



# **DÁIL ÉIREANN**

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**AN BILLE AIRGEADAIS (UIMH. 2), 2013  
FINANCE (NO. 2) BILL 2013**

**LEASUITHE COISTE  
COMMITTEE AMENDMENTS**

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# DÁIL ÉIREANN

## AN BILLE AIRGEADAIS (UIMH. 2), 2013 —ROGHFHOCHOISTE

### FINANCE (NO. 2) BILL 2013 —SELECT SUB-COMMITTEE

#### *Leasuithe Amendments*

#### SECTION 3

1. In page 8, line 7, to delete “75 per cent” and substitute “60 per cent”.  
—Pearse Doherty.
2. In page 8, line 10, to delete “50 per cent” and substitute “30 per cent”.  
—Pearse Doherty.
3. In page 8, to delete lines 13 to 15.  
—Pearse Doherty.
4. In page 8, line 16, to delete “2017” and substitute “2016”.  
—Pearse Doherty.
5. In page 8, line 22, to delete “section 598A.” and substitute the following:  
“section 598A.  
(11) Subsection (9) shall not apply to a loan made after 15 October 2013 which is applied in paying off another loan to an individual used to defray money applied under paragraph (a), (b) or (c) of subsection (1), provided—  
(a) the loan does not exceed the balance outstanding on the loan being paid off, and  
(b) the term of the loan does not exceed the balance of the term of the loan being paid off.”.”  
—An tAire Airgeadais.

#### SECTION 5

6. In page 9, to delete lines 10 and 11 and substitute the following:  
“ ‘qualifying contractor’ means a contractor who—  
(a) complies with the obligations referred to in section 530G or 530H, as the case may be, or

[SECTION 5]

- (b) in the case of a contractor who is not a subcontractor to whom Chapter 2 of Part 18 applies, complies with the obligations referred to in paragraph (a), other than the obligations referred to in paragraphs (a) and (b) of subsection (1) of section 530G or 530H, as the case may be;”.

—An tAire Airgeadais.

7. In page 9, between lines 22 and 23, to insert the following:

- “(c) which is a newly built property, previously unoccupied, but has been acquired by the individual for the purposes of occupation by the individual as his or her only or main residence on completion of the qualifying work and which is so occupied upon completion,
- (d) any qualifying residence under the Living City Initiative will be excluded from qualifying for the Home Renovation Incentive;”.

—Pearse Doherty.

8. In page 10, to delete lines 7 to 31 and substitute the following:

- “(2) (a) This section applies to qualifying expenditure incurred on qualifying work carried out during the period from 25 October 2013 to 31 December 2015.
- (b) Where payments in respect of qualifying work are made during the period from 25 October 2013 to 31 December 2013, those payments shall be deemed to have been made in the year of assessment 2014.
- (c) Notwithstanding paragraph (a), where qualifying work, for which permission is required under the Planning and Development Act 2000, is carried out during the period from 1 January 2016 to 31 March 2016, then provided such permission is granted on or before 31 December 2015, that work shall be deemed to be carried out in the year of assessment 2015.”.

—An tAire Airgeadais.

9. In page 10, line 35, after “contractor” to insert “or a number of qualifying contractors”.

—Pearse Doherty.

10. In page 10, to delete lines 39 to 42, and in page 11, to delete lines 1 and 2 and substitute the following:

- “(i) in the year in which the qualifying work was carried out by an amount which is the lesser of—
  - (I) the specified amount of the payment or payments, and
  - (II) the amount which reduces the income tax of that year of assessment to nil.”.

[SECTION 5]

—Michael McGrath.

11. In page 11, line 11, to delete “section” and substitute “paragraph”.

—An tAire Airgeadais.

12. In page 11, lines 26 and 27, to delete “a qualifying contractor exceeds €5,675” and substitute “a qualifying contractor or qualifying contractors is equal to or greater than €5,000”.

