'property listing', 'qualified non-union platform operator', 'relevant activity', 'reportable period', 'reportable seller', 'reporting platform operator', 'seller', 'TIN', and 'VAT identification number' have the meanings respectively given to them by Section I of Annex V to the Directive;

'designated person' has the same meaning as in Part 4 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010;

'Directive' means Council Directive 2011/16/EU of 15 February 2011[68] as amended by Council Directive 2014/107/EU of 9 December 2014[69], Council Directive (EU) 2015/2376 of 8 December 2015[70], Council Directive (EU) 2016/881 of 25 May 2016[71], Council Directive (EU) 2016/2258 of 6 December 2016[72], Council Directive (EU) 2018/822 of 25 May 2018[73], Council Directive (EU) 2020/876 of 24 June 2020[74] and Council Directive (EU) 2021/514 of 22 March 2021[75];

'Platform Operator ID' means a unique individual identification number assigned to a platform operator by the Revenue Commissioners;

'relevant information' has the meaning given to it by subsection (7)(a).

66 OJ No. L141, 5.6.2015, p. 73
67 OJ No. L156, 19.6.2018, p. 43
68 OJ No. L64, 11.3.2011, p. 1
69 OJ No. L359, 16.12.2014, p. 1
70 OJ No. L332, 18.12.2015, p. 1
71 OJ No. L146, 3.6.2016, p. 1
72 OJ No. L342, 16.12.2016, p. 1
73 OJ No. L139, 5.6.2018, p. 1
74 OJ No. L204, 26.6.2020, p. 1
75 OJ No. L104, 25.3.2021, p. 1

(3) (a) Subject to paragraph (b), a platform operator that—

(i) is resident in the State for tax purposes,

(ii) is incorporated in the State,

(iii) has a place of management in the State, or

(iv) has a permanent establishment in the State and is not a qualified non-union platform operator,

shall register with the Revenue Commissioners as a platform operator for the purposes of this section.

(b) A platform operator that satisfies one or more of the conditions in subparagraphs (i) to (iv) of paragraph (a) and also satisfies those conditions in respect of another Member State shall not register with the Revenue Commissioners if it elects to register as a platform operator for the purposes of the Directive in that other Member State and notifies that election in writing to the Revenue Commissioners.

(c) Subject to paragraph (d), a platform operator—

(i) other than one that is required to register with—

(I) the Revenue Commissioners under paragraph (a), or

(II) the competent authority of another Member State, under provisions similar to paragraph (a) in force in that Member State, as a platform operator for the purposes of the Directive,

and

(ii) that facilitates the carrying out of a relevant activity in a Member State, including the State—

(I) by reportable sellers, or

(II) involving the rental of immovable property,

shall register with the Revenue Commissioners as a platform operator for the purposes of this section and the Revenue Commissioners shall assign a Platform Operator ID to such platform operator.

(d) Paragraph (c) shall not apply to a platform operator that has registered with the competent authority of another Member State, under provisions similar to paragraph (c) in force in that Member State, as a platform operator for the purposes of the Directive and has been assigned the equivalent of a Platform Operator ID by that competent authority and such Platform Operator ID has not been revoked.

(e) Subject to paragraph (f), where a platform operator, registered under paragraph (c), does not comply with its obligations under this section or regulations made under this section, the Revenue Commissioners shall revoke that platform operator's Platform Operator ID.

(f) The Platform Operator ID shall not be revoked under paragraph (e) before—

(i) the Revenue Commissioners have issued 2 reminders in writing to the platform operator of the obligations imposed on that platform operator under this section, and

(ii) the expiration of 30 days from the date of the second such reminder referred to in subparagraph (i).

(g) Where a platform operator's Platform Operator ID has been revoked under paragraph (e), the Platform Operator ID shall not be reinstated until the platform operator demonstrates, by way of documentary evidence to the satisfaction of the Revenue Commissioners, and provides the Revenue Commissioners with a written assurance, that it will comply with the obligations imposed under this section and the regulations made under this section.

(h) An excluded platform operator registered in the State shall make a return, by 31 January of the year immediately following the end of the reportable period, to the Revenue Commissioners confirming that the excluded platform operator has not facilitated any relevant activity in the reportable period and provide such particulars as are necessary to demonstrate that the excluded platform operator is not a reporting platform operator to which subparagraphs (1) to (3) of paragraph A of Section III of Annex V to the Directive apply.

(4) A reporting platform operator registered in the State for the purposes of this section shall, by 31 January of the year immediately following the end of the reportable period—

(a) make a return under this section to the Revenue Commissioners, and

(b) provide to a reportable seller a copy of the information contained in that return in respect of such reportable seller.

(5) A return made under subsection (4) shall contain—

(a) the following details in respect of a reporting platform operator:

(i) the name of the reporting platform operator;

(ii) the registered office address of the reporting platform operator;

(iii) the TIN of the reporting platform operator;

(iv) the Platform Operator ID, where one has been assigned by the

Revenue Commissioners;

(v) the business name of each platform in respect of which the reporting platform operator is reporting,

(b) the following details in respect of reportable sellers who are individuals:

(i) the first name and last name of each reportable seller;

(ii) the primary address of each reportable seller;

(iii) the TIN issued to each reportable seller, and where a reportable seller has a TIN issued by more than one Member State, the Member State of issuance of each TIN, or in the absence of a TIN the place of birth of such reportable seller;

(iv) the VAT identification number of each reportable seller, where available;

(v) the date of birth of each reportable seller,

(c) the following details in respect of reportable sellers who are not individuals:

(i) the legal name of each reportable seller;

(ii) the primary address of each reportable seller;

(iii) where relevant activities are carried on through a permanent establishment in any Member State, details for each reportable seller of each Member State where such a permanent establishment is located, where available;

(iv) any TIN issued to each reportable seller, and where a reportable seller has a TIN issued by more than one Member State, the Member State of issuance of each TIN;

(v) the VAT identification number of each reportable seller, where available;

(vi) the business registration number of each reportable seller,

(d) the following details in respect of all reportable sellers:

(i) the total consideration paid or credited to each reportable seller during each quarter of the reportable period and the number of relevant activities in respect of which the consideration was paid or credited;

(ii) any fees, commissions or taxes withheld or charged by the reporting platform operator with respect to each reportable seller during each quarter of the reportable period;

(iii) the financial account identifier of each reportable seller, insofar as—

(I) the financial account identifier is available to the platform operator, and

(II) the competent authority of each Member State in which the reportable seller is resident (as determined pursuant to paragraph D of Section II of Annex V to the Directive) has not notified the Revenue Commissioners that the competent authority does not intend to use the financial account identifier for the purpose of a return made by a reporting platform operator;

(iv) where different from the name of a reportable seller, the name of the holder of the financial account to which the consideration is paid or credited, to the extent available to the reporting platform operator, as well as any other financial identification information available to the reporting platform operator with respect to that account holder;

(v) each Member State in which each reportable seller is resident, as determined pursuant to paragraph D of Section II of Annex V to the Directive,

(e) where the relevant activity of a reportable seller involves the rental of immovable property, in addition to the information specified in paragraphs (b) to (d), the following information in respect of each reportable seller:

(i) the address of each property listing;

(ii) the unique identifier, or identifiers, allocated under the Registration of Title Act 1964 to the land of each property listing, if available, or its equivalent under the law of the Member State where it is located, where available;

(iii) the total consideration paid or credited during each quarter of the reportable period and the number of relevant activities provided with respect to each property listing;

(iv) where available, the number of days each property listing was rented during the reportable period and the type of each property listing,

and

(f) such other information as may be prescribed in regulations made by the Revenue Commissioners under subsection (9).

(6) A reporting platform operator shall put in place such procedures as may be prescribed in regulations under subsection (10)(c) to identify when a seller becomes a reportable seller.

(7) (a) A seller, that is not an excluded seller, shall provide to the reporting platform operator such information as is necessary for that reporting

platform operator to comply with the reporting obligations imposed under subsection (5) (referred to in this subsection as the 'relevant information').

(b) Where a reportable seller does not provide the relevant information to the reporting platform operator, the reporting platform operator, on the day immediately following the expiration of the period referred to in paragraph (c)(ii) (referred to in this paragraph as the 'first-mentioned date'), shall—

(i) where the reporting platform operator processes payments of consideration on behalf of the reportable seller—

(I) withhold payment of any consideration due to the reportable seller,

(II) prevent the reportable seller from connecting with other users of the platform for the purpose of arranging relevant activities, and

(III) prevent the reportable seller from opening another account with that reporting platform operator,

until such time as the relevant information has been provided, and if the relevant information is not provided by the reportable seller to the reporting platform operator within 24 months of the first-mentioned date—

(A) pay any consideration referred to in subparagraph (i)(I) to the reportable seller,

(B) close the account of the reportable seller, and

(C) prevent the reportable seller from reopening the account, or from opening a new account with the reporting platform operator, until such time as the relevant information has been provided,

or

(ii) where the reporting platform operator does not process payments of consideration on behalf of the reportable seller—

(I) close the account of the reportable seller, and

(II) prevent the reportable seller from reopening the account, or from opening a new account with the reporting platform operator, until such time as the relevant information has been provided.

(c) A reporting platform operator shall not take any action referred to in paragraph (b) before—

(i) the reporting platform operator has issued 2 reminders in writing

to the reportable seller following the initial request for relevant information, and

(ii) 60 days have passed from the date on which the second reminder referred to in subparagraph (i) has been issued.

(8) A reporting platform operator may, subject to such conditions relating to the appointment of a third party as may be prescribed in regulations made under this section, appoint a third party to carry out the duties and obligations imposed on it by this section.

(9) The Revenue Commissioners, with the consent of the Minister for Finance, may make regulations under this section with respect to the registration of platform operators with the Revenue Commissioners and the return by a reporting platform operator of information regarding relevant activities undertaken by reportable sellers on their platform.

(10) Regulations made under this section may (without prejudice to the generality of subsection (9)), in particular, include provision for—

(a) in respect of the requirements imposed on platform operators by subsection (3), the period within which such requirements shall be satisfied,

(b) in respect of a return required to be made under subsection (4)—

(i) the manner in which returns are to be made,

(ii) the currency in which the reporting platform operator is required to report, and

(iii) the rules for conversion of amounts, denominated other than in the currency referred to in subparagraph (ii), into that currency, for the purposes of making a return under subsection (4),

(c) in respect of the requirement imposed on the platform operators by subsection (6), the procedures to be put in place by a reporting platform operator for the purposes of identifying when a seller becomes a reportable seller,

(d) in respect of the requirement imposed on platform operators by subsection (7)(b), the procedures to be followed where, and the requirements to be satisfied before, a platform operator—

(i) withholds payment of consideration pursuant to subsection (7)(b)(i)(I),

(ii) prevents a reportable seller from connecting with other users of the platform pursuant to subsection (7)(b)(i)(II),

(iii) prevents a reportable seller from opening another account pursuant to subsection (7)(b)(i)(III),

(iv) pays any consideration pursuant to subsection (7)(b)(i)(A),

(v) closes the account of a reportable seller pursuant to subsection (7)(b)(i)(B) or (7)(b)(ii)(I), or

(vi) prevents the reportable seller from reopening an account, or from opening a new account, pursuant to subsection (7)(b)(i)(C) or (7)(b)(ii)(II),

(e) the records and documents that are required to be provided by the seller, that is not an excluded seller, to the reporting platform operator to enable the reporting platform operator to comply with the obligations imposed by paragraph (b), (c), (d) or (e), as the case may be, of subsection (5),

(f) the records and documents provided by the seller, that is not an excluded seller, to the reporting platform operator to enable the reporting platform operator to comply with the obligations imposed by paragraph (b), (c), (d) or (e), as the case may be, of subsection (5) that are required to be retained by the reporting platform operator,

(g) the appointment of a third party by a reporting platform operator to carry out the duties and obligations imposed on it by this section or regulations made under this section,

(h) in relation to any of the matters specified in paragraphs (a) to (g), the manner in which records shall be kept and the period for the retention of records so kept as provided for in subparagraph (1) of paragraph B of Section IV of Annex V to the Directive, and

(i) such supplemental and incidental matters as appear to the Revenue Commissioners to be necessary—

(i) to enable persons to fulfil their obligations under the regulations, or

(ii) for the general administration and implementation of the regulations.

(11) Every regulation made under this section shall be laid before Dáil Éireann as soon as may be after it is made and, if a resolution annulling the regulation is passed by Dáil Éireann within the next 21 days on which Dáil Éireann has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(12) The Revenue Commissioners may authorise in writing any of their officers to exercise any powers to perform any acts or discharge any functions conferred by this section or regulations made under this section.

(13) Subject to subsection (14), a Revenue officer authorised under subsection (12) may at all reasonable times enter any premises or place

of business of a reporting platform operator for the purposes of—

(a) enquiring into, and determining, whether information regarding a relevant activity—

(i) included in a return made under subsection (4) or regulations made under this section by the reporting platform operator was correct and complete, or

(ii) not included in such a return was correctly not so included,

or

(b) examining the procedures put in place by the reporting platform operator for the purposes of ensuring compliance with that platform operator's obligations under this section or regulations made under this section.

(14) An authorised officer shall not, other than with the consent of the occupier, enter a private dwelling without a warrant issued under subsection (15) authorising the entry.

(15) A judge of the District Court, if satisfied on the sworn evidence of an authorised officer that—

(a) there are reasonable grounds for suspecting that any information or records, as the authorised officer may reasonably require for the purposes of his or her functions under this section, is or are held on any premises or part of any premises, and

(b) an authorised officer, in the performance of his or her functions under this section has been prevented from entering the premises or any part thereof,

may issue a warrant authorising the authorised officer, accompanied if necessary by other persons, at any time or times within 30 days from the date of issue of the warrant and on production if so requested of the warrant, to enter, if need be by reasonable force, the premises or part of the premises concerned and perform all or any of the functions conferred on the authorised officer under this section.

(16) (a) Subject to paragraph (b), section 898O shall apply to—

(i) a failure by a reporting platform operator to make a return required under subsection (4) or regulations made under this section, and

(ii) the making of an incorrect or incomplete return under subsection (4) or regulations made under this section,

as it applies to a failure to deliver a return or to the making of an incorrect or incomplete return referred to in section 898O.

(b) A penalty shall not be imposed on a platform operator under

section 898O for the making of an incorrect or incomplete return referred to in paragraph (a)(ii) where—

(i) the platform operator makes an incomplete or incorrect return solely due to the failure by a reportable seller to provide the relevant information under subsection (7)(a), and

(ii) the platform operator has complied with the procedures set out in subsection (7)(b) and in any regulations made under subsection (10)(d) with respect to the failure by the reportable seller as referred to in subparagraph (i).

(c) A person who does not comply with—

(i) the requirements of a Revenue officer in the exercise or performance of the officer's powers or duties under this section or regulations made under this section, or

(ii) any requirement of such regulations,

shall be liable to a penalty of €1,265.

(17) Where arrangements are entered into by any person and the main purpose or one of the main purposes of the arrangements, or any part of them, is the avoidance of any of the obligations imposed under this section or regulations made under this section, then this section and those regulations shall apply as if the arrangements, or that part of them, had not been entered into.

(18) A word or expression which is used in this section or in regulations made under this section and which is also used in the Directive has, unless the context otherwise requires, the same meaning in this section or in those regulations as it has in the Directive.

(19) Sections 888 and 890 shall not apply to a reporting platform operator where that reporting platform operator has fulfilled the obligations imposed under this section and regulations made under this section.

(20) (a) Where an enquiry under this section is in respect of a return—

(i) that contains, or that an authorised DAC officer believes should contain, information referred to in subsection (5)(d)(iv), or

(ii) in respect of which the authorised DAC officer believes the reportable seller is not the beneficial owner of the consideration paid,

then such authorised DAC officer shall also have access to the mechanisms, procedures, documents and information referred to in—

(I) Articles 13, 30, 31, 32a and 40 of the AML Directive, and

(II) any provisions of the law of the State transposing the said

Articles 13, 30, 31, 32a and 40.

(b) For the purposes of an enquiry referred to in paragraph (a), an authorised DAC officer, in particular—

(i) shall have access to the Central Register of Beneficial Ownership of Companies and Industrial and Provident Societies, the Central Register of Beneficial Ownership of Irish Collective Asset-management Vehicles, Credit Unions and Unit Trusts, the Central Register of Beneficial Ownership of Trusts and the Central Mechanism of Ownership of Bank and Payment Accounts and Safe-Deposit Boxes, and

(ii) may, by notice in writing, require a designated person to deliver to the officer, within a period specified in the notice, such information (including copies of any relevant books, records or other documents) as is relevant to the compliance with any obligation imposed on the designated person by Chapter 3 of Part 4 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 and retained by that designated person under section 55 of that Act.

(c) For the purpose of a notice served under paragraph (b)(ii) the period to be specified in it shall not be less than 14 days.

(d) Where an authorised DAC officer—

(i) accesses any of the registers or information system referred to in paragraph (b)(i), the beneficial owner concerned shall be notified in writing by the authorised DAC officer of the access to the register or information system—

(I) in a case where the identity of the beneficial owner concerned is known to the authorised DAC officer at the time the register or information system is accessed, at that time or as soon as practicable thereafter, and

(II) in any other case, as soon as practicable after the identity of the beneficial owner concerned becomes known to the authorised DAC officer,

or

(ii) serves a notice under paragraph (b)(ii), the beneficial owner concerned shall be notified in writing by the authorised DAC officer of the service of the notice and of the name of the person upon whom it was served—

(I) in a case where the identity of the beneficial owner concerned is known to the authorised DAC officer at the time the notice is served, at that time or as soon as practicable thereafter, and

(II) in any other case, as soon as practicable after the identity of the beneficial owner concerned becomes known to the authorised DAC officer.

(e) The Data Protection Act 2018 shall apply to the access that this subsection affords to an authorised DAC officer in respect of the information in the registers or information system referred to in paragraph (b)(i) and the information referred to in paragraph (b)(ii).

(f) On there being made of the Registrar of Beneficial Ownership of Companies and Industrial and Provident Societies, the Registrar of Beneficial Ownership of Irish Collective Asset-management Vehicles, Credit Unions and Unit Trusts, the Registrar of Beneficial Ownership of Trusts or, in the case of the Central Mechanism of Ownership of Bank and Payment Accounts and Safe-Deposit Boxes, the Central Bank of Ireland, as the case may be, by an authorised officer, a request for access, in accordance with paragraph (b)(i), to a register or information system referred to in paragraph (b)(i), the Registrar concerned, or the Central Bank of Ireland, as the case may be, shall afford the authorised DAC officer access, in a timely manner to the register or information system.

(g) An authorised DAC officer may require a designated person to provide any such additional information, explanations and particulars and to give all assistance to him or her which the authorised DAC officer may reasonably require for the purpose of inspecting the information delivered to him or her under paragraph (b)(ii).".

(2) Section 82 of the Finance Act 2021 is repealed.

Return of certain information by Reporting Platform Operators

82. (1) Part 38 of the Principal Act is amended by the insertion of the following section after section 891I:

"Return of certain information by Reporting Platform Operators

891J.(1) This section provides for the collection and reporting of certain information by reporting platform operators in respect of relevant activities undertaken by reportable sellers on their platforms.

(2) In this section—

'active seller', 'additional activity', 'agreement in effect', 'consideration', 'entity', 'excluded seller', 'financial account identifier', 'goods', 'platform', 'platform operator', 'primary address', 'property listing', 'relevant activity', 'relevant service', 'reportable jurisdiction', 'reportable period', 'reportable seller', 'reporting platform operator', 'seller' and 'TIN' have the same meaning as in the Model Rules;

'excluded platform operator' means a platform operator registered under subsection (3) that demonstrates to the satisfaction of the

Revenue Commissioners under paragraph (d) of that subsection that the excluded platform operator is not a reporting platform operator to which subsections (4) and (5) apply;

'Model Rules' means the Model Rules for Reporting by Platform Operators with respect to Sellers in the Sharing and Gig Economy approved by the Organisation for Economic Cooperation and Development on 29 June 2020 and the Model Reporting Rules for Digital Platforms: International Exchange Framework and Optional Module for Sale of Goods approved by the Organisation for Economic Cooperation and Development on 17 June 2021;

'partner jurisdiction' means any jurisdiction outside the State with which the State has an agreement or arrangement in effect under section 826(1B) pursuant to which the State may exchange on an automatic basis the information specified in subsection (5);

'Platform Operator ID' means a unique individual identification number assigned to a platform operator by the Revenue Commissioners;

'relevant information' has the meaning given to it by subsection (7)(a).

(3) (a) Subject to paragraph (b), a platform operator that—

(i) is resident in the State for tax purposes, or

(ii) is not resident in the State or in any other jurisdiction but—

(I) is incorporated in the State,

(II) has a place of management in the State, or

(III) has a permanent establishment in the State,

shall register with the Revenue Commissioners as a platform operator for the purposes of this section.

(b) The Revenue Commissioners shall assign a Platform Operator ID to a platform operator referred to in paragraph (a)(ii).

(c) A platform operator that satisfies one or more of the conditions set out in clauses (I) to (III) of paragraph (a)(ii) and also satisfies those conditions in a partner jurisdiction shall not register with the Revenue Commissioners if it elects to register as a platform operator for the purposes of the Model Rules in that partner jurisdiction and notifies the Revenue Commissioners in writing of that election.

(d) An excluded platform operator shall make a return, by 31 January of the year immediately following the end of the reportable period, to the Revenue Commissioners confirming that the excluded platform operator has not facilitated any relevant activity in the reportable period and provide such particulars as are necessary to demonstrate that the excluded platform operator is not a reporting

platform operator to which subsections (4) and (5) apply.

(4) A reporting platform operator registered in the State for the purposes of this section shall, by 31 January of the year immediately following the end of the reportable period—

(a) make a return under this section to the Revenue Commissioners, and

(b) provide to a reportable seller a copy of the information contained in that return in respect of such reportable seller.

(5) A return made under subsection (4) shall contain—

(a) the following details in respect of a reporting platform operator:

(i) the name of the reporting platform operator;

(ii) the registered office address of the reporting platform operator;

(iii) the TIN of the reporting platform operator;

(iv) the Platform Operator ID, where one has been assigned by the Revenue Commissioners;

(v) the business name of each platform in respect of which the reporting platform operator is reporting,

(b) the following details in respect of reportable sellers who are individuals:

(i) the first name and last name of each reportable seller;

(ii) the primary address of each reportable seller;

(iii) the TIN issued to each reportable seller;

(iv) the jurisdiction of issuance of the TIN;

(v) the date of birth of each reportable seller,

(c) the following details in respect of reportable sellers who are not individuals:

(i) the legal name of each reportable seller;

(ii) the primary address of each reportable seller;

(iii) any TIN issued to each reportable seller, and where a reportable seller has a TIN issued by more than one jurisdiction, the jurisdiction of issuance of each TIN;

(iv) the business registration number of each reportable seller,

(d) the following details in respect of all reportable sellers:

(i) the total consideration paid or credited to each reportable seller during each quarter of the reportable period and the number of

relevant activities in respect of which the consideration was paid or credited;

(ii) any fees, commissions or taxes withheld or charged by the reporting platform operator with respect to each reportable seller during each quarter of the reportable period;

(iii) the financial account identifier of each reportable seller, insofar as the financial account identifier is available to the reporting platform operator;

(iv) where different from the name of a reportable seller, the name of the holder of the financial account to which the consideration is paid or credited, to the extent available to the reporting platform operator, as well as any other financial identification information available to the reporting platform operator with respect to that account holder;

(v) each jurisdiction in which each reportable seller is resident, as determined pursuant to paragraph D of Section II of the Model Rules for Reporting by Platform Operators with respect to Sellers in the Sharing and Gig Economy approved by the Organisation for Economic Cooperation and Development on 29 June 2020,

(e) where the relevant activity of a reportable seller involves the rental of immovable property, in addition to the information specified in paragraphs (b) to (d), the following information in respect of each reportable seller:

(i) the address of each property listing;

(ii) the unique identifier, or identifiers, allocated under the Registration of Title Act 1964 to the land of each property listing, if available, or its equivalent under the law of the jurisdiction where it is located, where available;

(iii) the total consideration paid or credited during each quarter of the reportable period and the number of relevant activities provided with respect to each property listing;

(iv) where available, the number of days each property listing was rented during the reportable period and the type of each property listing,

and

(f) such other information as may be prescribed in regulations made by the Revenue Commissioners under subsection (9).

(6) A reporting platform operator shall put in place such procedures as may be prescribed in regulations under subsection (10)(c) to identify when a seller becomes a reportable seller.

(7) (a) A seller, that is not an excluded seller, shall provide to the reporting platform operator such information as is necessary for that reporting platform operator to comply with the reporting obligations imposed under subsection (5) (referred to in this subsection as the 'relevant information').

(b) Where a reportable seller does not provide the relevant information to the reporting platform operator, the reporting platform operator, on the day immediately following the expiration of the period referred to in paragraph (c)(ii) (referred to in this paragraph as the 'first-mentioned date'), shall—

(i) where the reporting platform operator processes payments of consideration on behalf of the reportable seller—

(I) withhold payment of any consideration due to the reportable seller,

(II) prevent the reportable seller from connecting with other users of the platform for the purpose of arranging relevant activities, and

(III) prevent the reportable seller from opening another account with that reporting platform operator,

until such time as the relevant information has been provided, and if the relevant information is not provided by the reportable seller to the reporting platform operator within 24 months of the first-mentioned date—

(A) pay any consideration referred to in subparagraph (i)(I) to the reportable seller,

(B) close the account of the reportable seller, and

(C) prevent the reportable seller from reopening the account, or from opening a new account with the reporting platform operator, until such time as the relevant information has been provided,

or

(ii) where the reporting platform operator does not process payments of consideration on behalf of the reportable seller—

(I) close the account of the reportable seller, and

(II) prevent the reportable seller from reopening the account, or from opening a new account with the reporting platform operator, until such time as the relevant information has been provided.

(c) A reporting platform operator shall not take any action referred to in paragraph (b) before—

(i) the reporting platform operator has issued 2 reminders in writing to the reportable seller following the initial request for relevant information, and

(ii) 60 days have passed from the date on which the second reminder referred to in subparagraph (i) has been issued.

(8) A reporting platform operator may, subject to such conditions relating to the appointment of a third party as may be prescribed in regulations made under this section, appoint a third party to carry out the duties and obligations imposed on it by this section.

(9) The Revenue Commissioners, with the consent of the Minister for Finance, may make regulations under this section with respect to the registration of platform operators with the Revenue Commissioners and the return by a reporting platform operator of information regarding relevant activities undertaken by reportable sellers on their platform.

(10) Regulations made under this section may (without prejudice to the generality of subsection (9)), in particular, include provision for—

(a) in respect of the requirements imposed on platform operators by subsection (3), the period within which such requirements shall be satisfied,

(b) in respect of a return required to be made under subsection (4)—

(i) the manner in which returns are to be made,

(ii) the currency in which the reporting platform operator is required to report, and

(iii) the rules for conversion of amounts, denominated other than in the currency referred to in subparagraph (ii), into that currency, for the purposes of making a return under subsection (4),

(c) in respect of the requirement imposed on the platform operators by subsection (6), the procedures to be put in place by a reporting platform operator for the purposes of identifying when a seller becomes a reportable seller,

(d) in respect of the requirement imposed on platform operators by subsection (7)(b), the procedures to be followed where, and the requirements to be satisfied before, a platform operator—

(i) withholds payment of consideration pursuant to subsection (7)(b)(i)(I),

(ii) prevents a reportable seller from connecting with other users of the platform pursuant to subsection (7)(b)(i)(II),

(iii) prevents a reportable seller from opening another account pursuant to subsection (7)(b)(i)(III),

(iv) pays any consideration pursuant to subsection (7)(b)(i)(A),

(v) closes the account of a reportable seller pursuant to subsection (7)(b)(i)(B) or subsection (7)(b)(ii)(I), or

(vi) prevents the reportable seller from reopening an account, or from opening a new account, pursuant to subsection (7)(b)(i)(C) or subsection (7)(b)(ii)(II),

(e) the records and documents that are required to be provided by the seller, that is not an excluded seller, to the reporting platform operator to enable the reporting platform operator to comply with the obligations imposed by paragraph (b), (c), (d) or (e), as the case may be, of subsection (5),

(f) the records and documents provided by the seller, that is not an excluded seller, to the reporting platform operator to enable the reporting platform operator to comply with the obligations imposed by paragraph (b), (c), (d) or (e), as the case may be, of subsection (5) that are required to be retained by the reporting platform operator,

(g) the appointment of a third party by a reporting platform operator to carry out the duties and obligations imposed on it by this section or regulations made under this section,

(h) in relation to any of the matters specified in paragraphs (a) to (g), the manner in which records shall be kept and the period for the retention of records so kept as provided for in paragraph (3) of Section IV of the Model Rules for Reporting by Platform Operators with respect to Sellers in the Sharing and Gig Economy approved by the Organisation for Economic Cooperation and Development on 29 June 2020, and

(i) such supplemental and incidental matters as appear to the Revenue Commissioners to be necessary—

(i) to enable persons to fulfil their obligations under the regulations, or

(ii) for the general administration and implementation of the regulations.

(11) Every regulation made under this section shall be laid before Dáil Éireann as soon as may be after it is made and, if a resolution annulling the regulation is passed by Dáil Éireann within the next 21 days on which Dáil Éireann has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(12) The Revenue Commissioners may authorise in writing any of their officers to exercise any powers to perform any acts or discharge any

functions conferred by this section or regulations made under this section.

(13) Subject to subsection (14), a Revenue officer authorised under subsection (12) may at all reasonable times enter any premises or place of business of a reporting platform operator for the purposes of—

(a) enquiring into, and determining, whether information regarding a relevant activity—

(i) included in a return made under subsection (4), or regulations made under this section, by the reporting platform operator was correct and complete, or

(ii) not included in such a return was correctly not so included,

or

(b) examining the procedures put in place by the reporting platform operator for the purposes of ensuring compliance with that platform operator's obligations under this section or regulations made under this section.

(14) An authorised officer shall not, other than with the consent of the occupier, enter a private dwelling without a warrant issued under subsection (15) authorising the entry.

(15) A judge of the District Court, if satisfied on the sworn evidence of an authorised officer that—

(a) there are reasonable grounds for suspecting that any information or records, as the authorised officer may reasonably require for the purposes of his or her functions under this section, is or are held on any premises or part of any premises, and

(b) an authorised officer, in the performance of his or her functions under this section has been prevented from entering the premises or any part thereof,

may issue a warrant authorising the authorised officer, accompanied if necessary by other persons, at any time or times within 30 days from the date of issue of the warrant and on production if so requested of the warrant, to enter, if need be by reasonable force, the premises or part of the premises concerned and perform all or any of the functions conferred on the authorised officer under this section.

(16) (a) Subject to paragraph (c), section 898O shall apply to—

(i) a failure by a reporting platform operator to make a return required under subsection (4) or regulations made under this section, and

(ii) the making of an incorrect or incomplete return under

subsection (4) or regulations made under this section,

as it applies to a failure to deliver a return or to the making of an incorrect or incomplete return referred to in section 898O.

(b) A penalty shall not be imposed on a platform operator under section 898O for the making of an incorrect or incomplete return referred to in paragraph (a)(ii) where—

(i) the platform operator makes an incomplete or incorrect return solely due to the failure by a reportable seller to provide the relevant information under subsection (7)(a), and

(ii) the platform operator has complied with the procedures set out in subsection (7)(b) and in any regulations made under subsection (10)(d) with respect to the failure by the reportable seller as referred to in subparagraph (i).

(c) A person who does not comply with—

(i) the requirements of a Revenue officer in the exercise or performance of the officer's powers or duties under this section or regulations made under this section, or

(ii) any requirement of such regulations,

shall be liable to a penalty of €1,265.

(17) Where arrangements are entered into by any person and the main purpose or one of the main purposes of the arrangements, or any part of them, is the avoidance of any of the obligations imposed under this section or regulations made under this section, then this section and those regulations shall apply as if the arrangements, or that part of them, had not been entered into.

(18) A word or expression which is used in this section or in regulations made under this section and which is also used in the Model Rules has, unless the context otherwise requires, the same meaning in this section or in those regulations as it has in the Model Rules.

(19) Sections 888 and 890 shall not apply to a reporting platform operator where that reporting platform operator has fulfilled the obligations imposed under this section and regulations made under this section.

(20) This section shall not apply to a reportable seller and a relevant activity in respect of which a reporting platform operator has made a return under section 891I.".

(2) *Subsection (1)* shall come into operation on such day as the Minister for Finance may by order appoint.

Implementation of Council Directive (EU) 2021/514 of 22 March 2021 amending Directive 2011/16/EU on administrative cooperation in the field of taxation

83. (1) Part 33 of the Principal Act is amended—

(a) in section 817RA(1), by the substitution of the following definition for the definition of "Directive":

> " 'Directive' means Council Directive 2011/16/EU of 15 February 2011[76] on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC, as amended by Council Directive 2014/107/EU of 9 December 2014[77], Council Directive (EU) 2015/2376 of 8 December 2015[78], Council Directive (EU) 2016/881 of 25 May 2016[79], Council Directive (EU) 2016/2258 of 6 December 2016[80], Council Directive (EU) 2018/822 of 25 May 2018[81], Council Directive (EU) 2020/876 of 24 June 2020[82] and Council Directive (EU) 2021/514 of 22 March 2021[83];",

and

(b) in section 817REA—

(i) in subsection (3), by the insertion of ", 32a" after "31", in both places where it occurs,

(ii) in subsection (4)(a), by the substitution of ", the Central Register of Beneficial Ownership of Trusts and the Central Mechanism of Ownership of Bank and Payment Accounts and Safe-Deposit Boxes, and", for "and the Central Register of Beneficial Ownership of Trusts, and", and

(iii) in subsection (8), by the substitution of ", the Registrar of Beneficial Ownership of Trusts or, in the case of the Central Mechanism of Ownership of Bank and Payment Accounts and Safe-Deposit Boxes, the Central Bank of Ireland, and" for "or the Registrar of Beneficial Ownership of Trusts, and".

(2) Part 38 of the Principal Act is amended—

(a) in section 891GA(2), by the substitution of the following definition for the definition of "Directive":

> " 'Directive' means Council Directive 2011/16/EU of 15 February 2011[84] on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC, as amended by Council Directive 2014/107/EU of 9 December 2014[85], Council Directive (EU) 2015/2376 of 8 December 2015[86], Council Directive (EU) 2016/881 of

76 OJ No. L64, 11.3.2011, p. 1
77 OJ No. L359, 16.12.2014, p. 1
78 OJ No. L332, 18.12.2015, p. 1
79 OJ No. L146, 3.6.2016, p. 1
80 OJ No. L342, 16.12.2016, p. 1
81 OJ No. L139, 5.6.2018, p. 1
82 OJ No. L204, 26.6.2020, p. 1
83 OJ No. L104. 25.3.2021 p. 1
84 OJ No. L64, 11.3.2011, p. 1
85 OJ No. L359, 16.12.2014, p. 1
86 OJ No. L332, 18.12.2015, p. 1

25 May 2016[87], Council Directive (EU) 2016/2258 of 6 December 2016[88], Council Directive (EU) 2018/822 of 25 May 2018[89], Council Directive (EU) 2020/876 of 24 June 2020[90] and Council Directive (EU) 2021/514 of 22 March 2021[91];",

and

(b) by the insertion of the following section after section 891J (inserted by *section 82*):

"Implementation of Council Directive (EU) 2021/514 of 22 March 2021 amending Directive 2011/16/EU on administrative cooperation in the field of taxation in relation to presence requests

891K.(1) For the purpose of this section—

'administrative enquiry' means any control, check or other action carried out by an authorised officer by virtue of Regulation 14 of the Regulations of 2012;

'authorised officer' means a person appointed as an authorised officer under Regulation 12 of the Regulations of 2012;

'books, records or other documents' has the same meaning as in section 900(1);

'competent authority' means the authority designated as such by a Member State for the purposes of the Directive and, in relation to the State, means the Revenue Commissioners;

'Directive' means Council Directive 2011/16/EU of 15 February 2011[92] as amended by Council Directive 2014/107/EU of 9 December 2014,[93] Council Directive (EU) 2015/2376 of 8 December 2015[94], Council Directive (EU) 2016/881 of 25 May 2016[95], Council Directive (EU) 2016/2258 of 6 December 2016[96], Council Directive (EU) 2018/822 of 25 May 2018[97], Council Directive (EU) 2020/876 of 24 June 2020[98] and Council Directive (EU) 2021/514 of 22 March 2021[99];

'foreign tax official' means an official who is—

(a) authorised by the requesting authority pursuant to Article 11.1 of the Directive to act in the capacity of a competent authority on behalf of the Member State concerned, or

87 OJ No. L146, 3.6.2016, p. 1
88 OJ No. L342, 16.12.2016, p. 1
89 OJ No. L139, 5.6.2018, p. 1
90 OJ No. L204, 26.6.2020, p. 1
91 OJ No. L104. 25.3.2021, p. 1
92 OJ No. L64, 11.3.2011, p. 1
93 OJ No. L359, 16.12.2014, p. 1
94 OJ No. L332, 18.12.2015, p. 1
95 OJ No. L146, 3.6.2016, p. 1
96 OJ No. L342, 16.12.2016, p. 1
97 OJ No. L139, 5.6.2018, p. 1
98 OJ No. L204, 26.6.2020, p. 1
99 OJ No. L104. 25.3.2021, p. 1

(b) authorised by the requesting authority under the Directive to assist or represent the official referred to in paragraph (a) in the performance of his or her functions;

'nominated officer' means a foreign tax official to whom a written authorisation has been given to perform the functions conferred by virtue of this section;

'requested authority' means the Revenue Commissioners;

'Regulations of 2012' means the European Union (Administrative Cooperation in the Field of Taxation) Regulations 2012 (S.I. No. 549 of 2012);

'written authorisation' has the meaning given to it by subsection (2).

(2) For the purposes of the performance of the functions conferred by virtue of this section on a foreign tax official, the Revenue Commissioners may issue an authorisation in writing (in this section referred to as a 'written authorisation') to such foreign tax official which shall contain—

(a) the name of the foreign tax official and a statement that he or she is a nominated officer,

(b) a photograph and signature of that official,

(c) particulars of that official's authorisation under this section,

(d) the duration of the written authorisation,

(e) the name of the person who is the subject of the administrative enquiry concerned,

(f) a hologram showing the logo of the Office of the Revenue Commissioners, and

(g) the facsimile signature of a Revenue Commissioner.

(3) Subject to subsections (4) and (5), a foreign tax official may, by agreement between the requested authority and the requesting authority and in accordance with the arrangements laid down by the requested authority, with a view to exchanging information for the purposes of the Directive—

(a) be present in the offices where the requested authority performs its functions,

(b) be present during administrative enquiries carried out by the requested authority, and

(c) participate, by electronic means where appropriate, in the administrative enquiries carried out by the requested authority.

(4) A foreign tax official may only be present or participate in

administrative enquiries, pursuant to subsection (3), where such foreign tax official is a nominated officer.

(5) In respect of a nominated officer being present or participating in administrative enquiries pursuant to subsection (3), that presence or participation in such enquiries means—

(a) reviewing books, records or other documents to which the competent authority has access for the purposes of the enquiry concerned, and

(b) requesting, from any person present during the course of the enquiry concerned, reasonable assistance, including providing information and explanations required by the nominated officer, where such assistance, information and explanations would be available to the competent authority for the purposes of the enquiry concerned,

to the extent that—

(i) such presence or participation by the nominated officer relates solely to the requested information, and

(ii) any information sought by the nominated officer relates solely to the requested information.

(6) Nothing in this section shall be construed as permitting a nominated officer to carry out any enquiries other than when participating in administrative enquiries commenced and carried out by the competent authority.

(7) A nominated officer performing the functions conferred on him or her by virtue of this section shall, on request, produce—

(a) his or her written authorisation, and

(b) his or her authorisation from the requesting authority stating his or her identity and official capacity.

(8) Where, in the performance of any functions under this section in relation to him or her, a nominated officer is requested to produce or show his or her authorisation for the purposes of this section, the production by the nominated officer of his or her written authorisation—

(a) shall be taken as evidence of authorisation under this section, and

(b) shall satisfy an obligation under this section which requires the nominated officer to produce such authorisation on request.

(9) A word or expression which is used in this section and which is also used in the Directive has, unless the context otherwise requires, the same meaning in this section as it has in the Directive.".

(3) *Subsections (1)* and *(2)* shall come into operation on 1 January 2023.

Amendment of section 99B of Finance Act 2001 (penalty for deliberately or carelessly making incorrect returns, etc.)

84. Section 99B of the Finance Act 2001 is amended by the insertion of the following subsection after subsection (17):

"(18) This section shall not apply in respect of any disclosure made, act done or omission made after the date of the passing of the *Finance Act 2022*.".

Penalty for deliberately or carelessly making incorrect returns or failing to make certain returns, etc.

85. The Finance Act 2001 is amended by the insertion of the following section after section 99B:

"99C. (1) In this section—

'carelessly' means failure to take reasonable care;

'liability to tax' means a liability to the amount of the difference specified in subsection (3) or (5), as the case may be, arising from any matter referred to in subsection (2) or (4), as the case may be;

'period' means taxable period, accounting period or other period, as the context requires;

'prompted qualifying disclosure', in relation to a person, means a qualifying disclosure that has been made to the Commissioners or to an officer in the period between—

(a) the date on which a person is notified by an officer of the date on which an inquiry or investigation into any matter occasioning a liability to tax of that person will start, and

(b) the date that the inquiry or investigation starts;

'qualifying disclosure', in relation to a person, means—

(a) in relation to a penalty referred to in subsection (6), a disclosure that the Commissioners are satisfied is a disclosure of—

(i) complete information in relation to, and full particulars of, all matters occasioning a liability to tax that gives rise to a penalty referred to in subsection (6), and

(ii) full particulars of all matters occasioning any liability to tax or duty that gives rise to—

(I) a penalty referred to in section 1077F(6) of the Taxes Consolidation Act 1997,

(II) a penalty referred to in section 134A(2) of the Stamp Duties Consolidation Act 1999,

(III) a penalty referred to in section 116A(6) of the Value-Added Tax Consolidation Act 2010, and

(IV) the application of section 1077F(6) of the Taxes Consolidation Act 1997 to the Capital Acquisitions Tax Consolidation Act 2003,

and

(b) in relation to a penalty referred to in subsection (7) or (8), as the case may be, a disclosure that the Commissioners are satisfied is a disclosure of complete information in relation to, and full particulars of, all matters occasioning a liability to tax that gives rise to a penalty referred to in subsection (7) or (8), as the case may be, for the period to which the disclosure relates,

made in writing to the Commissioners or to an officer and signed by or on behalf of that person and that is accompanied by—

(A) a declaration, to the best of that person's knowledge, information and belief, made in writing that all matters contained in the disclosure are correct and complete, and

(B) a payment of the tax and duty payable in respect of any matter contained in the disclosure and the interest on late payment of that tax and duty;

'tax' means any duty of excise;

'transaction' means any action giving rise to a liability to, or relief from, tax;

'unprompted qualifying disclosure', in relation to a person, means a qualifying disclosure that the Commissioners are satisfied has been voluntarily furnished to them—

(a) before an inquiry or investigation had been started by them or by an officer into any matter occasioning a liability to tax of that person, or

(b) where the person is notified by an officer of the date on which an inquiry or investigation into any matter occasioning a liability to tax of that person will start, before that notification.

(2) Where a person—

(a) furnishes a return or makes a claim or declaration for the purposes of any requirement of excise law and, in so doing, the person deliberately—

(i) furnishes an incorrect return, or

(ii) makes an incorrect claim or declaration,

or

(b) furnishes a return or makes a claim or declaration for the purposes of any requirement of excise law and, in so doing, the person carelessly but not deliberately—

(i) furnishes an incorrect return, or

(ii) makes an incorrect claim or declaration,

then—

(I) in the case of paragraph (a), that action shall be a deliberate default for the purposes of this section, and

(II) in the case of paragraph (b), that action shall be a careless default for the purposes of this section,

and the person shall be liable to a penalty.

(3) The penalty referred to in subsection (2) shall be the difference between—

(a) the amount of tax (if any) paid or claimed by the person concerned for the relevant period or transaction on the basis of the incorrect return, claim or declaration referred to in subsection (2) as furnished or otherwise made, and

(b) the amount properly payable by, or refundable to, that person for that period or transaction.

(4) Where a person—

(a) deliberately fails to comply, or

(b) carelessly (but not deliberately) fails to comply,

with a requirement in accordance with any provision of excise law to furnish a return or make a declaration, that failure to comply with a requirement shall—

(i) in the case of paragraph (a), be a deliberate default for the purposes of this section, and

(ii) in the case of paragraph (b), be a careless default for the purposes of this section,

and the person shall be liable to a penalty.

(5) In relation to any matter that would have been included in a return or declaration referred to in subsection (4) if the return or declaration had been delivered by a person and had been correct, the penalty referred to in subsection (4) shall be the difference between—

(a) the amount of tax (if any) paid by the person for the relevant period

or transaction before—

(i) unless subparagraph (ii) applies, the date of the notice in writing from the Commissioners to the person concerned of an inquiry or investigation by the Commissioners or an officer into the matter, or

(ii) where the Commissioners had announced publicly that they had started an inquiry or investigation into the matter, the date of that public announcement,

and

(b) the amount of tax properly payable by the person for that period or transaction.

(6) (a) (i) Subject to subparagraphs (ii), (iii) and (iv), where a person is liable to a penalty under subsection (2) or (4), as the case may be, for a deliberate default, the penalty referred to in subsection (3) or (5), as the case may be, shall not be reduced.

(ii) Where subparagraph (i) applies and the person cooperated fully with any inquiry or investigation started by the Commissioners or by an officer into any matter occasioning a liability to tax of that person, the penalty referred to in subsection (3) or (5), as the case may be, shall be reduced to 75 per cent of the difference referred to in subsection (3) or (5), as the case may be (referred to in this subsection and subsections (7) and (8) as 'the difference').

(iii) Where subparagraph (ii) applies and the person made a prompted qualifying disclosure, the penalty referred to in subsection (3) or (5), as the case may be, shall be reduced to 50 per cent of the difference.

(iv) Where subparagraph (ii) applies and the person made an unprompted qualifying disclosure, the penalty referred to in subsection (3) or (5), as the case may be, shall be reduced to 10 per cent of the difference.

(b) (i) Subject to subparagraph (ii), where a second qualifying disclosure is made by a person within 5 years of such person's first qualifying disclosure, the penalty referred to in subsection (3) or (5), as the case may be, for a deliberate default shall not be reduced.

(ii) Where subparagraph (i) applies and the person cooperated fully with any inquiry or investigation started by the Commissioners or by an officer into any matter occasioning a liability to tax of that person, then—

(I) where that person made a prompted qualifying disclosure,

the penalty referred to in subsection (3) or (5), as the case may be, shall be reduced to 75 per cent of the difference, and

(II) where the person made an unprompted qualifying disclosure, the penalty referred to in subsection (3) or (5), as the case may be, shall be reduced to 55 per cent of the difference.

(c) Where a third or subsequent qualifying disclosure is made by a person within 5 years of such person's second qualifying disclosure, the penalty referred to in subsection (3) or (5), as the case may be, for a deliberate default under subsection (2) or (4), as the case may be, shall not be reduced.

(7) (a) In this subsection and subsection (8), 'significant consequences' means, where subsection (2) applies, the amount of the difference referred to in subsection (3) exceeds 15 per cent of the amount referred to in paragraph (b) of subsection (3) and, where subsection (4) applies, the amount of the difference referred to in subsection (5) exceeds 15 per cent of the amount referred to in paragraph (b) of subsection (5).

(b) (i) Subject to subparagraphs (ii), (iii) and (iv), where a person is liable to a penalty under subsection (2) or (4), as the case may be, for a careless default which has significant consequences, the penalty referred to in subsection (3) or (5), as the case may be, shall be reduced to 40 per cent of the difference.

(ii) Where subparagraph (i) applies and the person cooperated fully with any inquiry or investigation started by the Commissioners or by an officer into any matter occasioning a liability to tax of that person, the penalty referred to in subsection (3) or (5), as the case may be, shall be reduced to 30 per cent of the difference.

(iii) Where subparagraph (ii) applies and the person also made a prompted qualifying disclosure, the penalty referred to in subsection (3) or (5), as the case may be, shall be reduced to 20 per cent of the difference.

(iv) Where subparagraph (ii) applies and the person also made an unprompted qualifying disclosure, the penalty referred to in subsection (3) or (5), as the case may be, shall be reduced to 5 per cent of the difference.

(c) (i) Subject to subparagraph (ii), where a second qualifying disclosure is made by a person within 5 years of such person's first qualifying disclosure, the penalty referred to in subsection (3) or (5), as the case may be, for a careless default with significant consequences shall be reduced to 40 per cent of the

difference.

(ii) Where subparagraph (i) applies and the person cooperated fully with any inquiry or investigation started by the Commissioners or by an officer into any matter occasioning a liability to tax of that person, then—

(I) where the person made a prompted qualifying disclosure, the penalty referred to in subsection (3) or (5), as the case may be, shall be reduced to 30 per cent of the difference, and

(II) where the person made an unprompted qualifying disclosure, the penalty referred to in subsection (3) or (5), as the case may be, shall be reduced to 20 per cent of the difference.