—An tAire Airgeadais.

13. In page 11, line 27, after “contractor” to insert “or a number of qualifying contractors”.

—Pearse Doherty.

14. In page 11, line 27, to delete “exceeds €5,675” and substitute “exceeds €2,270”.

—Michael McGrath.

15. In page 11, line 27, to delete “exceeds €5,675” and substitute “exceeds €1,500”.

—Pearse Doherty.

16. In page 11, to delete lines 40 to 42, and in page 12, to delete lines 1 and 2 and substitute the following:

“(iv) the name of the claimant.”

—An tAire Airgeadais.

17. In page 12, line 13, to delete “he or she” and substitute “the contractor”.

—An tAire Airgeadais.

18. In page 12, line 17, to delete “he or she” and substitute “the contractor”.

—An tAire Airgeadais.

19. In page 12, line 30, to delete “7 working” and substitute “10 working”.

—Pearse Doherty.

20. In page 12, line 31, to delete “the payment” and substitute “such payment”.

—An tAire Airgeadais.

21. In page 12, line 38, to delete “the amount of” and substitute “details of the amount of”.

—An tAire Airgeadais.

22. In page 12, between lines 39 and 40, to insert the following:

“(V) the name of the individual from whom the payment was received;”.

—An tAire Airgeadais.

23. In page 12, line 40, to delete “(V) the date of” and substitute “(VI) the date of”.

—An tAire Airgeadais.

[SECTION 5]

24. In page 13, between lines 10 and 11, to insert the following:

“(c) Where a qualifying contractor has not fulfilled the provisions set out in this subsection, the Revenue Commissioners, upon receipt of a claim from a claimant shall inform the contractor of the claim and final stated payment and inform the contractor that they are obliged to fulfil the requirements as stated in this section. Contractors will have 10 working days to dispute the payment claim, at which point the Revenue will process the claim, once legitimate receipts are provided.”.

—Pearse Doherty.

25. In page 13, to delete lines 19 and 20 and substitute the following:

“(iv) details of any sum referred to in paragraph (a) or (b) of subsection (7),”.

—An tAire Airgeadais.

26. In page 14, line 6, to delete “subsection (3)” and substitute “subsection (3)(a)”.

—An tAire Airgeadais.

27. In page 14, to delete lines 14 to 17 and substitute the following:

“(8) (a) Relief 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—

(i) have not been complied with in respect of the qualifying residence, or

(ii) have not been complied with by a claimant in respect of any relevant residential property (other than the qualifying residence) in relation to which the claimant is a liable person.

(b) In this subsection ‘relevant residential property’ and ‘liable person’ have the same meanings respectively as in the Finance (Local Property Tax) Act 2012.”.

—An tAire Airgeadais.

28. In page 15, line 8, after “Acts” to insert “or the Value-Added Tax Consolidation Act 2010”.

—An tAire Airgeadais.

SECTION 6

29. In page 16, line 3, after “Chapter 1” to insert “of Part 15”.

—An tAire Airgeadais.

[SECTION 6]

30. In page 16, between lines 5 and 6, to insert the following:

“ ‘basis period’, in relation to a year of assessment, means the period on the profit or gains of which income tax for the year of assessment is to be finally computed under the Income Tax Acts;”.

—An tAire Airgeadais.

31. In page 16, line 12, to delete “1 January 2014” and substitute “25 October 2013”.

—An tAire Airgeadais.

32. In page 16, line 21, to delete “15 months” and substitute “12 months”.

—An tAire Airgeadais, Michael McGrath.

33. In page 16, line 21, to delete “15 months” and substitute “9 months”.

—Richard Boyd Barrett.

34. In page 16, line 26, to delete “390 days” and substitute “312 days”.

—An tAire Airgeadais.

35. In page 16, line 31, to delete “or”.

—An tAire Airgeadais.