(d) Where a third or subsequent qualifying disclosure is made by a person within 5 years of such person's second qualifying disclosure, the penalty referred to in subsection (3) or (5), as the case may be, for a careless default with significant consequences shall be reduced to 40 per cent of the difference.

(8) (a) Subject to paragraphs (b), (c) and (d), where a person is liable to a penalty under subsection (2) or (4), as the case may be, for a careless default which does not have significant consequences, the penalty referred to in subsection (3) or (5), as the case may be, shall be reduced to 20 per cent of the difference.

(b) Where paragraph (a) applies and the person cooperated fully with any inquiry or investigation started by the Commissioners or by an officer into any matter occasioning a liability to tax of that person, the penalty referred to in subsection (3) or (5), as the case may be, shall be reduced to 15 per cent of the difference.

(c) Where paragraph (b) applies and the person also made a prompted qualifying disclosure, the penalty referred to in subsection (3) or (5), as the case may be, shall be reduced to 10 per cent of the difference.

(d) Where paragraph (b) applies and the person also made an unprompted qualifying disclosure, the penalty referred to in subsection (3) or (5), as the case may be, shall be reduced to 3 per cent of the difference.

(9) Where—

(a) the aggregate amount of—

(i) the liability to tax (within the meaning of subsection (1)),

(ii) the liability to tax (within the meaning of section 1077F(1) of the Taxes Consolidation Act 1997),

(iii) the liability to tax (within the meaning of section 116A(1) of the Value-Added Tax Consolidation Act 2010),

(iv) the liability to duty (within the meaning of section 134A(15) of the Stamp Duties Consolidation Act 1999), and

(v) the differences specified in subsections (5) and (5A), as appropriate, of section 58 of the Capital Acquisitions Tax Consolidation Act 2003,

does not exceed €6,000, and

(b) but for this subsection the penalty would be reduced in accordance with subsection (7) or (8) of this section, subsection (7) or (8) of section 1077F of the Taxes Consolidation Act 1997, subsection (7) or (8) of section 116A of the Value-Added Tax Consolidation Act 2010 or subsection (5)(b) or (5A)(b) of section 134A of the Stamp Duties Consolidation Act 1999, as the case may be,

then, notwithstanding subsection (2) or (4), as the case may be, that person shall not be liable to a penalty.

(10) Where any person is liable to a penalty under subsection (2) so much of the difference specified in subsection (3) as is attributable to a technical adjustment or an innocent error shall not be liable to a penalty.

(11) Where, for the purposes of any requirement under excise law, a person deliberately or carelessly produces, furnishes, gives, sends or otherwise makes use of, any incorrect invoice, registration number, credit note, debit note, receipt, account, voucher, bank statement, estimate, statement, information, book, document or record, the person shall be liable to—

(a) a penalty of €3,000 where that person has acted carelessly, or

(b) a penalty of €5,000 where that person has acted deliberately.

(12) Where any return, claim or declaration referred to in subsection (2) was furnished or made by a person, neither deliberately nor carelessly, and it comes to the person's notice that it was incorrect, then, unless the error is remedied without unreasonable delay, the incorrect return, claim or declaration shall be treated for the purposes of this section as having been deliberately made or submitted by that person.

(13) Subject to section 1077D(2) of the Taxes Consolidation Act 1997, proceedings or applications for the recovery of any penalty under this section shall not be out of time because they are commenced after the time allowed by section 99AB.

(14) A disclosure in relation to a person shall not be a qualifying disclosure where—

(a) before the disclosure is made, an officer had started an inquiry or investigation into any matter contained in that disclosure and had contacted or notified that person, or a person representing that person, in this regard, or

(b) matters contained in the disclosure are matters—

(i) that have become known, or are about to become known, to the Commissioners through their own investigations or through an investigation conducted by a statutory body or agency,

(ii) that are within the scope of an inquiry being carried out wholly or partly in public, or

(iii) to which the person who made the disclosure is linked, or about to be linked, publicly.

(15) For the purposes of this section, any return, claim or declaration referred to in subsection (2) submitted on behalf of a person shall be deemed to have been submitted by that person unless that person proves that it was submitted without that person's consent or knowledge.

(16) Where a person referred to in subsection (2) or (4), as the case may be, is a body of persons, then the person acting in the capacity of secretary to such body shall be liable to a separate penalty of €1,500 or, in the case of deliberate behaviour, €3,000.".

Amendment of section 1077F of Principal Act (penalty for deliberately or carelessly making incorrect returns or failing to make certain returns, etc.)

86. Section 1077F of the Principal Act is amended—

(a) in subsection (1), in the definition of "qualifying disclosure"—

(i) in paragraph (a), by the substitution of the following subparagraph for subparagraph (ii):

"(ii) full particulars of all matters occasioning any liability to tax or duty that gives rise to—

(I) a penalty referred to in section 116A(6) of the Value-Added Tax Consolidation Act 2010,

(II) a penalty referred to in section 134A(2) of the Stamp Duties Consolidation Act 1999,

(III) the application of subsection (6) to the Capital Acquisitions Tax Consolidation Act 2003, and

(IV) a penalty referred to in section 99C(6) of the Finance Act 2001,

and",

and

(ii) in paragraph (b), by the substitution of "subsection (7) or (8)" for "subsections (7) and (8)",

and

(b) by the substitution of the following subsection for subsection (9)—

"(9) Where—

(a) the aggregate amount of—

(i) the liability to tax (within the meaning of subsection (1)),

(ii) the liability to tax (within the meaning of section 116A(1) of the Value-Added Tax Consolidation Act 2010),

(iii) the liability to duty (within the meaning of section 134A(15) of the Stamp Duties Consolidation Act 1999),

(iv) the differences specified in subsections (5) and (5A), as appropriate, of section 58 of the Capital Acquisitions Tax Consolidation Act 2003, and

(v) the liability to tax (within the meaning of section 99C(1) of the Finance Act 2001),

does not exceed €6,000, and

(b) but for this subsection the penalty would be reduced in accordance with subsection (7) or (8) of this section, subsection (7) or (8) of section 116A of the Value-Added Tax Consolidation Act 2010, subsection (5)(b) or (5A)(b) of section 134A of the Stamp Duties Consolidation Act 1999 or subsection (7) or (8) of section 99C of the Finance Act 2001, as the case may be,

then, notwithstanding subsection (2) or (4), as the case may be, that person shall not be liable to a penalty.".

Amendment of section 1086A of Principal Act (publication of names and details of tax defaulters)

87. Section 1086A of the Principal Act is amended, in subsection (1), by the substitution of the following definition for the definition of "qualifying disclosure":

" 'qualifying disclosure' has the meaning given to it by, as the case may be, section 1077E or 1077F, as appropriate, section 116 or 116A, as appropriate, of the Value-Added Tax Consolidation Act 2010, section 99B or 99C, as appropriate, of the Finance Act 2001 or section 134A of the Stamp Duties Consolidation Act 1999;".

Amendment of section 116A of Value-Added Tax Consolidation Act 2010 (penalty for deliberately or carelessly making incorrect returns, etc.)

88. Section 116A of the Value-Added Tax Consolidation Act 2010 is amended—

(a) in subsection (1), in the definition of "qualifying disclosure", by the substitution of the following subparagraph for subparagraph (ii) of paragraph (a):

"(ii) full particulars of all matters occasioning any liability to tax or duty that gives rise to—

(I) a penalty referred to in section 1077F(6) of the Taxes Consolidation Act 1997,

(II) a penalty referred to in section 134A(2) of the Stamp Duties Consolidation Act 1999,

(III) the application of section 1077F(6) of the Taxes Consolidation Act 1997 to the Capital Acquisitions Tax Consolidation Act 2003, and

(IV) a penalty referred to in section 99C(6) of the Finance Act 2001,

and",

and

(b) by the substitution of the following subsection for subsection (9):

"(9) Where—

(a) the aggregate amount of—

(i) the liability to tax (within the meaning of subsection (1)),

(ii) the liability to tax (within the meaning of section 1077F(1) of the Taxes Consolidation Act 1997),

(iii) the liability to duty (within the meaning of section 134A(15) of the Stamp Duties Consolidation Act 1999),

(iv) the differences specified in subsections (5) and (5A), as appropriate, of section 58 of the Capital Acquisitions Tax Consolidation Act 2003, and

(v) the liability to tax (within the meaning of section 99C(1) of the Finance Act 2001),

does not exceed €6,000, and

(b) but for this subsection the penalty would be reduced in accordance with subsection (7) or (8) of this section, subsection (7) or (8) of section 1077F of the Taxes Consolidation Act 1997, subsection (5)(b) or (5A)(b) of section 134A of the Stamp Duties Consolidation Act 1999 or subsection (7) or (8) of section 99C of the Finance Act 2001, as the case may be,

then, notwithstanding subsection (2) or (4), as the case may be, that person shall not be liable to a penalty.".

Amendment of section 134A of Stamp Duties Consolidation Act 1999 (penalties)

89. Section 134A of the Stamp Duties Consolidation Act 1999 is amended—

(a) in subsection (1), in the definition of "qualifying disclosure", by the substitution of the following paragraph for paragraph (a):

"(a) in relation to a penalty referred to in subsection (3), a disclosure that the Commissioners are satisfied is a disclosure of complete information in relation to, and full particulars of, all matters occasioning a liability to duty that gives rise to a penalty referred to in subsection (3), and full particulars of all matters occasioning any liability to tax that gives rise to a penalty referred to in sections 1077E(4) and 1077F(6) of the Taxes Consolidation Act 1997 (including those provisions as applied to the Capital Acquisitions Tax Consolidation Act 2003 by section 58(9)(b) of that Act), sections 116(4) and 116A(6) of the Value-Added Tax Consolidation Act 2010 and section 99C(6) of the Finance Act 2001, and",

and

(b) by the substitution of the following subsection for subsection (15):

"(15) (a) For the purposes of this subsection, the liability to duty shall include the amount calculated in accordance with subsection (9A).

(b) Where—

(i) the aggregate amount of—

(I) the liability to duty,

(II) the liability to tax (within the meaning of section 1077F(1) of the Taxes Consolidation Act 1997),

(III) the liability to tax (within the meaning of section 116A(1) of the Value-Added Tax Consolidation Act 2010),

(IV) the differences specified in subsections (5) and (5A), as appropriate, of section 58 of the Capital Acquisitions Tax Consolidation Act 2003, and

(V) the liability to tax (within the meaning of section 99C(1) of the Finance Act 2001),

does not exceed €6,000, and

(ii) but for this subsection the penalty would be reduced in accordance with subsection (5)(b) or (5A)(b) of this section, subsection (7) or (8) of section 1077F of the Taxes Consolidation Act 1997, subsection (7) or (8) of section 116A of

the Value-Added Tax Consolidation Act 2010 or subsection (7) or (8) of section 99C of the Finance Act 2001, as the case may be,

then, notwithstanding subsection (4), the person shall not be liable to a penalty under this section.".

Amendment of section 959AA of Principal Act (chargeable persons: time limit on assessment made or amended by Revenue officer)

90. Section 959AA of the Principal Act is amended, in subsection (2A), by the substitution of "subsection (1), section 959AB(1) and any limitation in the Acts on the time within which a claim for relief from tax is required to be made" for "subsection (1) and section 959AB(1)".

Amendment of section 959Z of Principal Act (right of Revenue officer to make enquiries)

91. Section 959Z of the Principal Act is amended—

(a) in subsection (2), by the substitution of "in accordance with subsection (2) of section 959Y by reference to any statement or particular referred to in paragraph (a) of that subsection" for "in accordance with section 959Y(2) by reference to any statement or particular referred to in paragraph (a) of that section", and

(b) in subsection (4), in paragraph (a), by the substitution of "apply, or" for "apply,".

Amendment of section 1041 of Principal Act (rents payable to non-residents)

92. (1) The Principal Act is amended in section 1041—

(a) in subsection (1), by the insertion of "(referred to in this section as the 'non-resident person') and where the person making the payment provides the Revenue Commissioners with the information specified in subsection (1A)" after "whose usual place of abode is outside the State",

(b) by the insertion of the following subsection after subsection (1):

"(1A) The following information is specified for the purposes of subsection (1):

(a) the name and address of the non-resident person;

(b) the address of the property in respect of which the payment referred to in subsection (1) is made, including the Eircode in respect of the property;

(c) the unique identification number assigned to the property for the purposes of the Finance (Local Property Tax) Act 2012;

(d) the date the payment referred to in subsection (1) is made to the non-resident person;

(e) the gross amount of the payment referred to in subsection (1);

(f) the amount withheld from the payment referred to in subsection (1) and remitted to Revenue in accordance with section 238.

(1B) (a) Subject to paragraph (b), section 1034 shall not apply to—

(i) tax on profits or gains chargeable to tax under Case V of Schedule D, or

(ii) tax on any of the profits or gains chargeable under Case IV of Schedule D which arise under the terms of the lease, but to a person other than the lessor, or which otherwise arise out of any disposition or contract such that if they arose to the person making it they would be chargeable under Case V of Schedule D,

where the trustee, guardian, committee, attorney, factor, agent, receiver, branch or manager of the non-resident person provides the Revenue Commissioners with the information specified in subsection (1C).

(b) Section 238 shall apply in relation to a payment referred to in subsection (1) due to a non-resident person which is made to the trustee, guardian, committee, attorney, factor, agent, receiver, branch or manager of that non-resident person, as it applies to other payments, being annual payments charged with tax under Schedule D and not payable out of profits or gains brought into charge to tax.

(1C) The following information is specified for the purposes of subsection (1B):

(a) the name, address and tax reference number of the non-resident person (being, in the case of an individual, his or her personal public service number (within the meaning of section 262 of the Social Welfare Consolidation Act 2005) and, in the case of a company, the reference number stated on any return of income or notice of assessment issued to the company by the Revenue Commissioners);

(b) the address of the property in respect of which the payment due to the non-resident person is made, including the Eircode in respect of the property;

(c) the unique identification number assigned to the property for the purposes of the Finance (Local Property Tax) Act 2012;

(d) the date the payment is due to the non-resident person in respect of the property;

(e) the gross amount of the payment due in respect of the property;

(f) the amount withheld from the payment due in respect of the property and remitted to Revenue in accordance with section 238.”,

and

(c) in subsection (2), by the substitution of "subsection (1) or (1B)" for "subsection (1)" in both places where it occurs.

(2) *Subsection (1)* shall come into operation on such day as the Minister for Finance may appoint by order.

Amendment of Part 1 of Schedule 26A to Principal Act (donations to approved bodies, etc.)

93. (1) Part 1 of Schedule 26A to the Principal Act is amended—

(a) by the substitution of the following paragraph for paragraph 3:

"3. A designated institution of higher education within the meaning of section 53(1) of the Higher Education Authority Act 2022 or any body established for the sole purpose of raising funds for such an institution.",

and

(b) by the insertion of the following paragraph after paragraph 7:

"7A. The Royal Irish Academy.".

(2) *Subsection (1)* shall come into operation on such day as the Minister for Finance may by order appoint.

(3) An order under *subsection (2)* may, if the order so provides, have retrospective effect but shall not have retrospective effect to any date earlier than the date of the coming into operation of section 53(1) of the Higher Education Authority Act 2022.

Amendment of Schedule 24A to Principal Act (arrangements made by the Government with the government of any territory outside the State in relation to affording relief from double taxation and exchanging information in relation to tax)

94. Schedule 24A to the Principal Act is amended in Part 3—

(a) by the substitution of the following paragraph for paragraph 5:

"5. The Exchange of Information Relating to Tax Matters and Double Taxation Relief (Taxes on Income) (Guernsey) Order 2010 (S.I. No. 27 of 2010) and the Double Taxation Relief (Taxes on Income) (Guernsey) Order 2022 (S.I. No. 490 of 2022).",

and

(b) by the substitution of the following paragraph for paragraph 6:

"6. The Exchange of Information Relating to Tax Matters and Double Taxation Relief (Taxes on Income) (Isle of Man) Order 2008 (S.I. No. 459 of 2008) and the Double Taxation Relief (Taxes on Income) (Isle of Man) Order 2022 (S.I. No. 491 of 2022).".

Trained farmer qualifications

95. (1) The Principal Act is amended—

(a) by the insertion of the following section after section 654:

"Trained farmer qualifications

654A.(1) In this section—

'relevant provisions' means—

(a) sections 667B and 667C,

(b) section 89 of the Capital Acquisitions Tax Consolidation Act 2003, and

(c) sections 81AA and 81D of, and Schedule 1 to, the Stamp Duties Consolidation Act 1999;

'specified list' has the meaning given to it by subsection (3);

'Table' has the meaning given to it by subsection (2);

'Teagasc' means Teagasc – the Agriculture and Food Development Authority;

'trained farmer qualification' has the meaning given to it by subsection (2).

(2) For the purposes of the relevant provisions, a reference in those provisions to a 'trained farmer qualification' means—

(a) a qualification set out in the Table to this section (in this section referred to as the 'Table'), or

(b) any other qualification that Teagasc certifies—

(i) as corresponding to a qualification set out in the Table, and

(ii) as being deemed by the Qualifications and Quality Assurance Authority of Ireland to be at least at a level equivalent to that of the qualification set out in the Table.

(3) For the purposes of this section, Teagasc shall—

(a) establish and maintain a list of trained farmer qualifications (in this section referred to as the 'specified list'),

(b) publish the specified list on a website maintained by or on behalf of Teagasc and by such other means as Teagasc considers appropriate,

(c) amend the specified list as necessary and appropriate to ensure it is up to date by—

(i) adding thereto any other qualification certified under subsection (2)(b), and

(ii) where subsection (4) applies, deleting therefrom,

and

(d) publish the specified list as amended under paragraph (c) on a website maintained by or on behalf of Teagasc and by such other means as Teagasc considers appropriate.

(4) This subsection shall apply in relation to a trained farmer qualification certified under paragraph (b) of subsection (2) which ceases to satisfy the requirements set out in subparagraphs (i) and (ii) of that paragraph.

TABLE

1. Qualifications awarded by the Qualifications and Quality Assurance Authority of Ireland:

(a) Level 6 Advanced Certificate in Farming;

(b) Level 6 Advanced Certificate in Agriculture;

(c) Level 6 Advanced Certificate in Dairy Herd Management;

(d) Level 6 Advanced Certificate in Drystock Management;

(e) Level 6 Advanced Certificate in Agricultural Mechanisation;

(f) Level 6 Advanced Certificate in Farm Management;

(g) Level 6 Advanced Certificate in Machinery and Crop Management;

(h) Level 6 Advanced Certificate in Horticulture;

(i) Level 6 Advanced Certificate in Forestry;

(j) Level 6 Advanced Certificate in Stud Management;

(k) Level 6 Advanced Certificate in Horsemanship;

(l) Level 6 Specific Purpose Certificate in Farm Administration;

(m) Higher Certificate in Agriculture;

(n) Bachelor of Science in Agriculture;

(o) Higher Certificate in Agricultural Science;

(p) Bachelor of Science in Agricultural Science;

(q) Bachelor of Science (Honours) in Land Management, Agriculture;

(r) Bachelor of Science (Honours) in Land Management, Horticulture;

(s) Bachelor of Science (Honours) in Land Management, Forestry;

(t) Higher Certificate in Engineering in Agricultural Mechanisation;

(u) Bachelor of Science in Rural Enterprise and Agri-Business;

(v) Bachelor of Business in Rural Enterprise and Agri-Business;

(w) Bachelor of Science in Agriculture and Environmental

Management;

(x) Bachelor of Science in Horticulture;

(y) Bachelor of Arts (Honours) in Horticultural Management;

(z) Bachelor of Science in Forestry;

(aa) Higher Certificate in Business in Equine Studies;

(ab) Bachelor of Science in Equine Studies;

(ac) Bachelor of Business in Equine Studies;

(ad) Higher Certificate in Science Applied Agriculture;

(ae) Bachelor of Science (Honours) in Sustainable Agriculture;

(af) Bachelor of Science (Honours) in Agriculture.

2. Other qualifications:

(a) Bachelor of Agricultural Science - Animal Crop Production awarded by University College Dublin;

(b) Bachelor of Agricultural Science - Agri-Environmental Science awarded by University College Dublin;

(c) Bachelor of Agricultural Science - Animal Science awarded by University College Dublin;

(d) Bachelor of Agricultural Science - Animal Science Equine awarded by University College Dublin;

(e) Bachelor of Agricultural Science - Dairy Business awarded by University College Dublin;

(f) Bachelor of Agricultural Science - Food and Agribusiness Management awarded by University College Dublin;

(g) Bachelor of Agricultural Science - Forestry awarded by University College Dublin;

(h) Bachelor of Agricultural Science - Horticulture, Landscape and Sportsturf Management awarded by University College Dublin;

(i) Bachelor of Veterinary Medicine awarded by University College Dublin;

(j) Bachelor of Science in Equine Science awarded by the University of Limerick;

(k) Diploma in Equine Science awarded by the University of Limerick;

(l) Bachelor of Science (Honours) in Agriculture awarded by the Dundalk Institute of Technology;

(m) Bachelor of Agricultural Science - Agricultural Systems

Technology awarded by University College Dublin;

(n) Bachelor of Science in Agricultural Science awarded by Munster Technological University;

(o) Bachelor of Science in Sustainable Farm Management and Agribusiness awarded by South East Technological University;

(p) Bachelor of Science (Honours) in Sustainable Farm Management and Agribusiness awarded by South East Technological University;

(q) Bachelor of Science in Agriculture awarded by Atlantic Technological University;

(r) Higher Certificate in Science in Agriculture awarded by Atlantic Technological University;

(s) Quality and Qualifications Ireland Level 6 Specific Purpose Certificate in Farming;

(t) Bachelor of Science (Honours) in Agricultural Science awarded by South East Technological University.",

(b) in section 667B—

(i) by the substitution of the following subsection for subsection (2):

"(2) The conditions required by this subsection are that the individual referred to in the definition of 'qualifying farmer' in subsection (1) is the holder of a trained farmer qualification (within the meaning given by section 654A).",

(ii) by the deletion of subsection (4), and

(iii) by the deletion of the Table to that section,

and

(c) in section 667C—

(i) in subsection (1A)(b)(v)(II), by the substitution of the following subclause for subclause (A):

"(A) is the holder of a trained farmer qualification (within the meaning given by section 654A), and",

and

(ii) in subsection (4A)(a), by the deletion of subparagraph (vi).

(2) The Capital Acquisitions Tax Consolidation Act 2003 is amended, in section 89(1), in the definition of "farmer", by the substitution of "Schedule 2 or 2A to the Stamp Duties Consolidation Act 1999 or a trained farmer qualification (within the meaning given by section 654A of the Taxes Consolidation Act 1997)" for "Schedule 2, 2A or 2B to the Stamp Duties Consolidation Act 1999".

(3) The Stamp Duties Consolidation Act 1999 is amended—

(a) in section 81AA—

(i) in subsection (1)—

(I) by the substitution of "In this section" for "In this section and Schedule 2B", and

(II) by the deletion of the definition of "Schedule 2B qualification",

(ii) in subsection (2), by the substitution of "a trained farmer qualification (within the meaning given by section 654A of the Taxes Consolidation Act 1997)" for "a Schedule 2B qualification",

(iii) by the deletion of subsection (6),

(iv) in subsection (11), by the substitution of the following paragraph for paragraph (a):

"(a) For the purposes of this subsection, a person 'achieves the standard' at any time where at that time the person satisfies the conditions set out in subsection (2), (3), (4) or (5) and whether a person has or has not achieved the standard shall be construed accordingly.",

(v) in subsection (14)(b), by the substitution of "to be the holder of a qualification corresponding to that set out in subparagraph (b) of paragraph 1 of the Table to section 654A of the Taxes Consolidation Act 1997" for "to be the holder of a qualification corresponding to that set out in subparagraph (b) of paragraph 1 of Schedule 2B", and

(vi) in subsection (15), by the substitution of "to be the holder of a qualification corresponding to that set out in subparagraph (b) of paragraph 1 of the Table to section 654A of the Taxes Consolidation Act 1997" for "to be the holder of a qualification corresponding to that set out in subparagraph (b) of paragraph 1 of Schedule 2B",

(b) in section 81D(4)(a), by the substitution of "a qualification set out in Schedule 2 or 2A to the Act or a trained farmer qualification (within the meaning given by section 654A of the Taxes Consolidation Act 1997)" for "a qualification set out in Schedule 2, 2A or 2B to the Act",

(c) in Schedule 1, under the heading "CONVEYANCE or TRANSFER on sale of any property other than stocks or marketable securities or a policy of insurance or a policy of life insurance"—

(i) in paragraph (5)(aa)(ii)(I), by the substitution of "Schedule 2 or 2A to the Act or a trained farmer qualification (within the meaning given by section 654A of the Taxes Consolidation Act 1997)" for "Schedule 2, 2A or 2B to the Act", and

(ii) in paragraph (5)(ab)(i), by the substitution of "Schedule 2 or 2A to the Act or a trained farmer qualification (within the meaning given by section 654A of the Taxes Consolidation Act 1997)" for "Schedule 2, 2A or 2B to the Act",

and

(d) by the deletion of Schedule 2B.

(4) *Subsections (1)*, *(2)* and *(3)* shall come into operation on 1 January 2023.

Vacant homes tax

96. (1) The Principal Act is amended by the insertion of the following Part after Part 22A:

"PART 22B

VACANT HOMES TAX

Chapter 1

Interpretation

Interpretation

653AN. (1) In this Part—

'Act of 2003' means the Capital Acquisitions Tax Consolidation Act 2003;

'Act of 2004' means the Residential Tenancies Act 2004;

'Act of 2012' means the Finance (Local Property Tax) Act 2012;

'chargeable period' means the 12-month period commencing on 1 November of each year, commencing with the year 2022;

'chargeable person', in relation to a residential property, means the person that is the liable person in relation to the residential property on the relevant date;

'company' includes any body corporate;

'designated chargeable person' shall be construed in accordance with section 653AS;

'electronic means' has the meaning given to it by section 917EA;

'liability date' has the same meaning as it has in the Act of 2012;

'liable person', in relation to a residential property, has the same meaning as it has in the Act of 2012, subject to the modification that, in reading Part 3 of that Act, a reference to a relevant residential property in that Part shall be read as a reference to a residential property;

'local authority' means a local authority for the purposes of the Local Government Act 2001;

'local property tax' has the same meaning as it has in the Act of 2012;

'market rent' has the same meaning as it has in Part 3 of the Act of 2004;

'market value', in relation to a residential property, means the price

which the unencumbered fee simple of the property might reasonably be expected to fetch on a sale in the open market were that property to be sold in such manner and subject to such conditions as might reasonably be calculated to obtain for the vendor the best price for the property and with the benefit of any easement necessary to afford the same access to the property as would have existed prior to that sale;

'personal public service number' has the same meaning as it has in section 262 of the Social Welfare Consolidation Act 2005;

'register' has the meaning given to it by section 653BL;

'registered medical practitioner' means a medical practitioner who is registered in the register established under section 43 of the Medical Practitioners Act 2007;

'registered professional' has the same meaning as it has in the Building Control Act 2007;

'relevant date', in relation to a chargeable period, means the first day immediately following the end of the chargeable period;

'relevant person' has the same meaning as it has in Part 15 of the Act of 2012;

'relevant tenancy' means a tenancy registered in accordance with Part 7 of the Act of 2004 made between a landlord and tenant who are not connected with each other within the meaning of section 10 of this Act and where the rent reserved is market rent;

'residential property' has the same meaning as it has in the Act of 2012;

'return' means a return which is required to be prepared and delivered to the Revenue Commissioners under section 653AQ;

'return date', in relation to a chargeable period, means the seventh day immediately following the end of the chargeable period;

'sale' includes the transfer, by a chargeable person in relation to a residential property, of the residential property to another person—

(a) in consequence of—

(i) the exercise of a power under any enactment to compulsorily acquire land, or

(ii) the giving of notice of intention to exercise such power,

or

(b) for no consideration or for consideration which is significantly less than the market value of the residential property at the time of its transfer;

'self-assessment' means an assessment by a chargeable person, or by a person acting under the authority of a chargeable person, of the amount of vacant homes tax payable by the chargeable person in respect of a residential property for a chargeable period;

'taxable inheritance' has the same meaning as it has in the Act of 2003;

'vacant home' means a residential property in respect of which a charge to vacant homes tax arises under section 653AO;

'vacant homes tax' has the meaning given to it by section 653AO;

'valuation date' has the same meaning as it has in the Act of 2003;

'valuation period' has the same meaning as it has in the Act of 2012.

Chapter 2

Vacant homes tax

Charge to vacant homes tax

653AO.(1) Subject to and in accordance with the provisions of this Part, there shall be charged, levied and paid a tax to be known, and which is referred to in this Part, as 'vacant homes tax' in respect of a residential property for a chargeable period in which the residential property is in use as a dwelling for less than 30 days, other than a residential property—

(a) in respect of which no local property tax was payable in respect of the liability date falling in the year in which the chargeable period commences,

(b) that was the subject of a relevant tenancy for a period of not less than 30 days during the chargeable period, or

(c) that was the subject of a sale during the chargeable period.

(2) Vacant homes tax shall be payable in respect of a residential property for a chargeable period by the person that is the chargeable person in relation to the property on the relevant date.

(3) Where more than one person is a chargeable person in relation to a residential property on the relevant date, those persons shall be jointly and severally liable for the vacant homes tax payable in relation to the property.

(4) Notwithstanding subsection (2), the vacant homes tax may be paid by another person on behalf of a chargeable person.

Amount of vacant homes tax

653AP. The amount of vacant homes tax to be charged in respect of a residential property for a chargeable period shall be the amount represented by 'A' in the formula—

A = B x 3

where 'B' is the amount of local property tax payable in respect of the residential property in relation to the liability date falling in the year in which the chargeable period commences calculated in accordance with section 17 of the Act of 2012 (before any adjustment is made in accordance with section 20 of that Act).

Chapter 3

Obligations on chargeable persons

Obligation on chargeable person to prepare and deliver a return

653AQ. (1) The chargeable person in relation to a residential property shall prepare and deliver to the Revenue Commissioners a return prescribed by the Revenue Commissioners for that purpose for any chargeable period in respect of which—

(a) a charge to vacant homes tax arises in respect of the residential property under section 653AO, or

(b) the Revenue Commissioners have required the chargeable person, by notice, to prepare and deliver to them a return in relation to the residential property.

(2) Without prejudice to the generality of subsection (1), the Revenue Commissioners may prescribe the following information to be included in a return referred to in that subsection:

(a) the address of the residential property, including the Eircode;

(b) the unique identification number assigned to the residential property by the Revenue Commissioners in accordance with section 27 of the Act of 2012;

(c) the name of the local authority in whose functional area the residential property is situated;

(d) a declaration as to whether or not the residential property was in use as a dwelling for less than 30 days in the chargeable period;

(e) where the residential property was in use as a dwelling for less than 30 days in the chargeable period, an explanation of the reason for this;

(f) details of any claim for exemption from vacant homes tax under section 653BC;

(g) in relation to each chargeable person—

(i) the name of the chargeable person,

(ii) the chargeable person's personal public service number or, in the case of a company, the tax reference number, and

(iii) the chargeable person's address for correspondence, including the Eircode;

(h) a method of payment for vacant homes tax;

(i) any other particulars that may be indicated in the return as being reasonably required for the purposes of determining a person's liability to the vacant homes tax.

(3) The information referred to in subsection (2)(e) shall not be used for any purpose other than compiling statistical information in relation to residential properties which are not in use as a dwelling.

One return in respect of jointly owned property

653AR. (1) Where 2 or more persons are chargeable persons in relation to a residential property, one return in respect of the property shall be prepared and delivered by the designated chargeable person.

(2) The making of a return referred to in subsection (1)—

(a) shall operate to satisfy the obligation of the other chargeable person, or chargeable persons, as the case may be, under this Part, and

(b) shall bind the other chargeable person, or chargeable persons.

(3) Where—

(a) more than one return is delivered in respect of a residential property, and

(b) one of the returns is delivered by the designated chargeable person,

the Revenue Commissioners shall notify the person who is not the designated chargeable person that a return has been delivered by the designated chargeable person.

(4) Where—

(a) more than one return is prepared and delivered in respect of a residential property, and

(b) there is no designated chargeable person in relation to the residential property,

the Revenue Commissioners shall designate a person to be the designated chargeable person and subsection (2) shall apply accordingly.

Designated chargeable person

653AS. (1) In this section, 'specified class of person' means a class of person specified in the Table to this section.

(2) This section has effect for the purpose of determining who shall be the designated chargeable person for the purposes of this Part.

(3) Subject to subsections (4) and (5), for the purposes of this Part the designated chargeable person—

(a) if one only of the specified classes of person is applicable in the circumstances concerned — shall be the person who falls within that specified class, or

(b) if several of the specified classes of person are applicable in the circumstances concerned — shall be the person who falls within whichever of those applicable classes is the class that appears, in the Table to this section, before the other applicable class or classes.

(4) Notwithstanding subsection (3), for the purposes of this Part the designated chargeable person shall, if the Revenue Commissioners exercise the power under subsection (5), be the person specified by them in the exercise of that power.

(5) The Revenue Commissioners may specify in writing that one of the chargeable persons referred to in section 653AR(1) shall be the designated chargeable person if either—

(a) they are of the opinion that it would be more appropriate that that person be the designated chargeable person than the person who would otherwise fall to be treated as the designated chargeable person by virtue of the operation of subsection (3), or

(b) the application of subsection (3) does not, in the circumstances concerned, result in the determination of a designated chargeable person.

(6) Where the Revenue Commissioners specify a designated chargeable person under subsection (5), they shall notify all of the chargeable persons in relation to the residential property concerned that a designated chargeable person has been so specified.

(7) A chargeable person aggrieved by the specification of a designated chargeable person under subsection (5) may appeal that specification to the Appeal Commissioners, in accordance with section 949I, within the period of 30 days after the date of the notification issued under subsection (6).

Table 1

Classes of person

1. The chargeable person who is nominated by joint election of all of the other persons who are chargeable persons in relation to the residential property, being a person whose name, address and personal public service number are notified in writing to the Revenue Commissioners.

2. The person who complied with section 6 of the Local Government (Household Charge) Act 2011 in relation to the residential property.

3. The person who complied with section 5 of the Local Government (Charges) Act 2009 in relation to the residential property.

4. If the residential property is jointly owned and the joint owners are a married couple or civil partners, as the case may be, the assessable spouse or civil partner where an election under section 1018 or 1031D has effect.

5. If the residential property is jointly owned and the joint owners are partners in a partnership, the precedent partner (within the meaning of section 1007).

6. The chargeable person with the highest total income (within the meaning of section 3(1)).

7. If the residential property is jointly owned and one of the joint owners is a company, the person who is not the company.

8. If the residential property is jointly owned and some of the joint owners are not resident or not ordinarily resident in the State, within the meaning of section 819 or 820, as the case may be, the person who is resident or ordinarily resident in the State.

Company returns

653AT. (1) Where a company is required to prepare and deliver a return under this Part, the return shall be prepared and delivered by the secretary of the company.

(2) In the case of a company not registered in the State, for the purposes of subsection (1), a secretary includes the agent, manager, factor or other representative of the company.

Preparation and delivery of return by person acting under authority

653AU. (1) Notwithstanding section 653AQ(1), a return may be prepared and delivered by a person acting under the authority of the chargeable person.

(2) Where a return is prepared and delivered by a person acting under the foregoing authority, this Part shall apply as if the return had been prepared and delivered by the chargeable person.

(3) Anything required or allowed to be done by a chargeable person under this Part may be done by a person acting under a chargeable person's authority.

Self-assessment and signed declaration

653AV. Every return prepared and delivered under this Part shall include—

(a) a self-assessment by, or on behalf of, the chargeable person concerned in such form as the Revenue Commissioners may specify, and

(b) a signed declaration by the person who prepares the return that the

return is, to the best of that person's knowledge and belief, correct.

Electronic delivery of returns

653AW. A return required to be delivered under this Part shall be delivered by electronic means and through such electronic systems as the Revenue Commissioners may make available for the time being for any such purpose, and the relevant provisions of Chapter 6 of Part 38 shall apply.

Date for delivery of returns

653AX. (1) A return required to be delivered under this Part shall be delivered—

(a) on or before the return date, where—

(i) paragraph (a), only, of section 653AQ(1) applies, or

(ii) both paragraphs (a) and (b) of section 653AQ(1) apply,

or

(b) by the date specified in the notice, where paragraph (b), only, of section 653AQ(1) applies.

(2) Nothing in this Part shall operate so as to require a chargeable person to deliver a return on a date earlier than the return date that applies to the return.

Date for payment of vacant homes tax

653AY. Vacant homes tax for a chargeable period shall be due and payable on or before 1 January in the year immediately following the end of the chargeable period.

Requirement to prepare and deliver return where payment arrangement in place

653AZ. Notwithstanding section 653AQ(1)(a), a chargeable person in relation to a residential property shall not be required to prepare and deliver a return in respect of the residential property for a chargeable period where the following conditions are satisfied:

(a) the chargeable person has not been required by the Revenue Commissioners to prepare and deliver a return in respect of the residential property under section 653AQ(1)(b),

(b) the relevant date does not fall in a year preceding the first year of a valuation period,

(c) the chargeable person, or another chargeable person, has prepared and delivered a return containing a self-assessment in relation to a previous chargeable period, and

(d) the amount of vacant homes tax specified in the self-assessment in the return referred to in paragraph (c) has been paid in respect of the chargeable period to which the return relates and each chargeable period that has arisen since that chargeable period (if

any) in accordance with—

(i) a method of payment specified in that return, or

(ii) a different method of payment to that referred to in subparagraph (i), which method of payment has been agreed with the Revenue Commissioners.

Retention of records

653BA.(1) The chargeable person shall retain, or cause to be retained on behalf of the chargeable person, such records as are required to enable a full and true return to be made for the purposes of this Part.

(2) Without prejudice to the generality of subsection (1), the records referred to in that subsection may include, but are not limited to, books, accounts, documents and any other data relating to—

(a) the use of a residential property in a chargeable period,

(b) the application, as the case may be, of paragraphs (a), (b) or (c) of section 653AO(1), and

(c) any claim to exemption under section 653BC.

(3) Records required to be retained by virtue of this section shall be retained in an official language of the State—

(a) in written form, or

(b) subject to section 887(2), by means of any electronic, photographic or other process.

(4) Notwithstanding any other law, records to be retained under this section shall be retained by the person required to retain the records for the longer of the following periods:

(a) where enquiries into a return are made by an officer of the Revenue Commissioners, the period ending on the day on which those enquiries are treated as completed by the officer;

(b) the period of 6 years commencing from the end of the year in which the chargeable period ends.

(5) For the purposes of this section, where the chargeable person is a company and the company—

(a) is wound up, the liquidator, or

(b) is dissolved without the appointment of a liquidator, the last directors, including any person occupying the position of director by whatever name called, of the company,

shall retain the records required to be retained under this section for a period of 5 years from the date from which the company is wound up or dissolved.

(6) For the purposes of this section, where a chargeable person dies, the executor or administrator of that deceased person shall retain the records required to be retained under this section for a period of 5 years from the date of death of the chargeable person.

(7) A person who fails to comply with this section in respect of the retention of any records relating to vacant homes tax shall be liable to a penalty of €3,000.

Notice to provide records

653BB. (1) In this section—

'bill' means an account sent by a creditor to a debtor;

'short term letting' has the same meaning as it has in section 3A of the Planning and Development Act 2000;

'unit' means a unit of electricity or, as the case may be, a unit of gas, that is equal to a kilowatt hour where one kilowatt hour is the amount of energy used by a 1 kW appliance for one hour;

'utility provider' means a person that—

(a) holds a licence under section 14(1)(b) or (h) of the Electricity Regulation Act 1999 to supply electricity, or

(b) holds a licence under section 16(1) of the Gas (Interim) Regulation Act 2002 to supply natural gas.

(2) The Revenue Commissioners may, by notice in writing, require the chargeable person in relation to a residential property to provide records demonstrating that the property was in use as a dwelling for 30 days or more in a chargeable period, within the time specified in the notice.

(3) Without prejudice to the generality of subsection (2), records demonstrating that the property was in use as a dwelling for 30 days or more in a chargeable period may include:

(a) a bill issued by a utility provider showing the units consumed at the property in the chargeable period;

(b) a bill issued by a person that holds a permit issued under the Waste Management (Collection Permit) Regulations 2007 showing details of waste collected from the property in the chargeable period;

(c) where the property was rented on a short-term basis in the chargeable period, evidence of each short term letting;

(d) a statutory declaration made by the chargeable person that the property was in use as a dwelling for 30 days or more in the chargeable period.

(4) Where the Revenue Commissioners decide that the records provided to

them pursuant to a notice issued under subsection (2) do not demonstrate to their satisfaction that the residential property concerned was in use as a dwelling for 30 days or more in the chargeable period concerned, the Revenue Commissioners shall, by notice in writing—

(a) inform the chargeable person of this decision,

(b) give the chargeable person an opportunity to provide further records demonstrating that the residential property was in use as a dwelling for 30 days or more in the chargeable period, within the time specified in the notice, and

(c) inform the chargeable person that the residential property shall be deemed to have been in use as a dwelling for less than 30 days in the chargeable period for the purposes of this Part where the Revenue Commissioners decide that—

(i) the records provided by the chargeable person pursuant to a notice issued under subsection (2) and,

(ii) as the case may be, the records provided by the chargeable person pursuant to a notice issued under this subsection,

do not demonstrate to their satisfaction that the property was in use as a dwelling for 30 days or more in the chargeable period.

(5) Where no records are provided to the Revenue Commissioners pursuant to a notice issued under subsection (2) within the time specified in the notice, the Revenue Commissioners shall, by notice in writing—

(a) give the chargeable person a further opportunity to provide records to the Revenue Commissioners demonstrating that the property was in use as a dwelling for 30 days or more in the chargeable period, within the time specified in the notice, and

(b) inform the chargeable person that the residential property shall be deemed to have been in use as a dwelling for less than 30 days in the chargeable period for the purposes of this Part where—

(i) the Revenue Commissioners decide that the records provided by the chargeable person to the Revenue Commissioners pursuant to a notice issued under this subsection do not demonstrate to their satisfaction that the property was in use as a dwelling for 30 days or more in a chargeable period, or

(ii) the chargeable person provides no records to the Revenue Commissioners pursuant to a notice issued under this subsection.

(6) For the purposes of this Part, a residential property shall be deemed to have been in use as a dwelling for less than 30 days in a chargeable

period where—

(a) the Revenue Commissioners decide that the records provided to them pursuant to a notice issued under subsection (2), (4) or (5), as the case may be, do not demonstrate to their satisfaction that the residential property concerned was in use as a dwelling for 30 days or more in the chargeable period concerned, or

(b) no records are provided to the Revenue Commissioners pursuant to a notice issued under subsection (2) or (5), as the case may be, in relation to the chargeable period concerned,

and the Revenue Commissioners shall inform the chargeable person in relation to the residential property accordingly, by notice in writing.

(7) Where a residential property is deemed to have been in use as a dwelling for less than 30 days in a chargeable period by virtue of a decision under subsection (6)(a), the chargeable person in relation to the residential property may appeal the decision to the Appeal Commissioners, in accordance with section 949I, within the period of 30 days after the date of the notice issued under subsection (6).

Chapter 4

Exemptions

Exemptions

653BC. Subject to and in accordance with the provisions of this Part, an exemption from vacant homes tax in respect of a residential property for a chargeable period may be claimed in a return delivered under this Part where—

(a) in the chargeable period, or in the 12-month period immediately prior to the chargeable period, the death occurs of the person who was, immediately prior to their death, the chargeable person in relation to the property, that person having occupied the property as his or her sole or main residence,

(b) a Grant of Representation (within the meaning of the Succession Act 1965) to the estate of the person who was, immediately prior to their death, the chargeable person in relation to the property, that person having occupied the property as his or her sole or main residence—

(i) issues in the chargeable period, or

(ii) issued prior to the commencement of the chargeable period and the last day of the chargeable period precedes the valuation date of the taxable inheritance comprising the property,

(c) the property was being actively marketed for sale in the chargeable period and the following conditions were met—

(i) the price sought for the property did not exceed the price which such property would have fetched if sold on the open market in such a manner and subject to such conditions as might reasonably be calculated to have obtained for the vendor the best price for the property, and

(ii) there were no conditions attaching to the sale which were designed to impede or disrupt the sale of the property,

(d) in the chargeable period, the property was being actively marketed for rent with a view to the chargeable person entering into a residential tenancy agreement with a willing tenant and the following conditions were met—

(i) the rent sought for the property did not exceed market rent, and

(ii) there were no conditions attaching to the tenancy which were unreasonable or designed to impede or disrupt the negotiation of a tenancy agreement,

(e) in the chargeable period, the occupation or sale of the property was prohibited by a Court Order,

(f) the property underwent structural works, substantial repairs or substantial refurbishment (hereafter referred to in this paragraph as 'the works') for a period of not less than 6 months in the chargeable period, the works were carried out in that period without any undue delay and—

(i) it is certified by a registered professional that—

(I) the occupation of the property during the period in which the works were carried out would have posed an actual threat to the health and safety of any occupant of the property, and

(II) in a case in which it was required, planning permission was obtained prior to the commencement of the works,

or

(ii) the cost of the works exceeded an amount equal to one fifth of the market value of the property immediately before the commencement of the works,

(g) the property was in use as a dwelling for less than 30 days in the chargeable period by reason of the chargeable person in relation to the property ceasing to occupy the property as a consequence of his or her mental or physical infirmity, that person having occupied the property as his or her sole or main residence prior to such cessation of occupation and which infirmity has been certified by a registered medical practitioner, or

(h) the chargeable person in relation to the residential property on the relevant date is an implementation body within the meaning of the British-Irish Agreement Act 1999.

Chapter 5

Assessments, enquiries and appeals

Assessments, enquiries and appeals

653BD. (1) Sections 959Y, 959Z, 959AA, 959AC, 959AD and 959AE shall apply to vacant homes tax, subject to the following modifications:

(a) a reference to a 'person' or a 'chargeable person' shall be construed as a reference to a chargeable person within the meaning of this Part;

(b) a reference to a 'chargeable period' shall be construed as a reference to a chargeable period within the meaning of this Part;

(c) a reference to a 'return' shall be construed as including a return within the meaning of this Part;

(d) a reference to 'self-assessment' shall be construed as a reference to a self-assessment within the meaning of this Part;

(e) a reference to 'any allowance, deduction, relief or tax credit for a chargeable period' shall be construed as including a reference to an exemption under this Part.

(2) A chargeable person aggrieved by an assessment or an amended assessment, as the case may be, made on that person pursuant to the provisions referred to in subsection (1), as applied subject to the modifications referred to in that subsection, may, within 30 days after the date of the notice of assessment appeal the assessment or the amended assessment to the Appeal Commissioners in accordance with section 949I.

Chapter 6

Interest on overdue tax, surcharge for late filing and penalties

Interest on overdue tax

653BE. (1) Subject to subsection (4), any vacant homes tax payable by a chargeable person shall carry interest from the date on which the tax becomes due and payable until payment and the amount of that interest shall be determined in accordance with subsection (2).

(2) The interest referred to in subsection (1) shall be determined by using the following formula:

T x D x R

where—

T is the vacant homes tax payable which remains unpaid,

D is the number of days (including part of a day) in the period during which the vacant homes tax remains unpaid, and

R is the rate, represented by P in the formula T x D x P in section 1080(2)(c), that would apply under that formula if the vacant homes tax payable was tax, within the meaning of that section, and the period during which the vacant homes tax remains unpaid was the period of delay, within the meaning of that section.

(3) The interest payable under this section—

(a) shall be payable without deduction of income tax and shall not be allowed as a deduction in computing any income, profits or losses for any of the purposes of the Tax Acts,

(b) shall be deemed to be a debt due to the Minister for Finance for the benefit of the Central Fund, and

(c) shall be payable to the Revenue Commissioners.

(4) Subject to subsection (5)—

(a) every enactment relating to the recovery of tax,

(b) every rule of court so relating,

(c) section 81 of the Bankruptcy Act 1988, and

(d) sections 440 and 621 of the Companies Act 2014,

shall apply to the recovery of any amount of interest payable on vacant homes tax as if that amount of interest were a part of that tax.

(5) In proceedings instituted by virtue of subsection (4)—

(a) a certificate signed by an officer of the Revenue Commissioners certifying that a stated amount of interest is due and payable by the person against whom the proceedings were instituted shall be evidence until the contrary is proven that that amount is so due and payable, and

(b) a certificate so certifying and purporting to be signed as specified in this subsection may be tendered in evidence without proof and shall be deemed until the contrary is proved to have been signed by an officer of the Revenue Commissioners.

Surcharge for late filing of vacant homes tax return

653BF. (1) For the purposes of this section—

(a) where a chargeable person deliberately or carelessly delivers an incorrect return on or before the return date, that person shall be deemed to have failed to have delivered the return on or before that date unless the error in the return is remedied by the delivery of a

correct return on or before that date,

(b) where a chargeable person delivers an incorrect return on or before the return date, but does so neither deliberately nor carelessly and it comes to that person's notice that it is incorrect, the person shall be deemed to have failed to have delivered the return on or before the return date unless the error in the return is remedied by the delivery of a correct return without unreasonable delay, or

(c) where a chargeable person delivers a return on or before the return date, but the Revenue Commissioners, by reason of being dissatisfied with any information contained in the return, require that person, by notice in writing, to deliver a return or evidence, or further return or evidence, as may be required by them, the person shall be deemed not to have delivered the return on or before the return date unless the person delivers the return or evidence, or further return or evidence, within the time specified in any notice.