36. In page 16, line 33, to delete “2005,” and substitute the following:

“2005, or

(IV) partial capacity payment under Chapter 8A of Part 2 of the Act of 2005;”.

—An tAire Airgeadais.

37. In page 17, to delete lines 1 to 4 and substitute the following:

“ ‘unemployment payment’ means a payment of jobseeker’s benefit or jobseeker’s allowance payable under the Social Welfare Acts.”.

—An tAire Airgeadais.

SECTION 7

38. In page 18, to delete line 17 and substitute the following:

“(d) in section 188(2A)(b) by substituting “section 462B, but without regard to subsections (1)(b), (1)(c), (3) and (5)” for “section 462, but without regard to subsections (1)(b), (2) and (3);”.

—An tAire Airgeadais.

39. In page 18, to delete lines 25 to 38, to delete page 19, and in page 20 to delete lines 1 to 7 and substitute the following:

“ **“Single person child carer credit**

462B.(1)(a) In this section—

[SECTION 7]

‘order’, in relation to a child, means an order made by the court under section 11 of the Guardianship of Infants Act 1964 granting custody of the child to the child’s father and mother jointly;

‘qualifying child’ in relation to any primary claimant and year of assessment means a child—

- (i) who is born in the year of assessment,
- (ii) who, at the commencement of the year of assessment, is under the age of 18 years, or
- (iii) who, if over the age of 18 years at the commencement of the year of assessment—
  - (I) is receiving full-time instruction at any university, college, school or other educational establishment, or
  - (II) is permanently incapacitated by reason of mental or physical infirmity from maintaining himself or herself and had become so permanently incapacitated before he or she had attained the age of 21 years or had become so permanently incapacitated after attaining the age of 21 years but while he or she had been in receipt of such full-time instruction,

and who—

- (A) is a child of the primary claimant, or
  - (B) not being such a child is in the custody of the primary claimant, and is maintained by the primary claimant at the primary claimant’s own expense for the whole or the greater part of the year of assessment or, in respect of a child born in the year of assessment, for the greater part of the period remaining in that year of assessment from the date of birth of that child.
- (b) This section shall apply to an individual who is not entitled to a basic personal credit referred to in paragraph (a) or (b) of section 461.
  - (c) This section shall not apply for any year of assessment—
    - (i) in the case of either party to a marriage unless—
      - (I) the parties are separated under an order of a court of competent jurisdiction or by deed of separation, or
      - (II) they are in fact separated in such circumstances that the separation is likely to be permanent,
    - (ii) in the case of either civil partner in a civil partnership unless the civil partners are living separately in circumstances where reconciliation is unlikely, or
    - (iii) in the case of cohabitants.



[SECTION 7]

- (2) (a) This paragraph applies to an individual (in this section referred to as the 'primary claimant'), being an individual to whom this section applies, who proves for a year of assessment that a qualifying child is resident with him or her for the whole or the greater part of that year of assessment or, in respect of a child born in that year of assessment, for the greater part of the period remaining in that year of assessment from the date of birth of that child, provided that where a child is the subject of an order and the child resides with each parent for an equal part of the year of assessment, this paragraph shall apply to whichever of the parents referred to in that order is the recipient of the child benefit payment made under Part 4 of the Social Welfare Consolidation Act 2005.
- (b) This paragraph applies to an individual (in this section referred to as the 'secondary claimant'), being an individual to whom this section applies, who proves for a year of assessment that a qualifying child of a primary claimant is resident with him or her for a period of, or periods that in aggregate amount to, not less than 100 days.
- (3) Subject to subsection (5), an individual to whom subsection (2)(a) applies, shall be entitled to a tax credit (in this section referred to as a 'single person child carer credit') of €1,650.
- (4) Subject to subsection (5), and notwithstanding subsection (3), where for any year of assessment a primary claimant would be entitled to a single person child carer credit but for the fact that he or she has, in the form specified by the Revenue Commissioners, relinquished his or her claim to that credit, a secondary claimant shall be entitled to claim a single person child carer credit in respect of the qualifying child concerned.
- (5) A claimant under this section shall be entitled to only one single person child carer credit for any year of assessment irrespective of the number of qualifying children resident with the claimant in that year.
- (6) (a) The references in subsection (1)(a) to a child receiving full-time instruction at an educational establishment shall include references to a child undergoing training by any person (in this subsection referred to as 'the employer') for any trade or profession in such circumstances that the child is required to devote the whole of his or her time to the training for a period of not less than 2 years.
- (b) For the purpose of a claim in respect of a child undergoing training, the inspector may require the employer to furnish particulars with respect to the training of the child in such form as may be prescribed by the Revenue Commissioners.
- (7) Where any question arises as to whether any person is entitled to a single person child carer credit in respect of a child over the age of 18