(2) Where a chargeable person fails to deliver a return on or before the return date, any amount of vacant homes tax which would have been payable had a correct return been delivered shall be increased by an amount (in this subsection referred to as a 'surcharge') equal to—

(a) 5 per cent of that amount of tax, where the return is delivered before the expiry of 2 months from the return date, and

(b) 10 per cent of that amount of tax, where the return is not delivered before the expiry of 2 months from the return date.

Penalties

653BG. Section 1077F shall apply to vacant homes tax, subject to the following modifications:

(a) a reference to 'income, profits or gains' shall be construed as a reference to vacant homes tax, and

(b) a reference to 'any allowance, deduction, relief or credit' shall be construed as including a reference to an exemption under this Part.

Chapter 7

Management provisions

Care and management

653BH. (1) Vacant homes tax shall be under the care and management of the Revenue Commissioners.

(2) Part 37 shall apply to vacant homes tax subject to the following modifications:

(a) in sections 849, 863, 866, 872 and 874, a reference to 'income tax, corporation tax or capital gains tax' shall be construed as a reference to vacant homes tax;

(b) in sections 851, 852, 856, 860, 861, 862, 864, 867, 868, 869 and 870, a reference to 'the Tax Acts' shall be construed as a reference to this Part.

Power to combine forms

653BI. Any document, including a certificate, notice, notification, form or return, relating to vacant homes tax may be combined with such a document relating to any other tax, charge, levy or duty under the care and management of the Revenue Commissioners and any document so combined may be modified by the Revenue Commissioners accordingly in relation to its application to vacant homes tax and other tax, charge, levy or duty or to vacant homes tax only or to those taxes, charges, levies or duties only, as the case may be.

Power to require return of property

653BJ. Section 909 shall apply to vacant homes tax as it applies to income tax.

Revenue Commissioners may decide on allocation of payment

653BK. Notwithstanding section 960G, where vacant homes tax is payable by a chargeable person in respect of more than one residential property, the Revenue Commissioners may set any payment made by the chargeable person against that person's liability to vacant homes tax in respect of any or all of the person's residential properties in whatever proportion they consider appropriate.

Register

653BL. (1) The Revenue Commissioners shall establish and maintain a register of vacant homes and associated chargeable persons in the State (referred to in this Part as the 'register').

(2) The Revenue Commissioners may enter in the register such particulars in relation to a vacant home and its associated chargeable persons as they consider appropriate.

(3) Where particulars that the Revenue Commissioners have entered in the register under subsection (2) are proved not to be true, the Revenue Commissioners shall amend those particulars, or delete them from the register, as the case may be, accordingly.

Chapter 8

Miscellaneous provisions

Information to be provided to Revenue Commissioners

653BM. (1) Notwithstanding any enactment or rule of law, the Revenue Commissioners may, by notice in writing, request a relevant person to provide them with such information as is in the possession or control of the relevant person as the Revenue Commissioners may reasonably require for the purposes of—

(a) establishing whether a residential property was in use as a dwelling

for less than 30 days in a chargeable period,

(b) the administration of vacant homes tax, and

(c) establishing, maintaining and ensuring the accuracy of the register.

(2) Where the Revenue Commissioners make a request under subsection (1), the relevant person to whom the request is given shall provide such information as may be specified in the notice within the time limit specified in the notice.

(3) The information which the Revenue Commissioners may request under subsection (1) are the following details in the possession or control of the relevant person in relation to a residential property:

(a) the name of the occupier;

(b) the name of the owner;

(c) the address of the property, including the Eircode;

(d) any unique identification number which the relevant person has assigned to the property or, as the case may be, to any meter or other device located in the property or to the occupier or owner of that property;

(e) information in relation to the use, size and type of the property.

(4) The information to be provided by a relevant person under subsection (2) shall be provided in such form and manner as may be specified by the Revenue Commissioners.

(5) Where a relevant person has been requested by notice under subsection (1) to provide information to the Revenue Commissioners and the person fails to provide the information requested—

(a) in the form and manner requested, and

(b) within the time limit specified in the notice,

that person shall be liable to pay a penalty of €100 for each day the failure continues after the time limit specified in the notice.

(6) Where the relevant person referred to in subsection (5) is a body of persons, the secretary shall be liable to pay a separate penalty to the penalty referred to in that subsection of €100 for each day the failure continues after the time limit specified in the notice or a total penalty of €3,000, whichever is less.

Information to be provided by Revenue Commissioners

653BN. (1) Notwithstanding any enactment or rule of law, the Revenue Commissioners shall, upon a request from, and at such intervals as may be specified by, the Minister for Finance or the Minister for Housing, Local Government and Heritage, provide that Minister of the Government with such information other than taxpayer information

(within the meaning of section 851A) obtained by the Revenue Commissioners pursuant to this Part as that Minister of the Government may reasonably require for the purpose of enabling him or her to perform his or her functions.

(2) For the purposes of administering vacant homes tax, the Revenue Commissioners may request the assistance of a local authority in identifying any residential property in its functional area that is in use as a dwelling for less than 30 days in a chargeable period and in verifying the accuracy of any information it holds in relation to such properties and, for this purpose and notwithstanding any other enactment or rule of law, they may provide a local authority with such information in relation to those properties as may reasonably be required for this purpose.

(3) The Revenue Commissioners shall not provide information in accordance with subsection (1) unless they are satisfied that the provision by them of information obtained by them pursuant to this Part to such person will assist the person in discharging a function conferred on, or delegated to, the person by or under any enactment.

Restriction of deduction

653BO. Notwithstanding any provision of the Tax Acts or Capital Gains Tax Acts, in computing the amount of profit or gains to be charged to income tax, corporation tax or capital gains tax, no sum shall be deducted in respect of any amount of vacant homes tax.".

(2) Section 811C(1)(a) of the Principal Act is amended, in the definition of "the Acts"—

(a) in subparagraph (v), by the substitution of "that Act," for "that Act, and",

(b) in subparagraph (vi), by the substitution of "Part 18D, and" for "Part 18D", and

(c) by the insertion of the following subparagraph after subparagraph (vi):

"(vii) Part 22B,".

(3) Section 851A(1) of the Principal Act is amended, in the definition of "the Acts", by the insertion of the following paragraph after paragraph (b):

"(ba) Part 22B,".

(4) Section 858(1) of the Principal Act is amended, in paragraph (a) of the definition of "the Acts", by the insertion of the following subparagraph after subparagraph (iv):

"(iva) Part 22B,".

(5) Section 859(1) of the Principal Act is amended, in the definition of "the Revenue Acts", by the insertion of the following paragraph after paragraph (d):

"(da) Part 22B,".

(6) Section 865(1)(a) of the Principal Act is amended—

(a) in the definition of "Acts", by the substitution of "Part 18D, Part 22A and Part

22B" for "Part 18D and Part 22A", and

(b) in the definition of "tax", by the substitution of "universal social charge, residential zoned land tax or vacant homes tax" for "universal social charge or residential zoned land tax".

(7) Section 865B(1) of the Principal Act is amended—

(a) in the definition of "Acts", by the insertion of the following paragraph after paragraph (d):

"(da) Part 22B,",

and

(b) in the definition of "tax", by the substitution of "universal social charge, vacant homes tax or local property tax" for "universal social charge or local property tax".

(8) Section 874A(1) of the Principal Act is amended, in the definition of "the Acts", by the insertion of the following paragraph after paragraph (d):

"(da) Part 22B,".

(9) Section 949A of the Principal Act is amended—

(a) in the definition of "Acts", by the insertion of the following paragraph after paragraph (ca):

"(cb) Part 22B,",

and

(b) in the definition of "tax", by the substitution of "local property tax, vacant homes tax or any other levy or charge" for "local property tax or any other levy or charge".

(10) Section 960A of the Principal Act is amended—

(a) in the definition of "Acts", by the insertion of the following paragraph after paragraph (ga):

"(gb) Part 22B,",

and

(b) in the definition of "tax", by the substitution of "local property tax, vacant homes tax or any other levy or charge" for "local property tax or any other levy or charge".

(11) Section 960P of the Principal Act is amended, in subsection (2), by the substitution of "capital gains tax, local property tax and vacant homes tax" for "capital gains tax and local property tax".

(12) Section 1002(1)(a) of the Principal Act is amended, in the definition of "the Acts", by the insertion of the following subparagraph after subparagraph (iiib):

"(iiic) Part 22B,".

(13) Section 1006(1) of the Principal Act is amended, in the definition of "the Acts", by the insertion of the following paragraph after paragraph (ab):

"(ac) Part 22B,".

(14) Section 1077A of the Principal Act is amended, in the definition of "the Acts", by the insertion of the following paragraph after paragraph (ca):

"(cb) Part 22B,".

(15) Section 1077F of the Principal Act is amended, in subsection (1)—

(a) in the definition of "the Acts", by the substitution of "Parts 22A and 22B of this Act" for "Part 22A of this Act", and

(b) in the definition of "tax", by the substitution of "universal social charge, local property tax or vacant homes tax" for "universal social charge or local property tax".

(16) Section 1078(1) of the Principal Act is amended, in the definition of "the Acts", by the insertion of the following paragraph after paragraph (cb):

"(cc) Part 22B,".

(17) Section 1079(1) of the Principal Act is amended, in the definition of "the Acts", by the insertion of the following paragraph after paragraph (cb):

"(cc) Part 22B,".

(18) Section 1086A(1) of the Principal Act is amended, in the definition of "the Acts", by the insertion of the following paragraph after paragraph (b):

"(ba) Part 22B,".

(19) Section 1094(1) of the Principal Act is amended, in the definition of "the Acts", by the insertion of the following paragraph after paragraph (cb):

"(cc) Part 22B,".

(20) Section 1095(1) of the Principal Act is amended, in the definition of "the Acts", by the insertion of the following paragraph after paragraph (cb):

"(cc) Part 22B,".

(21) Schedule 29 to the Principal Act is amended, in column 1, by the insertion of "section 653AQ" after "section 653T".

(22) The Ministers and Secretaries (Amendment) Act 2011 is amended, in section 101(3), in the definition of "relevant enactment", by the insertion of the following paragraph after paragraph (ea):

"(eb) Part 22B of the Taxes Consolidation Act 1997,".

(23) The Provisional Collection of Taxes Act 1927 is amended, in section 1, in the definition of "tax", by the substitution of "residential zoned land tax, vacant homes

tax or any other levy" for "residential zoned land tax or any other levy".

(24) The Finance (Tax Appeals) Act 2015 is amended, in section 2, in the definition of "Taxation Acts", by the insertion of the following paragraph after paragraph (c):

"(ca) Part 22B of the Act of 1997,".

(25) This section shall come into operation on and from the date of the passing of this Act.

Amendment of section 604B of Principal Act (relief for farm restructuring)

97. (1) Section 604B of the Principal Act is amended, in subsection (1)(a), in the definition of "relevant period", by the substitution of "30 June 2023" for "31 December 2022".

(2) *Subsection (1)* shall come into operation on such day as the Minister for Finance may appoint by order.

Residential zoned land tax

98. (1) Section 653B of the Principal Act is amended, in paragraph (i), by the substitution of "provide" for "provides".

(2) Section 653I of the Principal Act is amended by the insertion of the following subsection after subsection (4):

"(5) Where a submission under subsection (1) is made by the owner of such lands, that person shall have available such evidence as is necessary to prove their ownership of the lands and the local authority may request that such evidence is provided to the local authority.".

(3) Section 653K of the Principal Act is amended by the insertion of the following paragraph after paragraph (d):

"(e) reflecting the determination of applications, if any, made—

(i) to retain unauthorised development, pursuant to section 34(12C) of the Act of 2000, or

(ii) for substitute consent, in accordance with section 177E of the Act of 2000,".

(4) Section 653S of the Principal Act is amended by the insertion of the following subsection after subsection (4):

"(5) A person who fails to comply with subsection (1) is liable to a penalty of €3,000.".

(5) Section 653T of the Principal Act is amended, in subsection (2), by the substitution of the following paragraph for paragraph (e):

"(e) details of any exemption from, abatement or deferral of, or repayment of residential zoned land tax, including of any claims made in accordance with section 653AD, 653AE, 653AF, 653AFA, 653AFB, 653AH, 653AHA or 653AI.".

(6) Section 653X of the Principal Act is amended, in subsection (1)—

(a) in paragraph (e), by the substitution of "is delivered';" for "is delivered'.", and

(b) by the insertion of the following paragraph after paragraph (e):

"(f) for the purposes of section 653AHA, in section 959AA(1)(ii), 'after the end of 4 years commencing at the end of the year in which the relevant contract (within the meaning of section 653AHA) expires' shall be substituted for 'after the end of a period of 4 years commencing at the end of the chargeable period for which the return is delivered'.".

(7) Section 653AC of the Principal Act is amended by the insertion of the following subsections after subsection (2):

"(3) Where, in relation to a relevant site, a person deliberately or carelessly delivers an incorrect return, as set out in section 1077F(2), on or before the return date, the person shall be deemed to have failed to deliver that return on or before that date unless the error in the return is remedied on or before that date.

(4) Subsection (3) shall not apply where, in relation to a relevant site, a person deliberately or carelessly delivers an incorrect return as set out in section 1077F(2), on or before the return date and pays the full amount of any penalty calculated in accordance with section 1077F(3) to which the person is liable.

(5) Where a person delivers an incorrect return in respect of a relevant site on or before the return date but does so neither deliberately nor carelessly and it comes to the person's notice (or, if he or she has died, to the notice of his or her personal representatives) that it is incorrect, the person shall be deemed to have failed to deliver the return on or before the return date unless the error in the return of income is remedied without unreasonable delay.".

(8) The Principal Act is amended by the insertion of the following sections after section 653AF:

"Deferral of tax during application to retain unauthorised development or for substitute consent

653AFA. (1) This section applies where a person makes—

(a) an application pursuant to section 34(12C) of the Act of 2000, or

(b) an application in accordance with section 177E of the Act of 2000,

in respect of land which would not satisfy the relevant criteria at the time of the making of that application, by virtue of its exclusion under section 653B(i) or (ii), but for its status as unauthorised development (within the meaning of the Act of 2000).

(2) Where this section applies and—

(a) the application referred to in paragraph (a) of subsection (1) is subsequently determined by the local authority concerned such that permission to retain the unauthorised development is granted, or

(b) the application referred to in paragraph (b) of subsection (1) is subsequently determined by An Bord Pleanála such that substitute consent is granted,

the land shall be treated for the purposes of this Part as not being a relevant site from the date of the making of the application referred to in paragraph (a) or (b), as the case may be, of subsection (1).

(3) Where a site ceases to be a relevant site in accordance with subsection (2), the liable person in relation to the site may make a claim for the repayment of all residential zoned land tax paid by that liable person in respect of the site that arose from the date of the making of the application referred to in subsection (1).

(4) At a return date after the date on which the application referred to in paragraph (a) or (b), as the case may be, of subsection (1) was made, but before the application has been determined, a liable person may make a claim to defer payment of the residential zoned land tax in respect of the land, until such time as the application is determined.

(5) Where—

(a) an application referred to in paragraph (a) or (b), as the case may be, of subsection (1) was made,

(b) a claim is made under subsection (4), and

(c) as the case may be—

(i) the application referred to in paragraph (a) of subsection (1) is determined by the local authority concerned such that permission to retain the unauthorised development is granted, or

(ii) the application referred to in paragraph (b) of subsection (1) is determined by An Bord Pleanála such that substitute consent is granted,

the tax deferred on foot of the claim under subsection (4) shall not be due and payable.

(6) Where—

(a) an application referred to in paragraph (a) or (b), as the case may be, of subsection (1) was made,

(b) a claim is made under subsection (4), and

(c) as the case may be—

(i) the application referred to in paragraph (a) of subsection (1) is determined by the local authority concerned such that

permission to retain the unauthorised development is not granted, or

(ii) the application referred to in paragraph (b) of subsection (1) is determined by An Bord Pleanála such that substitute consent is not granted,

subject to section 653AFB(6), the liable person shall amend each return in which a claim to defer payment under subsection (4) was made, and pay any tax and interest due accordingly.

(7) Where—

(a) a claim for deferral is made under subsection (4), and

(b) the owner sells the land concerned before the application concerned is determined,

the liable person shall amend each return in which a claim to defer payment in accordance with subsection (4) was made, and pay any tax and interest due accordingly.

Deferral of tax during appeals in respect of applications to retain unauthorised development or for substitute consent

653AFB.(1) In this section—

'relevant appeal' means, in respect of an application referred to in paragraph (a) of section 653AFA(1), an appeal to An Bord Pleanála of a decision of a local authority not to grant permission to retain the unauthorised development concerned, where the appeal has been made by the owner of the land to which the application referred to in paragraph (a) of section 653AFA(1) relates;

'relevant petition' means—

(a) in respect of an application referred to in paragraph (a) of section 653AFA(1)—

(i) an application for judicial review of a decision of a local authority or An Bord Pleanála not to grant permission to retain the unauthorised development concerned, or

(ii) an appeal of a determination of a judicial review referred to in subparagraph (i),

or

(b) in respect of an application referred to in paragraph (b) of section 653AFA(1)—

(i) an application for judicial review of a decision of An Bord Pleanála not to grant substitute consent in respect of the development concerned, or

(ii) an appeal of a determination of a judicial review referred to in

subparagraph (i),

where the appeal or application, as the case may be, has been made by the owner of the land to which the application referred to in paragraph (a) or (b), as the case may be, of section 653AFA(1) relates.

(2) This section applies where a relevant appeal or a relevant petition is made, in relation to land which would not satisfy the relevant criteria, at the time of the making of an application referred to in paragraph (a) or (b) of section 653AFA(1), by virtue of its exclusion under section 653B(i) or (ii), but for its status as unauthorised development (within the meaning of the Act of 2000).

(3) This subsection shall apply where this section applies and a relevant appeal is subsequently determined such that permission to retain the unauthorised development concerned is granted.

(4) Where subsection (3) applies, the land to which the permission relates shall be treated for the purposes of this Part as not being a relevant site from the date of the making of the application on foot of which the permission was granted.

(5) Where subsection (3) applies, the liable person in relation to the site to which the permission relates may make a claim for the repayment of all residential zoned land tax paid by that liable person in respect of the site that arose from the date of the making of the application on foot of which the permission was granted.

(6) Where a claim to defer tax was made in accordance with section 653AFA(4) in relation to an application in respect of which a relevant appeal or a relevant petition was made, section 653AFA(6) shall not apply where the liable person concerned makes a claim to continue to defer payment of the tax so deferred until such time as the relevant appeal or relevant petition, as the case may be, is subsequently determined.

(7) Subject to subsection (8), a liable person may make a claim to defer payment of the residential zoned land tax in respect of the site to which a relevant appeal or relevant petition, as the case may be, relates for the period from the date on which the relevant appeal or relevant petition, as the case may be, was made until the date on which the relevant appeal or relevant petition, as the case may be, is subsequently determined.

(8) A claim under subsection (7) may be made at a return date after the date on which a relevant appeal or relevant petition, as the case may be, was made but before the relevant appeal or relevant petition, as the case may be, was subsequently determined.

(9) Where this section applies and—

(a) a claim is made under subsection (6) or (7), and

(b) a relevant appeal is subsequently determined such that permission to retain the unauthorised development is granted,

the tax deferred on foot of the claim under subsection (6) or (7), as the case may be, shall not be due and payable.

(10) Where—

(a) a claim is made under subsection (6) or (7), and

(b) the relevant appeal is subsequently determined such that permission to retain the unauthorised development is not granted,

the liable person shall amend each return in which a claim to defer payment under section 653AFA(4) or subsection (7), as the case may be, was made, and pay any tax and interest due accordingly.

(11) Where a relevant petition is subsequently determined such that the applicant makes—

(a) an application pursuant to section 34(12C) of the Act of 2000, or

(b) an application in accordance with section 177E of the Act of 2000,

in respect of the development concerned within 3 months of the date of the determination, section 653AFA shall apply, subject to subsections (12) and (13), to the application made under paragraph (a) or (b), as the case may be.

(12) Where, as the case may be—

(a) the application referred to in paragraph (a) of subsection (11) is determined by the local authority concerned such that permission to retain the unauthorised development is not granted, or

(b) the application referred to in paragraph (b) of subsection (11) is determined by An Bord Pleanála such that substitute consent is not granted,

the liable person shall amend each return in which a claim to defer payment under section 653AFA(4) or subsection (7) was made in respect of the application to which the relevant petition relates (in this subsection and subsection (13) referred to as the 'original application'), from the date of the making of the original application to which the relevant petition relates, and pay any tax and interest due accordingly.

(13) Where, as the case may be—

(a) the application referred to in paragraph (a) of subsection (11) is determined by the local authority concerned such that permission to retain the unauthorised development is granted, or

(b) the application referred to in paragraph (b) of subsection (11) is determined by An Bord Pleanála such that substitute consent is granted,

then—

(i) the land shall be treated for the purposes of this Part as not being a relevant site from the date of the making of the original application,

(ii) the liable person in relation to the site to which the permission or substitute consent relates may make a claim for the repayment of all residential zoned land tax paid by that liable person in respect of the site that arose from the date of the making of the original application, and

(iii) where a claim was made under subsection (6) or (7), the tax deferred on foot of the claim shall not be due and payable.

(14) Where—

(a) a claim is made under subsection (6) or (7) in respect of a relevant petition, and

(b) that relevant petition is subsequently determined such that the application to which the relevant petition relates is remitted to the local authority or An Bord Pleanála, as the case may be, for determination,

section 653AFA shall, subject to subsections (15) and (16), apply to that application.

(15) Where, as the case may be—

(a) the application referred to in subsection (14) is determined by the local authority concerned such that permission to retain the unauthorised development is not granted, or

(b) the application referred to in subsection (14) is determined by An Bord Pleanála such that substitute consent is not granted,

the liable person shall amend each return in which a claim to defer payment under section 653AFA(4) or subsection (7) was made in respect of the application to which the relevant petition relates, and pay any tax and interest due accordingly.

(16) Where subsection (14) applies and a claim was made under subsection (6) or (7), the tax deferred on foot of the claim shall not be due and payable.

(17) Where—

(a) a claim is made under subsection (6) or (7) in respect of a relevant petition,

(b) that relevant petition is subsequently determined, and

(c) none of subsections (11) to (16) apply,

the liable person shall amend each return in which a claim to defer payment under section 653AFA(4) or subsection (7), as the case may be, was made, and pay any tax and interest due accordingly.

(18) Where—

(a) a claim for deferral is made under subsection (6) or (7), and

(b) the owner sells the land concerned before the relevant appeal concerned is determined,

the liable person shall amend each return in which a claim to defer payment in accordance with section 653AFA(4) or subsection (7), as the case may be, was made, and pay any tax and interest due accordingly.".

(9) The Principal Act is amended by the insertion of the following section after section 653AH:

"Sites subject to a relevant contract

653AHA. (1) In this section—

'lease' has the same meaning as it has in the Capital Gains Tax Acts;

'relevant contract' means a lease, other than a lease or an agreement for lease referred to in section 653Z(1)(c), which—

(a) is evidenced in writing,

(b) was entered into prior to 1 January 2022, and

(c) it is reasonable to consider precludes the owner of the relevant site from carrying out development on or to the site, or part thereof.

(2) Subject to subsections (3) and (5), on the making of a claim by the liable person, so much of any residential zoned land tax arising in relation to a relevant site which is subject to a relevant contract (or where only part of the site is subject to a relevant contract, that part of the relevant site), shall, for the period of that relevant contract, notwithstanding section 653Q(2), not be due and payable.

(3) Where a claim is made in accordance with subsection (2) in respect of part only of a relevant site, the amount of tax due and payable in respect of the relevant site during the period of the relevant contract shall be determined by the following formula:

$$C = T \times (A_{part}/A_{total})$$

where—

C is the amount of tax due and payable,

T is the total amount of residential zoned land tax that would be due and payable in respect of the site but for this section,

A_{part} is the area, in square metres, of the part of the site that is not subject to the relevant contract, and

A_{total} is the total area, in square metres, of the site.

(4) A claim referred to in subsection (2) shall be made in such form and contain such particulars as the Revenue Commissioners may prescribe.

(5) This section only applies if a return referred to in section 653T is delivered to the Revenue Commissioners in respect of each liability date occurring during the term of the relevant contract.

(6) This section shall not apply where the parties to the relevant contract include the owner of the relevant site and a person connected (within the meaning of section 10) with the owner.

(7) This section shall not apply to a relevant site subject to a relevant contract, where it would be reasonable to consider that the relevant contract is not entered into for bona fide commercial reasons and forms part of any arrangement or scheme the main purpose or one of the main purposes of which is the avoidance of a liability to tax.

(8) For the purposes of subsections (2) and (3), where a relevant contract precludes the owner of a relevant site from carrying out development on or to the site, or part thereof, for part only of the term of the contract, the period of that relevant contract shall be deemed to be the period during which such development is precluded under the contract.".

(10) Section 653AH of the Principal Act is amended by the insertion of the following subsection after subsection (7):

"(7A) Where deferred residential zoned land tax becomes due and payable in accordance with subsection (7)(b), the liable person shall amend each return in respect of each liability date to which this section refers and pay any tax and interest due accordingly.".

(11) Section 653AI of the Principal Act is amended—

(a) by the insertion of the following subsections after subsection (10):

"(10A) Where, on the date of death of a deceased person, section 653AFA applies to land in respect of which the deceased person was the owner immediately prior to their death—

(a) the personal representatives may, during the administration period, make any claim for the repayment of residential zoned land tax under section 653AFA(3) that the deceased person would have been entitled to make, or

(b) the personal representative may, during the administration period, make any claim to defer residential zoned land tax, under section 653AFA(4) that the deceased person would have been entitled to

make and any tax so deferred by the personal representative that becomes due and payable under subsection (6) or (7) of section 653AFA prior to the end of the administration period shall become a charge on the land concerned under section 653Q(4).

(10B) Where, on the date of death of a deceased person, section 653AFB applies to land in respect of which the deceased person was the owner immediately prior to their death, the personal representative may, during the administration period, make any claim to defer residential zoned land tax, under subsection (6) or (7) of 653AFB that the deceased person would have been entitled to make and any tax so deferred by the personal representative that becomes due and payable under subsection (10), (12), (15), (17) or (18) of section 653AFB prior to the end of the administration period shall become a charge on the land concerned under section 653Q(4).",

and

(b) by the insertion of the following subsection after subsection (11):

"(11A) Where, on the date of death of a deceased person, section 653AHA applies to a relevant site in respect of which the deceased person was the liable person immediately prior to their death, the personal representative may, during the administration period, make any claim under section 653AHA(2) that the deceased person would have been entitled to make.".

(12) The Principal Act is amended by the substitution of the following section for section 653AK:

"Restriction of deduction

653AK.(1) Notwithstanding anything in the Tax Acts or Capital Gains Tax Acts, in computing the amount of profits or gains to be charged to income tax, corporation tax or capital gains tax, no sum shall be deducted in respect of any amount of residential zoned land tax.

(2) Notwithstanding anything in the Tax Acts or Capital Gains Tax Acts, in computing amounts to be charged in accordance with Part 18D, no sum shall be deducted in respect of any amount of residential zoned land tax, nor shall any sum be deducted from the amount of domicile levy chargeable under Part 18C.".

(13) Section 917D of the Principal Act is amended, in subsection (1), by the substitution of the following definition for the definition of "the Acts":

" 'the Acts' means—

(a) the statutes relating to the duties of excise and to the management of those duties,

(aa) the Customs Acts,

(b) the Tax Acts,

(c) the Capital Gains Tax Acts,

(d) the Value-Added Tax Consolidation Act 2010, and the enactments amending or extending that Act,

(e) the Capital Acquisitions Tax Consolidation Act 2003, and the enactments amending or extending that Act,

(f) the Stamp Duties Consolidation Act 1999, and the enactments amending or extending that Act, and

(g) Part 22A,

and any instruments made under any of the statutes and enactments referred to in paragraphs (a) to (g);".

Defective concrete products levy

99. (1) The Principal Act is amended—

(a) by the insertion of the following Part after Part 18D:

"PART 18E

Defective Concrete Products Levy

Interpretation (Part 18E)

531AAG. In this Part—

'accounting period' means the period from 1 September 2023 to 31 December 2023 and thereafter a period of 6 months, the first such period beginning on 1 January 2024;

'chargeable person' means a person who makes the first supply of a concrete product;

'chargeable supply', in relation to a concrete product, means—

(a) the supply, within the meaning of paragraph (a) of the definition in this section of 'supply', of a concrete product by a person in the course of any business carried on in the State by the person,

(b) the supply, within the meaning of paragraph (b) of the said definition of 'supply', of a concrete product by a person in the State, or

(c) the supply, within the meaning of paragraph (c) of the said definition of 'supply', of a concrete product by a person in the State;

'concrete' means material formed by mixing cement, coarse and fine aggregate and water, with or without the incorporation of admixtures, additions or fibres, which develops its properties by hydration;

'concrete product' means—

(a) a product that—

(i) contains concrete, and

(ii) is of a type that is required to comply with the standard specified in column (1) of Schedule 36, the title description of which is set out in column (2) of that Schedule opposite the reference to that product type in column (1),

or

(b) concrete that is ready to pour and which is of a kind specified in paragraph 16(1) of Part 4 of Schedule 3 to the Value-Added Tax Consolidation Act 2010 and to which section 46(1)(c) of that Act applies;

'connected persons' has the same meaning as in section 10;

'defective concrete products levy' has the meaning assigned to it by section 531AAH;

'electronic means' has the same meaning as in section 917EA(1);

'first supply' means a chargeable supply of a concrete product where a previous chargeable supply of that concrete product has not occurred;

'linking documents' has the same meaning as in section 886(1);

'records' has the same meaning as in section 886(1);

'self-assessment' means an assessment by a chargeable person, or a person acting under the authority of a chargeable person, of the amount of defective concrete products levy payable by the chargeable person in respect of an accounting period;

'supply', in relation to a concrete product, means—

(a) the transfer of ownership of a concrete product by agreement or sale,

(b) the assignment of a concrete product for use in a business other than by way of a transfer by agreement or sale as referred to in paragraph (a), or

(c) the private use, or the use in the course of a business, in the State of a concrete product;

'supply date' means the date of the first supply of a concrete product.

Charging of defective concrete products levy

531AAH. (1) Subject to the provisions of this Part, there shall be charged, levied and paid a levy to be known as the 'defective concrete products levy' on the first supply of a concrete product by a chargeable person.

(2) The defective concrete products levy shall be charged on the supply date and the chargeable person shall be accountable for and liable to

pay the defective concrete products levy charged.

(3) Where a chargeable person makes a first supply of a concrete product, being a supply within the meaning of paragraph (a) of the definition in section 531AAG of 'supply', the chargeable person shall, by electronic or other means, issue a document to the person to whom the supply was made stating—

(a) the amount of the defective concrete products levy that has been applied to the supply of the concrete product,

(b) the supply date of the concrete product subject to the defective concrete products levy, and

(c) the name of the chargeable person.

(4) Where a chargeable person makes a first supply of a concrete product, being a supply within the meaning of paragraph (b) or (c), as the case may be, of the definition in section 531AAG of 'supply', the chargeable person shall, by electronic or other means, make a record stating—

(a) the amount of the defective concrete products levy that has been applied to the supply of the concrete product, and

(b) the supply date of the concrete product subject to the defective concrete products levy.

(5) A chargeable person who fails to comply with subsection (3) or (4), as the case may be, shall be liable to a penalty, not exceeding €500 for each such failure.

(6) A chargeable person who fails to comply with subsection (2) shall be liable—

(a) to pay the defective concrete products levy not so charged, and

(b) to a penalty not exceeding €4,000.

Amount of defective concrete products levy

531AAI. The amount of defective concrete products levy to be charged in respect of the first supply of a concrete product shall be an amount represented by A in the formula—

$$A = B \times C$$

where—

B is the open market value of the concrete product on the supply date, and

C is the rate of 5 per cent.

Obligation to register

531AAJ.(1) Every chargeable person shall, prior to making a first supply of a concrete product, register with the Revenue Commissioners as a

chargeable person for the purposes of this Part.

(2) For the purposes of subsection (1), each chargeable person shall provide the Revenue Commissioners with the following particulars for the purposes of registering such person as a chargeable person:

(a) the chargeable person's name;

(b) the tax reference number (within the meaning of section 891B) or TIN (within the meaning of section 891F) of the chargeable person;

(c) the business address of the chargeable person.

(3) A person who ceases to be a chargeable person within the meaning of the definition in section 531AAG of 'chargeable person' shall notify the Revenue Commissioners of such cessation by written or electronic means and shall specify the date of cessation in the notification.

(4) The Revenue Commissioners shall keep and maintain a register of chargeable persons for the purposes of this Part.

Returns and payments by chargeable persons

531AAK.(1) Within 23 days from the end of an accounting period a chargeable person shall prepare and deliver to the Revenue Commissioners a return and self-assessment and remit to the Revenue Commissioners all amounts due to be charged under section 531AAH.

(2) The return required under subsection (1) shall contain the particulars required by it which shall include—

(a) the sum of the open market values, on the supply date, of concrete products supplied in the accounting period, and

(b) the amount of defective concrete products levy due for the accounting period.

(3) A return shall be required to be made by a chargeable person for an accounting period notwithstanding that no defective concrete products levy is due to be remitted by the chargeable person in that accounting period.

(4) Every return shall be in a form prescribed by the Revenue Commissioners and shall include a declaration to the effect that the return is correct and complete.

(5) A return shall be made by electronic means and the relevant provisions of Chapter 6 of Part 38 shall apply.

(6) Notwithstanding the requirements of subsection (2), where a chargeable person is aware or becomes aware that a return required under subsection (1) contains an error or omission an amended return shall be submitted by the chargeable person.

(7) A chargeable person who fails to file a return as required by this

section shall be liable to a penalty not exceeding €4,000 for each such failure.

Assessments, enquiries and appeals

531AAL. (1) Sections 959Y, 959Z, 959AA, 959AC, 959AD and 959AE shall apply to defective concrete products levy, subject to the following modifications:

(a) a reference to a 'person' or a 'chargeable person' shall be construed as a reference to a 'chargeable person within the meaning of section 531AAG';

(b) a reference to a 'chargeable period' shall be construed as a reference to an 'accounting period within the meaning of section 531AAG';

(c) a reference to 'tax' shall be construed as including defective concrete products levy;

(d) a reference to 'amount of income, profits or gains, or, as the case may be, chargeable gains' shall be construed as including a reference to the open market value of a concrete product;

(e) a reference to a 'return' shall be construed as including a return required under this Part.

(2) A chargeable person aggrieved by an assessment or an amended assessment, as the case may be, made on that chargeable person pursuant to the provisions referred to in subsection (1), as applied subject to the modifications referred to in that subsection, may, within 30 days after the date of the notice of assessment appeal the assessment or the amended assessment to the Appeal Commissioners in accordance with section 949I.

Interest on overdue defective concrete products levy

531AAM.(1) Any amount of defective concrete products levy shall carry interest from the date when the defective concrete products levy becomes due and payable until payment for any day or part of a day during which the amount remains unpaid, at a rate of 0.0219 per cent.

(2) Subsections (3) to (5) of section 1080 shall apply in relation to interest payable under subsection (1) as they apply in relation to interest payable under section 1080.

Obligation to keep certain records

531AAN.(1) A chargeable person shall retain, or cause to be retained on behalf of the chargeable person, such records and linking documents as are required to enable a full and true return to be made for the purposes of this Part.

(2) Without prejudice to the generality of subsection (1), the records required to be retained under that subsection shall include, but are not

limited to, books, accounts, documents and any other data maintained manually or by any electronic, photographic or other process, relating to—

(a) each first supply of concrete products during an accounting period, including—

(i) invoices, delivery and purchase records,

(ii) specific concrete product information which will enable the identification of the type of concrete product, and

(iii) documentation recording the open market value of the concrete products,

(b) the calculation of the liability for and payment of the defective concrete products levy in an accounting period by a chargeable person, and

(c) where applicable, the document issued under section 531AAH(3) or record made under section 531AAH(4) in relation to each such first supply.

(3) Records required to be retained under this section shall be retained—

(a) in written form in an official language of the State, or

(b) subject to section 887(2), by means of any electronic, photographic or other process.

(4) Notwithstanding any other law, records to be retained under this section shall be retained by the chargeable person required to retain the records, for the period of 6 years commencing from the end of the accounting period in which a return has been delivered.

(5) For the purposes of this section, where the chargeable person is a company and the company—

(a) is wound up, the liquidator, or

(b) is dissolved without the appointment of a liquidator, the last directors, including any person occupying the position of director by whatever name called, of the company,

shall retain the records required to be retained under this section for a period of 5 years from the date from which the company is wound up or dissolved.

(6) For the purpose of this section, where a chargeable person dies, the executor or administrator of that deceased person shall retain the records required to be retained under this section for a period of 5 years from the date of death of the chargeable person.

(7) A person who fails to comply with this section in respect of the retention of any records relating to defective concrete products levy

shall be liable to a penalty of €3,000.

Care and management of defective concrete products levy

531AAO.(1) Defective concrete products levy is under the care and management of the Revenue Commissioners.

(2) Part 37 shall apply to defective concrete products levy as it applies to income tax, corporation tax and capital gains tax.

Valuation procedures

531AAP. (1) If the Revenue Commissioners are not satisfied with the open market value of a concrete product provided in a return or where no return is made, they may estimate the value of the concrete product and any charge to defective concrete products levy shall be made by reference to the open market value estimated by the Revenue Commissioners.

(2) The open market value of any concrete product for the purposes of subsection (1) shall be ascertained by the Revenue Commissioners in such manner and by such means as they think fit and they may authorise a person suitably qualified for that purpose.

(3) Where the Revenue Commissioners require a valuation to be made by a person authorised by them for the purposes of subsection (2) the costs of such valuation shall be defrayed by the Revenue Commissioners.

Application of Part 18E

531AAQ.(1) Subject to subsection (2), this Part shall apply to the first supply of a concrete product on or after 1 September 2023.

(2) Subject to subsection (3), this Part shall not apply to the supply of a concrete product if the first supply of that concrete product was before 1 September 2023.

(3) Where arrangements are entered into by connected persons and it would be reasonable to consider that one of the main purposes of those arrangements, or any part of them, is to avoid the application of section 531AAH by having a first supply of that product before 1 September 2023, then subsection (2) shall apply as if those arrangements, or that part of them, had not been entered into.",

(b) in section 949A, in paragraph (c) of the definition of "Acts", by the substitution of "Parts 18A to 18E," for "Parts 18A to 18D,",

(c) in section 960A, in paragraph (g) of the definition of "Acts", by the substitution of "Parts 18A, 18B, 18C, 18D and 18E," for "Parts 18A, 18B and 18C and 18D,",

(d) in section 1002(1)(a), in subparagraph (iiia) of the definition of "the Acts", by the substitution of "Parts 18A, 18B, 18C, 18D and 18E," for "Parts 18A, 18B, 18C and 18D,",

(e) in section 1006(1), in paragraph (aa) of the definition of "the Acts", by the

substitution of "Parts 18A, 18B, 18C, 18D and 18E," for "Parts 18A, 18B, 18C and 18D,",

(f) in section 1077A, in paragraph (c) of the definition of "the Acts", by the substitution of "Parts 18A, 18B, 18C, 18D and 18E," for "Parts 18A, 18B, 18C and 18D,",

(g) in section 1077F(1)—

(i) in the definition of "the Acts", by the substitution of "Parts 18A, 18B, 18C, 18D, 18E" for "Parts 18A, 18B, 18C, 18D", and

(ii) in the definition of "tax", by the insertion of "defective concrete products levy," after "residential zoned land tax,",

(h) in section 1078(1), in paragraph (ca) of the definition of "the Acts", by the substitution of "Parts 18A, 18B, 18C, 18D and 18E," for "Parts 18A, 18B, 18C and 18D,",

(i) in section 1079(1), in paragraph (ca) of the definition of "the Acts", by the substitution of "Parts 18A, 18B, 18C, 18D and 18E," for "Parts 18A, 18B, 18C and 18D,",

(j) in section 1086A(1), in paragraph (b) of the definition of "the Acts", by the substitution of "Parts 18A, 18B, 18C, 18D, 18E and 22A of this Act," for "Parts 18A, 18B, 18C, 18D and 22A of this Act,",

(k) in section 1094(1), in paragraph (ca) of the definition of "the Acts", by the substitution of "Parts 18A, 18B, 18C, 18D and 18E," for "Parts 18A, 18B, 18C and 18D,",

(l) in section 1095(1), in paragraph (ca) of the definition of "the Acts", by the substitution of "Parts 18A, 18B, 18C, 18D and 18E," for "Parts 18A, 18B, 18C and 18D,",

(m) in Schedule 29, by the insertion of "section 531AAK" after "section 531AAF" in column (1), and

(n) by the insertion of the following Schedule after Schedule 35:

"SCHEDULE 36

Types and Standards of Concrete Product for the Purposes of Part 18E

Harmonised European Standard as referenced in the Official Journal of the European Union[100] (or any adopted national version of such Harmonised European Standard) (1)	Title Description (2)
EN 771-3:2011+A1:2015	Specification for masonry units - Part 3: Aggregate concrete masonry units (Dense and lightweight aggregates)

100 OJ No. L88, 4.4.2011, p.5

EN 771-4:2011+A1:2015	Specification for masonry units - Part 4: Autoclaved aerated concrete masonry units

".

(2) The Ministers and Secretaries (Amendment) Act 2011 is amended, in section 101(3), in the definition of "relevant enactment", by the substitution of the following paragraph for paragraph (e):

"(e) Part 18A, 18B, 18C, 18D or 18E of the Taxes Consolidation Act 1997,".

(3) The Finance (Tax Appeals) Act 2015 is amended, in section 2, in paragraph (c) of the definition of "Taxation Acts", by the substitution of "18E" for "18D".

(4) *Subsections (1)* to *(3)* shall come into operation on 1 September 2023.

Objectives of *section 101*, purposes for which its provisions are enacted and certain duty of Minister for Finance respecting those provisions' operation

100. (1) (a) The objectives of *section 101* are to provide necessary assistance to the economy so as to mitigate the effects on the economy of the impact of the exceptional rise in global energy prices, consistent with the Temporary Crisis Framework (within the meaning of s*ection 101)*.

(b) The purposes for which the provisions of *section 101* (in this section referred to as the "Temporary Business Energy Support Scheme") are, in furtherance of the foregoing objectives, enacted are:

(i) in addition to the provision of basic mechanisms to fulfil those objectives, to ensure the efficient use of the Temporary Business Energy Support Scheme so as to minimise the cost to the Exchequer of the scheme (so far as consistent with fulfilment of those objectives);

(ii) having regard to the Temporary Crisis Framework, to take account of the need to reflect further changes in energy prices and the consequential impact on persons carrying on a trade or profession (both within the meaning of *section 101*) to whom payments under the Temporary Business Energy Support Scheme are being made;

(iii) to take account of changes in the State's economic circumstances and the demands on its financial resources which may occur in the remainder of the current financial year and thereafter.

(c) It shall be the duty of the Minister for Finance, in consultation with the Minister for Enterprise, Trade and Employment, to monitor and superintend the administration of the Temporary Business Energy Support Scheme (but this paragraph does not derogate from the function of the care and management conferred on the Revenue Commissioners by *section 101*).

(d) Without prejudice to the generality of *paragraph (c)*, the Minister for Finance shall cause an assessment, at such intervals as he or she considers appropriate but

no less frequently than every 3 months beginning on 20 October 2022, of the following, and any other relevant matters, to be made—

(i) up-to-date data compiled by the Department of Finance relating to the State's receipts and expenditure,

(ii) up-to-date data provided by the Minister for Environment, Climate and Communications on the trajectory of energy prices,

(iii) such other data as the Minister for Finance may consider relevant in relation to the impact from, and effects of, increased energy prices on the economy, including by reference to—

(I) an assessment, on economic grounds, of the Temporary Business Energy Support Scheme that may be commissioned by the Minister for Finance and any opinion as to the sustainability of that Scheme expressed therein, and

(II) up-to-date data from the register commonly referred to as the "Live Register" and data related to that register supplied to the Department of Finance by the Department of Enterprise, Trade and Employment (whether data compiled by that last-mentioned Department of State from its own sources or those available to it from sources maintained elsewhere in the Public Service).

(e) Following an assessment under *paragraph (d)*, it shall be the duty of the Minister for Finance, after consultation with the Minister for Enterprise, Trade and Employment, the Minister for the Environment, Climate and Communications, and the Minister for Public Expenditure and Reform, to determine whether it is necessary to exercise the power so, as appropriate, to—

(i) fulfil better, the objectives specified in *paragraph (a)*, or

(ii) facilitate the furtherance of any of the purposes specified in *paragraph (b)*,

and if the Minister for Finance determines that such is necessary, the power under *subsection (2)(a)* shall become and be exercisable by the Minister for Finance.

(2) (a) Where the Minister for Finance makes a determination of the kind lastly referred to in *subsection (1)(e)*, the Minister for Finance shall, as he or she deems fit and necessary—

(i) make an order providing that the day referred to in the definition of "specified period" in *section 101(1)* as the day on which the period therein referred to shall expire shall be such day as is later than 28 February 2023 (but not later than 30 April 2023) as the Minister for Finance considers appropriate and specifies in the order,

(ii) make an order providing that an amount, being such amount as the Minister for Finance—

(I) considers necessary to—

(A) fulfil, better, the objectives specified in *subsection (1)(a)*, or

(B) facilitate the furtherance of any of the purposes specified in *subsection (1)(b)*,

and

(II) specifies in the order,

shall stand substituted for an amount for the time being specified in *paragraph (a)* of *section 101(9)*, represented by "B" in the formula in *paragraph (b)(i)* of *section 101(9)* and specified in *paragraph (b)(iii)* of *section 101(9)* (and which amount, so specified or represented as the case may be, is greater or lower, as the Minister for Finance considers necessary, than the amount concerned for the time being specified or represented in the foregoing provisions) and references in this subparagraph to the amount concerned for the time being specified or represented in the foregoing provisions are references to the amount concerned for the time being specified or represented in those provisions, as enacted, or in consequence of a previous order that has been made under this subparagraph,

(iii) make an order providing that an amount, being such amount as the Minister for Finance—

(I) considers necessary to—

(A) fulfil, better, the objectives specified in *subsection (1)(a)*, or

(B) facilitate the furtherance of any of the purposes specified in *subsection (1)(b)*,

and

(II) specifies in the order,

shall stand substituted for an amount for the time being specified in *paragraph (b)(i)* of *section 101(9)* (other than the amount represented by "B" in the formula in *paragraph (b)(i)* of *section 101(9)*) (and which amount, so specified, is greater or lower, as the Minister for Finance considers necessary, than the amount concerned for the time being specified in the foregoing provision) and references in this subparagraph to the amount concerned for the time being specified in the foregoing provision are references to the amount for the time being specified in the foregoing provision, as enacted, or in consequence of a previous order that has been made under this subparagraph.

(b) Where an order under *paragraph (a)* is proposed to be made, a draft of the order shall be laid before Dáil Éireann and the order shall not be made unless a resolution approving of the draft has been passed by that House.

Temporary Business Energy Support Scheme

101. (1) In this section—

"Act of 1999" means the Electricity Regulation Act 1999;

"approved body of persons" has the same meaning as it has in section 235 of the

Principal Act;

"billing period" means, in relation to a TBESS electricity bill or a TBESS gas bill, the invoice period or the statement period, as the case may be;

"chargeable period" has the same meaning as it has in section 321(2) of the Principal Act;

"charity" has the same meaning as it has in section 208 of the Principal Act;

"claim period" means a calendar month falling within the specified period, and each calendar month within the specified period shall be a separate claim period;

"credit institution" has the same meaning as it has in the European Union (Capital Requirements) Regulations 2014 (S.I. No. 158 of 2014);

"electricity account", in relation to an eligible business, means an account—

(a) in respect of which a meter point reference number has been assigned,

(b) which identifies a connection the eligible business has to the State's electricity network, and

(c) which is held by a final customer with an electricity supplier;

"electricity invoice" means the periodic invoice, or that part of the periodic invoice, provided or made available by an electricity supplier to an eligible business in respect of an electricity account, requesting payment for electricity supplied during the invoice period to the eligible business;

"electricity statement" means, in respect of a prepayment meter, the periodic statement, or that part of the periodic statement, provided or made available by an electricity supplier to an eligible business in respect of an electricity account displaying, in respect of the statement period concerned, the number of units of electricity consumed, the total amount of charges in respect of electricity consumed and the payments made by the eligible business during that statement period;

"electricity supplier" means the holder of a licence granted under paragraph (b) or (h) of section 14(1) of the Act of 1999;

"electricity supply address" means, in relation to an electricity account held by an eligible business, the address at which electricity is supplied by an electricity supplier to the eligible business;

"eligible business" means, subject to *subsection (2)*, a person who—

(a) carries on a trade or profession, either solely or in partnership, and

(b) is not a credit institution or financial institution;

"eligible cost" shall be construed in accordance with *subsection (6)*;

"energy" means electricity or natural gas;

"energy costs threshold" shall be construed in accordance with *paragraph (b)* or *paragraph (c)*, as the case may be, of *subsection (5)*;

"final customer"—

(a) in relation to electricity, has the same meaning as it has in section 2(1) of the Act of 1999, and

(b) in relation to natural gas, means a person who purchases natural gas for the person's own use;

"financial institution" has the same meaning as it has in the European Union (Capital Requirements) Regulations 2014 (S.I. No. 158 of 2014);

"fishery and aquaculture products" means the products defined in Article 5(a) and (b) of Regulation (EU) No. 1379/2013[101];

"gas connection", in relation to an eligible business, means a connection—

(a) in respect of which a gas point reference number has been assigned,

(b) which identifies a connection the eligible business has to the State's gas network, and

(c) in respect of which the eligible business is a final customer;

"gas invoice" means the periodic invoice, or that part of the periodic invoice, provided or made available by a gas supplier to an eligible business requesting payment for natural gas supplied during the invoice period to the eligible business through a gas connection;

"gas point reference number" means the unique seven digit number assigned to a gas connection and the expression "GPRN" shall be construed accordingly;

"gas statement" means, in respect of a prepayment meter, the periodic statement, or that part of the periodic statement, provided or made available by a gas supplier to an eligible business in respect of a gas connection displaying, in respect of the statement period concerned, the number of units of natural gas consumed, the total amount of charges in respect of natural gas consumed and the payments made by the eligible business during that statement period;

"gas supplier" means the holder of a licence granted under section 16(1)(a) of the Gas (Interim) (Regulation) Act 2002;

"Income Tax Acts" has the same meaning as it has in section 1 of the Principal Act;

"invoice period" means the period in respect of which an electricity supplier or gas supplier issues an electricity invoice or gas invoice;

"meter point reference number", means the unique eleven digit number assigned to an electricity account and the expression "MPRN" shall be construed accordingly;

"Minister" means the Minister for Finance;

"natural gas" has the same meaning as it has in section 2 of the Gas Act 1976;

"partnership trade or profession" means a trade or profession carried on by 2 or more persons in partnership;

101 OJ L 354, 28.12.2013, p. 1

"precedent partner", in relation to a partnership and a partnership trade or profession, has the same meaning as it has in section 1007 of the Principal Act;

"prepayment meter" means any meter or appliance by which the quantity of electricity or natural gas supplied is regulated according to the amount of money prepaid for the electricity or natural gas so supplied;

"Principal Act" means the Taxes Consolidation Act 1997;

"profession" means any profession the profits or gains arising from which are chargeable to tax under Case II of Schedule D by virtue of section 18(2) of the Principal Act;

"qualifying business" shall be construed in accordance with *subsection (3)*;

"single undertaking" has the same meaning as it has in Article 2 of the Commission Regulation (EU) No. 1407/2013 of 18 December 2013[102] on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid;

"specified period" means the period commencing on 1 September 2022 and ending on 28 February 2023;

"statement period" means the period in respect of which an electricity supplier or gas supplier issues an electricity statement or a gas statement;

"tax" has the same meaning as it has in section 960A of the Principal Act;

"Tax Acts" has the same meaning as it has in section 1 of the Principal Act;

"tax reference number" means a tax reference number (within the meaning of section 891B of the Principal Act) or a TIN (within the meaning of section 891F of the Principal Act);

"TBESS" means Temporary Business Energy Support Scheme;

"TBESS electricity bill" means an electricity invoice or electricity statement, as the case may be;

"TBESS gas bill" means a gas invoice or gas statement, as the case may be;

"Temporary Crisis Framework" means the Communication from the Commission on the Temporary Crisis Framework for State Aid measures to support the economy following the aggression against Ukraine by Russia of 28 October 2022[103] (replacing the Communication from the Commission on the Temporary Crisis Framework for State Aid measures to support the economy following the aggression against Ukraine by Russia of 23 March 2022[104], as amended by the Communication from the Commission on the Amendment to the Temporary Crisis Framework for State Aid measures to support the economy following the aggression against Ukraine by Russia of 20 July 2022[105]), and as may be amended from time to time;

102 OJ No. L352, 24.12.2013, p. 1
103 OJ C 426, 9.11.2022, p. 1–34
104 OJ C 131 I, 24.3.2022, p. 1
105 OJ C 280, 21.7.2022, p. 1

"trade" means a trade any profits or gains arising from which are chargeable to tax under Case I of Schedule D by virtue of section 18(2) of the Principal Act;

"unit" means a kilowatt hour, a megawatt hour or a gigawatt hour, as applicable.

(2) (a) Where a charity carries on a trade, the profits or gains arising from which would be chargeable to tax under Case I of Schedule D by virtue of section 18(2) of the Principal Act but for section 208(2)(b) of the Principal Act, the charity shall, in relation to that trade, be regarded as an eligible business for the purposes of this section.

(b) Where an approved body of persons carries on a trade or profession, the profits or gains arising from which would be chargeable to tax under Case I or Case II of Schedule D by virtue of section 18(2) of the Principal Act but for section 235(2) of the Principal Act, the approved body of persons shall, in relation to that trade or profession, be regarded as an eligible business for the purposes of this section.

(3) In relation to a claim period, an eligible business that—

(a) meets the energy costs threshold under *paragraph (b)* or *(c)* of *subsection (5)* in relation to the claim period, and

(b) satisfies the conditions specified in *subsection (4)* during the claim period,

shall be a qualifying business for the purpose of this section.

(4) The conditions referred to in *subsection (3)* are—

(a) the eligible business has complied with any obligations that apply to that person in respect of the registration for, payment, and furnishing of returns relating to, tax,

(b) the eligible business is throughout the claim period eligible for a tax clearance certificate, within the meaning of section 1095 of the Principal Act, to be issued to that person,

(c) the person is an eligible business during the claim period and intends to continue to be an eligible business following the end of the claim period, and

(d) the eligible business satisfies the conditions specified in *subsection (11)*.

(5) (a) In this section—

"deemed reference electricity unit price", in relation to a reference period, means the monthly average unit price for electricity made available by the Sustainable Energy Authority of Ireland for that reference period as published in the guidelines pursuant to *subsection (20)*;

"deemed reference gas unit price", in relation to a reference period, means the monthly average unit price for natural gas made available by the Sustainable Energy Authority of Ireland for that reference period as published in the guidelines pursuant to *subsection (20)*;

"electricity bill unit price", in relation to a TBESS electricity bill, means the total amount of charges for electricity set out in the TBESS electricity bill exclusive of

any value-added tax charged thereon, divided by the number of units of electricity consumed during the billing period the subject of the TBESS electricity bill;

"electricity reference unit price", in relation to a reference period, means—

(i) where *subparagraph (i)*, *(ii)* or *(iii)* of the definition in this paragraph of "reference electricity bill" applies, an amount determined by the following formula—

$$\frac{A}{B}$$

where—

A is the reference electricity costs threshold amount for the reference period, and

B is the reference electricity consumption for the reference period,

and

(ii) in the case of a new electricity account, an amount equal to the deemed reference electricity unit price;

"gas bill unit price", in relation to a TBESS gas bill, means the total amount of the charges included on the TBESS gas bill exclusive of any value-added tax charged thereon, divided by the number of units of natural gas consumed during the billing period covered by the TBESS gas bill;

"gas reference unit price" in relation to a reference period, means—

(i) where *subparagraph (i)*, *(ii)* or *(iii)* of the definition in this paragraph of "reference gas bill" applies, an amount determined by the following formula—

$$\frac{A}{B}$$

where—

A is the reference gas costs threshold amount for the reference period, and

B is the reference gas consumption for the reference period,

and

(ii) in the case of a new gas connection, an amount equal to the deemed reference gas unit price;

"new electricity account", in relation to a reference period, means an electricity account of an eligible business in respect of which—

(i) a MPRN is assigned after the end of the reference period, or

(ii) where a MPRN is assigned before the end of the reference period, the electricity account is not held by the eligible business at any time during the reference period,

such that, for the reference period, the eligible business has not been issued with a TBESS electricity bill in relation to the electricity account;

"new gas connection", in relation to a reference period, means a gas connection of an eligible business in respect of which—

(i) a GPRN is assigned after the end of the reference period, or

(ii) where a GPRN is assigned before the end of the reference period, the gas connection is not held by the eligible business at any time during the reference period,

such that, for the reference period, the eligible business has not been issued with a TBESS gas bill in relation to the gas connection;

"reference electricity bill", in relation to a reference period, means—

(i) where the eligible business has been issued with a TBESS electricity bill with a billing period that begins on or before the first day of the reference period and ends on or after the last day of the reference period, that TBESS electricity bill,

(ii) where *subparagraph (i)* does not apply and the eligible business has been issued with 2 or more TBESS electricity bills which together have billing periods that include all of the reference period, each of those TBESS electricity bills, or

(iii) where *subparagraphs (i)* and *(ii)* do not apply, and the eligible business has been issued with 1 or more TBESS electricity bills which together have a billing period that includes only part of the reference period, each of those TBESS electricity bills;

"reference electricity consumption", in relation to a reference period, means—

(i) where *subparagraph (i)* of the definition in this paragraph of "reference electricity bill" applies, the number of units determined by the formula—

$$A \times \frac{B}{C}$$

where—

A is the total number of units of electricity consumed during the billing period covered by the reference electricity bill,

B is the number of days in the reference period, and

C is the total number of days in the billing period of the reference electricity bill,

(ii) where *subparagraph (ii)* or *(iii)* of the definition in this paragraph of "reference electricity bill" applies, the aggregate of the number of units determined by the following formula in relation to each reference electricity bill—

$$A \times \frac{B}{C}$$

where—

A is the total number of units of electricity consumed during the billing period covered by the reference electricity bill,

B is the number of days in the billing period of the reference electricity bill which corresponds to the reference period, and

C is the total number of days in the billing period of the reference electricity bill;

"reference electricity costs threshold amount", in relation to a reference period, means—

(i) where *subparagraph (i)* of the definition in this paragraph of "reference electricity bill" applies, an amount determined by the following formula—

$$A \times \frac{B}{C}$$

where—

A is the total amount of charges on the reference electricity bill exclusive of any value-added tax charged thereon,

B is the total number of days in the reference period, and

C is the total number of days in the billing period for the reference electricity bill,

(ii) where *subparagraph (ii)* or *(iii)* of the definition in this paragraph of "reference electricity bill" applies, the aggregate of the amounts determined by the following formula in relation to each reference electricity bill—

$$A \times \frac{B}{C}$$

where—

A is the total amount of charges on the reference electricity bill exclusive of any value-added tax charged thereon,

B is the number of days in the billing period of the reference electricity bill which corresponds to the reference period, and

C is the total number of days in the billing period for the reference electricity bill;

"reference gas bill", in relation to a claim period, means—

(i) where the eligible business has been issued with a TBESS gas bill with a billing period that begins on or before the first day of the reference period and ends on or after the last day of the reference period, that TBESS gas bill,

(ii) where *subparagraph (i)* does not apply and the eligible business has been issued with 2 or more TBESS gas bills which when taken together have billing periods that include all of the reference period, each of those TBESS gas bills, or

(iii) where *subparagraphs (i)* and *(ii)* do not apply and the eligible business has been issued with 1 or more TBESS gas bills which together have a billing period that includes only part of the reference period, each of those TBESS gas bills;

"reference gas consumption", in relation to a reference period, means—

(i) where *subparagraph (i)* of the definition in this paragraph of "reference gas bill" applies, the number of units determined by the formula—

$$A \times \frac{B}{C}$$

where—

A is the total number of units of gas consumed during the billing period covered by the reference gas bill,

B is the number of days in the reference period, and

C is the total number of days in the billing period of the reference gas bill,

(ii) where *subparagraph (ii)* or *(iii)* of the definition in this paragraph of "reference gas bill" applies, the aggregate of the number of units determined by the following formula in relation to each reference gas bill—

$$A \times \frac{B}{C}$$

where—

A is the total number of units of gas consumed during the billing period covered by the reference gas bill,

B is the number of days in the billing period of the reference gas bill which corresponds to the reference period, and

C is the total number of days in the billing period of the reference gas bill;

"reference gas costs threshold amount", in relation to a reference period, means—

(i) where *subparagraph (i)* of the definition in this paragraph of "reference gas bill" applies, an amount determined by the following formula—

$$A \times \frac{B}{C}$$

where—

A is the total amount of charges on the reference gas bill exclusive of any

value-added tax charged thereon,

B is the total number of days in the reference period, and

C is the total number of days in the billing period for the reference gas bill,

(ii) where *subparagraph (ii)* or *(iii)* of the definition of "reference gas bill" applies, the aggregate of the amounts determined by the following formula in relation to each reference gas bill—

$$A \times \frac{B}{C}$$

where—

A is the total amount of charges on the reference gas bill exclusive of any value-added tax charged thereon,

B is the number of days in the billing period of the reference gas bill which corresponds to the reference period, and

C is the total number of days in the billing period for the reference gas bill;

"reference period", in relation to a claim period, means a calendar month falling within a period that begins on the day that is one year before the day on which the specified period begins and ends on the day that is one year before the day on which the specified period ends, which calendar month begins on a day that is one year before the day on which the claim period begins and ends on the day that is one year before the day on which the claim period ends.

(b) In relation to a TBESS electricity bill, an eligible business shall be regarded as having met the energy costs threshold for the claim period where the percentage amount determined by the formula—

$$\frac{(A - B)}{B} \times 100,$$

where—

A is the electricity bill unit price, and

B is the electricity reference unit price,

is greater than or equal to 50 per cent.

(c) In relation to a TBESS gas bill, an eligible business shall be regarded as having met the energy costs threshold where the percentage amount determined by the formula—

$$\frac{(A - B)}{B} \times 100,$$

where—

A is the gas bill unit price, and

B is the reference gas unit price,

is greater than or equal to 50 per cent.

(6) (a) In this section—

"reference electricity bill amount", in relation to a claim period, means, subject to *paragraph (b)*—

(i) where *subparagraph (i)* of the definition in *subsection (5)(a)* of "reference electricity bill" applies, an amount determined by the following formula—

$$(A \times \frac{B}{C}) \times \frac{D}{B}$$

where—

A is the total amount of charges on the reference electricity bill exclusive of any value-added tax charged thereon,

B is the total number of days in the reference period,

C is the total number of days in the billing period for the reference electricity bill, and

D is the total number of days in the billing period for the relevant electricity bill which corresponds to the claim period,

(ii) where *subparagraph (ii)* of the definition in *subsection (5)(a)* of "reference electricity bill" applies, then the aggregate of the amounts determined by the following formula in relation to each reference electricity bill—

$$(A \times \frac{B}{C}) \times \frac{D}{E}$$

where—

A is the total amount of charges on the reference electricity bill exclusive of any value-added tax charged thereon,

B is the number of days in the billing period for the reference electricity bill which corresponds to the reference period,

C is the total number of days in the billing period for the reference electricity bill,

D is the total number of days in the billing period for the relevant electricity bill which corresponds to the claim period, and

E is the number of days in the reference period,

(iii) where *subparagraph (iii)* of the definition in *subsection (5)(a)* of "reference electricity bill" applies, an amount determined by the following formula—

$$\frac{A}{B} \times C$$

where—

A is the aggregate of the amounts determined by the following formula in relation to each reference bill—

$$X \times \frac{Y}{Z}$$

where—

X is the total amount of charges on the reference electricity bill exclusive of any value-added tax charged thereon,

Y is the total number of days in the billing period for the reference electricity bill which corresponds to the reference period, and

Z is the total number of days in the billing period for the reference electricity bill,

B is the aggregate of the amounts represented by "Y" in the formula in "A" in relation to each reference electricity bill, and

C is the total number of days in the billing period for the relevant electricity bill which corresponds to the claim period,

or

(iv) in relation to a new electricity account, an amount determined by the following formula—

$$(A \times B) \times \frac{C}{D}$$

where—

A is the deemed reference electricity unit price,

B is the total number of units of electricity consumed during the billing period covered by the relevant electricity bill,

C is the number of days in the billing period for a relevant electricity bill which corresponds to the claim period, and

D is the total number of days in the billing period of the relevant electricity bill;

"reference gas bill amount", in relation to a claim period, means, subject to *paragraph (b)*—

(i) where *subparagraph (i)* of the definition in *subsection (5)(a)* of "reference gas bill" applies, an amount determined by the following formula—

$$(A \times \frac{B}{C}) \times \frac{D}{B}$$

where—

A is the total amount of charges on the reference gas bill exclusive of any value-added tax charged thereon,

B is the total number of days in the reference period,

C is the total number of days in the billing period for the reference gas bill, and

D is the total number of days in the billing period for the relevant gas bill which corresponds to the claim period,

(ii) where *subparagraph (ii)* of the definition in *subsection (5)(a)* of "reference gas bill" applies, then the aggregate of the amounts determined by the following formula in relation to each reference gas bill—

$$(A \times \frac{B}{C}) \times \frac{D}{E}$$

where—

A is the total amount of charges on the reference gas bill exclusive of any value-added tax charged thereon,

B is the number of days in the billing period for the reference gas bill which corresponds to the reference period,

C is the total number of days in the billing period for the reference gas bill,

D is the total number of days in the billing period for the relevant gas bill which corresponds to the claim period, and

E is the number of days in the reference period,

(iii) where *subparagraph (iii)* of the definition in *subsection (5)(a)* of "reference gas bill" applies, an amount determined by the following formula—

$$\frac{A}{B} \times C$$

where—

A is the aggregate of the amounts determined by the following formula in relation to each reference gas bill—

$$X \times \frac{Y}{Z}$$

where—

X is the total amount of charges on the reference gas bill exclusive of any value-added tax charged thereon,

Y is the total number of days in the billing period for the reference gas bill which corresponds to the reference period, and

Z is the total number of days in the billing period for the reference gas bill,

B is the aggregate of the amounts represented by "Y" in the formula in "A" in relation to each reference gas bill, and

C is the total number of days in the billing period for the relevant gas bill

which corresponds to the claim period,

or

(iv) in relation to a new gas connection, an amount determined by the following formula—

$$(A \times B) \times \frac{C}{D}$$

where—

A is the deemed reference gas unit price,

B is the total number of units of gas consumed during the billing period covered by the relevant gas bill,

C is the number of days in the billing period for a relevant gas bill which corresponds to the claim period, and

D is the total number of days in the billing period for the relevant gas bill;

"relevant electricity bill", in relation to a claim period, means—

(i) where the billing period covered by the TBESS electricity bill begins on or before the beginning of the claim period and ends on or after the end of the claim period, that TBESS electricity bill,

(ii) where *subparagraph (i)* does not apply, each TBESS electricity bill with a billing period which falls wholly or partly within the claim period;

"relevant electricity bill amount", in relation to a claim period of a qualifying business, means—

(i) where *subparagraph (i)* of the definition in this paragraph of "relevant electricity bill" applies, the amount determined by the formula—

$$A \times \frac{B}{C}$$

where—

A is the total amount of charges on the relevant electricity bill exclusive of any value-added tax charged thereon, less any amount not expended wholly and exclusively for the purpose of the trade or profession, as the case may be, of the qualifying business,

B is the number of days in the billing period for the relevant electricity bill which corresponds to the claim period, and

C is the total number of days in the billing period for the relevant electricity bill,

and

(ii) where *subparagraph (ii)* of the definition in this paragraph of "relevant electricity bill" applies, then the aggregate of the amounts determined by the

following formula in relation to each relevant electricity bill—

$$A \times \frac{B}{C}$$

where—

A is the total amount of charges on the relevant electricity bill exclusive of any value-added tax charged thereon, less any amount not expended wholly and exclusively for the purpose of the trade or profession, as the case may be, of the qualifying business,

B is the number of days in the billing period for the relevant electricity bill which corresponds to the claim period, and

C is the total number of days in the billing period for the relevant electricity bill;

"relevant gas bill", in relation to a claim period, means—

(i) where the billing period covered by the TBESS gas bill begins on or before the beginning of the claim period and ends on or after the end of the claim period, that TBESS gas bill,

(ii) where *subparagraph (i)* does not apply, each TBESS gas bill with a billing period which falls wholly or partly within the claim period;

"relevant gas bill amount", in relation to a claim period of a qualifying business, means—

(i) where *subparagraph (i)* of the definition in this paragraph of "relevant gas bill" applies, the amount determined by the formula—

$$A \times \frac{B}{C}$$

where—

A is the total amount of charges on the relevant gas bill exclusive of any value-added tax charged thereon, less any amount not expended wholly and exclusively for the purpose of the trade or profession, as the case may be, of the qualifying business,

B is the number of days in the billing period for the relevant gas bill which corresponds to the claim period, and

C is the total number of days in the billing period for the relevant gas bill,

and

(ii) where *subparagraph (ii)* of the definition in this paragraph of "relevant gas bill" applies, then the aggregate of the amounts determined by the following formula in relation to each relevant gas bill—

$$A \times \frac{B}{C}$$

where—

A is the total amount of charges on the relevant gas bill exclusive of any value-added tax charged thereon, less any amount not expended wholly and exclusively for the purpose of the trade or profession, as the case may be, of the qualifying business,

B is the number of days in the billing period for the relevant gas bill which corresponds to the claim period, and

C is the total number of days in the billing period for the relevant gas bill.

(b) Where, in relation to the claim period of a qualifying business, a relevant electricity bill amount or a relevant gas bill amount is reduced by an amount not expended wholly and exclusively for the purpose of the trade or profession, as the case may be, of the qualifying business (in this paragraph referred to as the "disallowed amount"), the reference electricity bill amount or the reference gas bill amount, as applicable, shall be proportionately reduced by the percentage determined by the following formula—

$$\frac{A}{B}$$

where—

A is the disallowed amount, and

B is the total amount of the relevant electricity bill or relevant gas bill, as applicable (before any reduction for the disallowed amount).

(c) The eligible cost of a qualifying business in respect of a relevant electricity bill shall be the amount determined by the following formula—

$$A - B$$

where—

A is the relevant electricity bill amount, and

B is the reference electricity bill amount.

(d) The eligible cost of a qualifying business in respect of a relevant gas bill shall be the amount determined by the following formula—

$$A - B$$

where—

A is the relevant gas bill amount, and

B is the reference gas bill amount.

(7) Subject to *subsection (9)*, on making a claim under this section, a qualifying business shall, in respect of a relevant electricity bill or a relevant gas bill, as the case may be, be entitled to an amount equal to 40 per cent of the eligible cost as determined in accordance with *paragraph (c)* or *(d)* of *subsection (6)*, and any amount payable under

this section is referred to in this section as a "temporary business energy payment".

(8) (a) Where an electricity account relates to more than one qualifying business of a person, a qualifying business shall, for the purpose of making a claim under this section, apportion the charges on each TBESS electricity bill relating to that electricity account on a just and reasonable basis as between the trade or profession, as the case may be, of each qualifying business and a reference to a TBESS electricity bill in this section shall be construed as a reference to that part of a TBESS electricity bill that relates to that qualifying business.

(b) Where a gas connection supplies more than one qualifying business of a person, a qualifying business shall, for the purpose of making a claim under this section, apportion the charges on each TBESS gas bill relating to that gas connection on a just and reasonable basis as between the trade or profession, as the case may be, of each qualifying business and a reference to a TBESS gas bill in this section shall be construed as a reference to that part of a TBESS gas bill that relates to that qualifying business.

(9) (a) Subject to *paragraph (b)* and *section 100(2)(a)(ii)*, the aggregate amount that may be claimed by a qualifying business under *subsection (7)* in respect of any claim period shall not exceed €10,000.

(b) (i) Where a qualifying business has, in relation to its trade or profession, more than one electricity account then, subject to *subparagraphs (ii)* and *(iii)* and any order made under *subparagraph (ii)* or *(iii)*, as the case may be, of *section 100(2)(a)*, the amount referred to in *paragraph (a)* shall be an amount represented by the following formula—

A x B

where—

A is the number of electricity accounts held by the qualifying business, and

B is €10,000,

but the aggregate amount that may be claimed by a qualifying business under *subsection (7)* in respect of any claim period shall not exceed €30,000.

(ii) Where a qualifying business has 2 or more electricity accounts and, in relation to those electricity accounts—

(I) the electricity supply address is the same, or

(II) the electricity supply addresses are located adjacent to each other,

then, for the purposes of "A" in the formula in *subparagraph (i)*, the electricity accounts to which *clause (I)* or *(II)*, as the case may be, applies shall be regarded as one electricity account.

(iii) Subject to *section 100(2)(a)(ii)*, the amount that may be claimed by a qualifying business in any claim period in respect of—

(I) relevant electricity bills for that claim period relating to an electricity

account, or

(II) relevant gas bills for that claim period relating to a gas connection,

shall not exceed €10,000.

(c) (i) The aggregate amount of temporary business energy payment that may be claimed under this section by a single undertaking carrying on one or more qualifying businesses, when taken together with any other amount claimed in respect of aid granted under Section 2.1 of the Temporary Crisis Framework, shall not exceed—

(I) €250,000, where the single undertaking is active in the primary production of agricultural products,

(II) €300,000, where the single undertaking is engaged in the production, processing and marketing of fishery and aquaculture products, or

(III) €2,000,000, in any other case.

(ii) In *subparagraph (i)*, the reference to any other amount claimed in respect of aid granted under Section 2.1 of the Temporary Crisis Framework shall include any amount, other than a temporary business energy payment, which a single undertaking has received or is entitled to receive, directly or indirectly, by grant assistance or any other assistance which is granted by or through the State, any board established by statute, any public or local authority or any other agency of the State.

(10) A claim made under this section in respect of a temporary business energy payment shall be made no later than 4 months from the date on which the claim period, to which the claim relates, ends.

(11) The conditions referred to in *subsection (4)(d)* are—

(a) the person has logged on to the online system of the Revenue Commissioners (in this section referred to as "ROS") and applied on ROS to be registered as a person to whom this section applies and as part of that registration provides such particulars as the Revenue Commissioners consider necessary and appropriate for the purposes of registration and which particulars shall include those specified in *subsection (12)*,

(b) for the claim period, the person completes an electronic claim form on ROS containing such particulars as the Revenue Commissioners consider necessary and appropriate for the purposes of determining the claim and which particulars shall include those specified in *subsection (12)*, and

(c) for the claim period, the person makes a declaration to the Revenue Commissioners through ROS that the person satisfies the conditions in this section to be regarded as a qualifying business for that claim period.

(12) (a) The particulars referred to in *paragraphs (a)* and *(b)* of *subsection (11)* are those particulars the Revenue Commissioners consider necessary and appropriate for the purposes of determining a claim made under this section in relation to a claim

period, including—

(i) in relation to a qualifying business—

(I) name,

(II) address, including the Eircode in respect of that address,

(III) tax reference number,

(IV) a description of the trade or profession, as the case may be, being carried on,

(V) where the qualifying business has a relationship with one or more persons as a result of which the qualifying business and such other person or persons are considered to be a single undertaking, the name and, where available, tax reference number of each such person,

(ii) in relation to an electricity account—

(I) the relevant MPRN,

(II) the electricity supply address, including the Eircode in respect of that address,

(III) where the electricity supplied in respect of the electricity account is not consumed wholly and exclusively for the purpose of the trade or profession, as the case may be, of the qualifying business, the percentage consumption which relates to that trade or profession,

(IV) where the electricity account relates to more than one qualifying business of the person making the claim, the name of each such other qualifying business,

(V) where the electricity account is a new electricity account, the date on which it became an electricity account held by the eligible business,

(iii) in relation to a reference electricity bill for an electricity account—

(I) the start date and end date of the billing period of the TBESS electricity bill,

(II) the total amount of the charges on the TBESS electricity bill exclusive of any value-added tax charged thereon, and

(III) the total number of units of electricity consumed during the billing period the subject of the TBESS electricity bill,

(iv) in relation to a relevant electricity bill in respect of which a claim is being made—

(I) the start date and end date of the billing period of the TBESS electricity bill,

(II) the total amount of the charges on the TBESS electricity bill exclusive of any value-added tax charged thereon, and

(III) the total number of units of electricity consumed during the billing period the subject of the TBESS electricity bill,

(v) in relation to a gas connection—

(I) the relevant GPRN,

(II) where the gas supplied in respect of the gas connection is not consumed wholly and exclusively for the purpose of the trade or profession, as the case may be, of the qualifying business, the percentage consumption which relates to that trade or profession,

(III) where the gas connection relates to more than one qualifying business of the person making the claim, the name of each such other qualifying businesses,

(IV) where the gas connection is a new gas connection, the date on which it became a gas connection held by the eligible business,

(vi) in relation to a reference gas bill for a gas connection—

(I) the start date and end date of the billing period of the TBESS gas bill,

(II) the total amount of the charges on the TBESS gas bill exclusive of any value-added tax charged thereon,

(III) the total number of units of gas consumed during the billing period the subject of the TBESS gas bill,

and

(vii) in relation to a relevant gas bill in respect of which a claim is being made—

(I) the start date and end date of the billing period of the TBESS gas bill,

(II) the total amount of the charges on the TBESS gas bill exclusive of any value-added tax charged thereon, and

(III) the total number of units of gas consumed during the billing period the subject of the TBESS gas bill.

(b) The Revenue Commissioners may seek such further particulars or evidence as they may reasonably require for the purposes of determining a claim for a temporary business energy payment.

(13) Where a person makes a claim for a temporary business energy payment, in computing the amount of the profits or gains of the trade or profession, as the case may be, of the qualifying business for the chargeable period in which the claim period commences, the amount of any disbursement or expense which is allowable as a deduction, having regard to section 81 of the Principal Act, shall be reduced by the amount of the temporary business energy payment and the temporary business energy payment shall not otherwise be taken into account in computing the amount of the profits or gains of the trade or profession for that chargeable period.

(14) Where a person makes a claim under this section in respect of a claim period, and it

subsequently transpires that the claim was not one permitted by this section to be made, and the person has not repaid the amount as required by *subsection (17)(a)(II)*—

(a) the amount that is required by *subsection (17)(a)(II)* to be repaid (in this section referred to as "relevant tax") shall be treated as if it were income tax due and payable by the person from the date the temporary business energy payment was paid by the Revenue Commissioners to the person, and

(b) the relevant tax shall be so due and payable without the making of an assessment.

(15) Notwithstanding *subsection (14)*, where an officer of the Revenue Commissioners is satisfied there is an amount of relevant tax due to be paid by a person which has not been paid, that officer may make an assessment on the person to the best of the officer's judgment, and any amount of relevant tax due under an assessment so made shall be due and payable from the date the temporary business energy payment referred to in *subsection (14)* was paid by the Revenue Commissioners to the person.

(16) The provisions of the Income Tax Acts relating to—

(a) assessments to income tax, and

(b) the collection and recovery of income tax,

shall, in so far as they are applicable, apply to the assessment, collection and recovery of relevant tax.

(17) (a) Where, subsequent to a person making a claim under this section in respect of a claim period, it transpires that—

(i) the requirements in *subsection (3)* are not met (and a claim in respect of which those requirements are not met is referred to hereafter in this subsection as an "invalid claim"), or

(ii) the amount claimed exceeds the amount the person is entitled to claim under this section (and a claim to which this subparagraph applies is referred to hereafter in this subsection as an "overclaim"),

then the person shall, without unreasonable delay—

(I) notify the Revenue Commissioners of the invalid claim or overclaim, as the case may be, and

(II) repay to the Revenue Commissioners—

(A) in respect of an invalid claim, the amount paid in respect of that claim, and

(B) in respect of an overclaim, the amount by which the amount paid in respect of that claim exceeds the amount the person is entitled to claim.

(b) Where a person makes a claim under this section in respect of a claim period, and it subsequently transpires that the claim is an invalid claim or an overclaim, as the case may be, the amount of the temporary business energy payment paid by the Revenue Commissioners in respect of an invalid claim, or the amount of the

temporary business energy payment overpaid by the Revenue Commissioners in respect of an overclaim, as the case may be, shall carry interest as determined in accordance with section 1080(2)(c) of the Principal Act as if a reference to the date when the tax became due and payable were a reference to the date the amount was so paid or overpaid, as the case may be, by the Revenue Commissioners.

(c) *Paragraph (b)* shall apply to relevant tax due and payable under *subsections (14)* and *(15)* as it applies to an amount of a temporary business energy payment referred to in that paragraph as is paid or overpaid, as the case may be, by the Revenue Commissioners in respect of an invalid claim or an overclaim, as the case may be.

(18) Any claim made under this section shall be deemed for the purposes of section 1077F of the Principal Act, to be a claim in connection with a credit and, for the purposes of determining an amount in accordance with subsection (3) or (5), as the case may be, of the said section 1077F, a reference to an amount of tax that would have been payable for the relevant periods by the person concerned shall be construed as if it were a reference to an amount claimed under this section in respect of a temporary business energy payment.

(19) (a) Where an eligible business in respect of which a person is a qualifying business is carried on as the whole or part of a partnership trade or profession, then any claim made under this section for a temporary business energy payment in respect of such a qualifying business shall be made by the precedent partner on behalf of the partnership and each of the partners in that partnership, and the maximum amount of any such claim made in respect of the qualifying business shall not exceed the limit set out in *paragraph (a)*, *(b)* or *(c)*, as the case may be, of *subsection (9)*.

(b) Where a claim is made under this section in respect of a claim period, by a precedent partner for a temporary business energy payment in respect of a qualifying business carried on as the whole or part of a partnership trade or profession then—

(i) for the purposes of *subsections (14)* and *(15)*, each partner shall be deemed to have claimed, in respect of that partner's several trade, a portion of the temporary business energy payment calculated as—

$$A \times B$$

where—

A is the temporary business energy payment claimed by the precedent partner, and

B is the partnership percentage applicable in the claim period,

(ii) the precedent partner shall, in respect of such claim, provide a statement to each partner in the partnership containing the following particulars—

(I) the partnership name and its business address,

(II) the amount of the temporary business energy payment claimed by the precedent partner on behalf of the partnership and each partner,

(III) the profit percentage for each partner, and

(IV) the portion of the temporary business energy payment allocated to each partner,

(iii) for the purposes of *subsection (14)*, references to a person making a claim shall be taken as references to the precedent partner making the claim on behalf of the partnership and each of its partners, and

(iv) for the purposes of *subsection (15)*, section 1077F of the Principal Act shall apply as if references to a person were references to each partner and the references to a claim were a reference to a claim deemed to have been made by each partner under *subparagraph (i)*.

(c) In *paragraph (b)(i)*, "several trade" has the same meaning as it has in section 1008 of the Principal Act and shall, with any necessary modifications, apply in relation to a profession as it applies in relation to a trade.

(20) The Revenue Commissioners shall prepare and publish guidelines—

(a) with respect to matters that are considered by them to be matters to which regard shall be had in determining whether—

(i) a person is an eligible business,

(ii) an eligible business has met the energy costs threshold,

(iii) an eligible business has eligible costs,

(iv) the electricity supply addresses in relation to 2 or more electricity accounts are located adjacent to each other,

and

(b) which contain the deemed reference electricity unit price or the deemed reference gas unit price, as the case may be, which applies in respect of a reference period.

(21) A person shall, without prejudice to any other penalty to which the person may be liable, be guilty of an offence under this section if the person—

(a) knowingly or wilfully delivers any incorrect return or statement, or knowingly or wilfully furnishes any incorrect information, in connection with the operation of this section or the eligibility for the temporary business energy payment in relation to any person, or

(b) knowingly aids, abets, assists, incites or induces another person to make or deliver knowingly or wilfully any incorrect return or statement, or knowingly or wilfully furnish any incorrect information in connection with the operation of this section or the eligibility for the temporary business energy payment in relation to any person,

and the provisions of subsections (3) to (10) of section 1078, and section 1079, of the

Principal Act shall, with any necessary modifications, apply for the purposes of this subsection as those provisions apply for the purposes of offences in relation to tax within the meaning of the said section 1078.

(22) The administration of this section shall be under the care and management of the Revenue Commissioners and section 849 of the Principal Act shall apply for this purpose with any necessary modifications as it applies in relation to tax within the meaning of that section.

(23) Notwithstanding any obligation to maintain secrecy or any other restriction on the disclosure of information imposed by or under statute or otherwise, the Revenue Commissioners, or any other officer authorised by them for the purposes of this section, may—

(a) disclose to any board established by statute, any other public or local authority or any other agency of the State, information relating to the amount of the temporary business energy payment claimed by a person under this section, being information, which is required by the relevant board, authority or agency concerned for the purpose of ensuring that the ceiling of aid in the Temporary Crisis Framework is not exceeded, and

(b) provide such other information as may be required for the purposes of section 3 of the Temporary Crisis Framework, including such additional information as may be requested by the European Commission under that section.

(24) (a) The Revenue Commissioners may where they have reason to believe that a claim made by a person under this section is an invalid claim or an overclaim (in this subsection referred to as a "relevant claim")—

(i) consult with an electricity supplier or gas supplier, as the case may be, for the purpose of verifying the relevant claim, and

(ii) notwithstanding any obligation to maintain secrecy or any other restriction on the disclosure of information imposed by or under statute or otherwise, disclose any detail in relation to the relevant claim to an electricity supplier or gas supplier, as the case may be, which they consider necessary for the purpose of verifying the relevant claim.

(b) Notwithstanding any obligation as to secrecy or other restriction upon disclosure of information imposed by or under statute or otherwise, an officer of the Revenue Commissioners may, for the purpose of enquiring into a relevant claim, serve on an electricity supplier or a gas supplier a notice in writing requiring the electricity supplier or gas supplier, as the case may be, within such period as may be specified in the notice, not being less than 30 days from the date of the service of the notice, to furnish to the officer in writing such information as the officer may reasonably require in relation to the relevant claim.

(c) A notice shall not be served on a person under *paragraph (b)* unless the Revenue Commissioners have reasonable grounds to believe that the electricity supplier or gas supplier, as the case may be, is likely to have information relevant to the verification of a relevant claim.

(d) Where an electricity supplier or gas supplier has been requested by notice under *paragraph (b)* to provide information to the Revenue Commissioners and the electricity supplier or gas supplier, as the case may be, fails to provide the information requested within the period specified in the notice, the electricity supplier or gas supplier concerned shall be liable to a penalty of €1,000.

(25) (a) A person who makes a claim under this section shall—

(i) maintain such records, and

(ii) upon a request made in writing by an officer of the Revenue Commissioners, make available such records or provide such other information,

as may reasonably be required for the purposes of determining whether the requirements of this section are met.

(b) The records referred to in *paragraph (a)* shall be retained for a period of 10 years from the date on which the claim period, to which a claim relates, ends.

(26) (a) Notwithstanding any obligation imposed on the Revenue Commissioners under section 851A of the Principal Act or any other enactment in relation to the confidentiality of taxpayer information (within the meaning of that section), the information specified in *paragraph (b)* shall, in respect of each qualifying business to whom a temporary business energy payment is made under this section, be published by the Revenue Commissioners on the website of the Revenue Commissioners on or before—

(i) the day that is one month after the day on which the specified period ends, in respect of the amount so paid under this section during the specified period, and

(ii) the day that is 5 months after the day on which the specified period ends, in respect of any amount so paid under this section for any claim period falling within the period 1 September 2022 to the day on which the specified period ends.

(b) For the purposes of *paragraph (a)*, and subject to *subsection (27)*, the information to be published on the website of the Revenue Commissioners in respect of each qualifying business shall include—

(i) the name of the qualifying business,

(ii) the address of the qualifying business, and

(iii) the total amount of the temporary business energy payment made to the qualifying business.

(27) (a) In this subsection—

"General Block Exemption Regulation" means Commission Regulation (EU) No. 651/2014 of 17 June 2014[106];

"SME", in relation to a single undertaking, means a single undertaking that would

106 OJ No. L187, 26.6.2014, p. 43

fall within the SME category of Annex 1 of the General Block Exemption Regulation.

(b) Where for any claim period the total amount of temporary business energy payment paid to a single undertaking is greater than—

(i) €10,000, where the single undertaking is active in the primary production of agricultural products or is engaged in the production, processing and marketing of fishery and aquaculture products, or

(ii) €100,000, in any other case,

then, in relation to each person carrying on one or more qualifying business who is part of the single undertaking, the following additional information shall be published by the Revenue Commissioners on the website of the Revenue Commissioners on or before the day that is 5 months after the day on which the specified period ends:

(I) the sector of activity at NACE group level, within the meaning of Regulation (EC) No. 1893/2006 of the European Parliament and of the Council of 20 December 2006[107], as amended by Regulation (EC) No. 295/2008 of the European Parliament and of the Council of 11 March 2008[108] and Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019[109];

(II) specification as to whether the person is part of a single undertaking which is an SME or is larger than an SME;

(III) the amount of temporary business energy payment referred to in *subsection (26)(b)(iii)* that was paid in respect of each claim period;

(IV) such other information as may be required for the purposes of section 3 of the Temporary Crisis Framework.

(28) A person aggrieved by an assessment or an amended assessment to tax made on that person may appeal the assessment or amended assessment, as the case may be, to the Appeal Commissioners, in accordance with section 949I of the Principal Act, within the period of 30 days after the date of the notice of assessment or the amended assessment, as may be appropriate.

(29) Any amount payable by the Revenue Commissioners to a qualifying business by virtue of *subsection (7)* shall be deemed to be an overpayment of corporation tax or income tax, as the case may be, for the purposes only of section 960H(2) of the Principal Act.

(30) The following provisions made in this section, namely—

(a) the specification of 28 February 2023 in the definition of "specified period" in *subsection (1)* as the date on which the period therein referred to shall end,

(b) the specification of €10,000 in *subsection (9)(a)*, *subsection (9)(b)(i)* and

107 OJ No. L393, 30.12.2006, p. 1
108 OJ No. L97, 9.4.2008, p. 13
109 OJ No. L198, 25.7.2019, p. 241

subsection (9)(b)(iii),

(c) the specification of €30,000 in *subsection (9)(b)(i)*,

shall, together with any other provision of this section that the following modification relates to, be construed and operate subject to any modification that is provided for in an order made under *section 100(2)(a)* and which is in force.

Miscellaneous provisions consequent on *section 101*

102. (1) Section 949A of the Principal Act is amended, in the definition of "Acts", by the insertion of the following paragraph after paragraph (i):

"(j) *section 101* of the *Finance Act 2022*,".

(2) Section 960A of the Principal Act is amended, in the definition of "Acts", by the insertion of the following paragraph after paragraph (h):

"(i) *section 101* of the *Finance Act 2022*,".

(3) Section 1077A of the Principal Act is amended, in the definition of "the Acts", by the insertion of the following paragraph after paragraph (ca):

"(cb) *section 101* of the *Finance Act 2022*,".

(4) Section 1077F(1) of the Principal Act is amended—

(a) in the definition of "the Acts", by the substitution of ", the Finance (Local Property Tax) Act 2012 and *section 101* of the *Finance Act 2022*" for "and the Finance (Local Property Tax) Act 2012", and

(b) in the definition of "tax", by the insertion of "temporary business energy payment under *section 101* of the *Finance Act 2022*," after "residential zoned land tax,".

(5) Schedule 29 to the Principal Act is amended, in Column 1, by the insertion of "*section 101* of *Finance Act 2022*" after "Waiver of Certain Tax, Interest and Penalties Act 1993, sections 2(3)(a) and 3(6)(b)".

Commencement of *sections 100, 101* and *102*

103. *Sections 100, 101* and *102* shall come into operation on such day as the Minister for Finance may appoint by order.

Miscellaneous technical amendments in relation to tax

104. The enactments specified in the *Schedule*—

(a) are amended to the extent and in the manner specified in *paragraph 1* of that Schedule, and

(b) apply and come into operation in accordance with *paragraph 2* of that Schedule.

Care and management of taxes and duties

105. All taxes and duties imposed by this Act are placed under the care and management of the Revenue Commissioners.

Short title, construction and commencement

106. (1) This Act may be cited as the Finance Act 2022.

(2) *Part 1* shall be construed together with—

(a) in so far as it relates to income tax, the Income Tax Acts,

(b) in so far as it relates to universal social charge, Part 18D of the Principal Act,

(c) in so far as it relates to corporation tax, the Corporation Tax Acts, and

(d) in so far as it relates to capital gains tax, the Capital Gains Tax Acts.

(3) *Part 2*, in so far as it relates to duties of excise, shall be construed together with the statutes which relate to those duties and to the management of those duties.

(4) *Part 3* shall be construed together with the Value-Added Tax Acts.

(5) *Part 4* shall be construed together with the Stamp Duties Consolidation Act 1999 and the enactments amending or extending that Act.

(6) *Part 5* shall be construed together with the Capital Acquisitions Tax Consolidation Act 2003 and the enactments amending or extending that Act.

(7) *Part 6* in so far as it relates to—

(a) income tax, shall be construed together with the Income Tax Acts,

(b) residential zoned land tax, shall be construed together with Part 22A of the Principal Act,

(c) corporation tax, shall be construed together with the Corporation Tax Acts,

(d) capital gains tax, shall be construed together with the Capital Gains Tax Acts,

(e) customs, shall be construed together with the Customs Acts,

(f) duties of excise, shall be construed together with the statutes which relate to duties of excise and the management of those duties,

(g) value-added tax, shall be construed together with the Value-Added Tax Acts,

(h) stamp duty, shall be construed together with the Stamp Duties Consolidation Act 1999 and the enactments amending or extending that Act, and

(i) gift tax or inheritance tax, shall be construed together with the Capital Acquisitions Tax Consolidation Act 2003 and the enactments amending or extending that Act.

(8) Except where otherwise expressly provided for in *Part 1*, that Part shall come into operation on 1 January 2023.

(9) Except where otherwise expressly provided for, where a provision of this Act is to come into operation on the making of an order by the Minister for Finance, that provision shall come into operation on such day or days as the Minister for Finance shall appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

SCHEDULE

Section 104

MISCELLANEOUS TECHNICAL AMENDMENTS IN RELATION TO TAX

1. The Taxes Consolidation Act 1997 is amended—

(a) in section 530U, by the substitution of the following subsection for subsection (1):

"(1) In proceedings for the recovery of a penalty under section 530F or the recovery of a penalty under section 1052, 1054 or, as appropriate, section 1077E or 1077F in relation to matters arising under this Chapter—

(a) a certificate signed by a Revenue officer which certifies that he or she has inspected the relevant records of the Revenue Commissioners and that it appears from them that a deduction authorisation, deduction summary or other notice, statement or described document, was duly given to a stated person by stated means, including electronic means, on a stated day shall be evidence until the contrary is proved that that person received that deduction authorisation, deduction summary or other notice, statement or described document in the ordinary course,

(b) a certificate signed by a Revenue officer which certifies that he or she has inspected the relevant records of the Revenue Commissioners and that it appears from them that on a stated day or within a stated period, a stated person was a registered principal (within the meaning of section 530) shall be evidence until the contrary is proved that on a stated day or within a stated period, a stated person was a registered principal (within the meaning of section 530), and

(c) a certificate certifying as provided for in paragraph (a) or (b) of this subsection and purporting to be signed by a Revenue officer may be tendered in evidence without proof and shall be deemed until the contrary is proved to have been signed by such officer.",

(b) in section 811D(3)(b), by the substitution of "section 116 or subsection (2) of section 116A of the Value-Added Tax Consolidation Act 2010, as appropriate," for "section 116 or subsection (2) of section 116A of the Value-Added Tax Consolidation Act 2010, as appropriate,,",

(c) in section 835G, by the substitution of the following subsection for subsection (4):

"(4) Subsection (2) shall not apply in the case of an arrangement all the terms of which were agreed before 1 July 2010, and which have not changed on or after that date, where, in relation to the arrangement, the supplier and the acquirer are qualifying persons.",

(d) in section 1054, by the substitution of the following subsection for subsection (3):

"(3) Where the person mentioned in section 1053 or, as appropriate, section 1077E or 1077F is a body of persons the secretary shall be liable to a

separate penalty of €1,500 or, in the case of deliberate behaviour, €3,000.",

(e) in section 1075(5), by the substitution of "section 1077E or 1077F." for "section 1077E or 1077F",

(f) in section 1078, by the substitution of the following subsection for subsection (9):

"(9) Sections 530U, 987(4), 1052(4), subsections (3) and (7) of section 1053, subsections (9) and (17) of section 1077E or subsections (12) and (16) of section 1077F, as appropriate, sections 1068 and 1069, section 115(9), and subsection (16) of section 116 or subsection (16) of section 116A, as appropriate, of the Value-Added Tax Consolidation Act 2010, shall, with any necessary modifications, apply for the purposes of this section as they apply for the purposes of those sections, including, in the case of such of those sections as are applied by the Capital Gains Tax Acts, the Corporation Tax Acts, or Part VI of the Finance Act 1983, the purposes of those sections as so applied.",

and

(g) in section 1084(1)(b), by the substitution of the following subparagraph for subparagraph (i):

"(i) (I) subject to clause (II), where a person deliberately delivers an incorrect return of income as set out in section 1077E(2) or carelessly delivers an incorrect return of income as set out in section 1077E(5) or deliberately or carelessly delivers an incorrect return of income as set out in section 1077F(2), as appropriate, on or before the specified return date for the chargeable period, the person shall be deemed to have failed to deliver the return of income on or before that date unless the error in the return of income is remedied on or before that date,

(II) clause (I) shall not apply where a person—

(A) deliberately delivers an incorrect return of income as set out in section 1077E(2) or carelessly delivers an incorrect return of income as set out in section 1077E(5) or deliberately or carelessly delivers an incorrect return of income as set out in section 1077F(2), as appropriate, on or before the specified return date for the chargeable period, and

(B) pays the full amount of any penalty referred to in any of the provisions referred to in subclause (A) to which the person is liable,".

2. This Schedule shall have effect on and from the date of the passing of this Act.