[SECTION 7]

years as being a child who is receiving full-time instruction referred to in this section, the Revenue Commissioners may consult the Minister for Education and Skills.

- (8) For the purposes of this section a child shall be treated as resident with an individual for any day where the child so resides for the greater part of that day.””.

—An tAire Airgeadais.

40. In page 19, line 10, to delete “child.” and substitute the following:

“child, or

- (C) is resident with the claimant for a period of no less than 50 days per annum, or in respect of a child born in the year of assessment, for more than 18 per cent of the period remaining in that year of assessment from the date of birth of that child, in instances where another custodian fails to claim the single parent tax credit.”.

—Richard Boyd Barrett.

41. In page 19, between lines 31 and 32, to insert the following:

- “(3) Where the primary carer has insufficient income to avail in full of the single person childcare credit the other parent may avail of the full or unused amount of the credit, on condition that the other parent has met any court ordered maintenance payments.”.

—Michael McGrath.

42. In page 20, to delete lines 8 and 9 and substitute the following:

- “(i) in section 463(1) by substituting the following for the definition of “qualifying child”:

“ ‘qualifying child’, in relation to a claimant and a year of assessment, has the same meaning as in section 462B, and the question of whether a child is a qualifying child shall be determined on the same basis as it would be for the purposes of section 462B, and subsections (5), (6) and (7) of that section shall apply accordingly.””.

—An tAire Airgeadais.

43. In page 20, between lines 13 and 14, to insert the following:

- “(3) The provisions of this section shall be subject to a ministerial commencement order which cannot be given effect until a report is prepared and laid before Dáil Éireann examining the effect commencing this section would have on those in receipt of the tax credit and those benefiting from it.”.

—Pearse Doherty.

[SECTION 7]

44. In page 20, between lines 13 and 14, to insert the following:

“(3) Section 7 of the Principal Act is amended by the insertion of a new subsection (1A) as follows:

“(1A) The Minister shall seek prior approval of the Dáil before he or she makes any changes to the free electricity or gas allowance, free television licence and telephone rental allowance, commonly known as the household benefits package.”.

—Richard Boyd Barrett.

*Section opposed.*

—Pearse Doherty, Richard Boyd Barrett.

SECTION 8

45. In page 20, to delete lines 16 to 20 and substitute the following:

“(a) by inserting the following definition:

“ ‘child’ means an individual under the age of 18 years or, if over the age of 18 years and under the age of 23 years, who is receiving full-time education and in respect of whom the payment under a relevant contract has been reduced in accordance with paragraph (a)(ii) or (b) (i) of section 7(5) of the Health Insurance Act 1994;”.

(b) by substituting the following for the definition of “relevant contract”:

“ ‘relevant contract’ means a contract of insurance which provides specifically, whether in conjunction with other benefits or not, for the reimbursement or discharge, in whole or in part, of—

(a) actual health expenses (within the meaning of section 469), being a contract of medical insurance, or

(b) dental expenses other than expenses in respect of routine dental treatment (within the meaning of section 469), being a contract of dental insurance;”.

—An tAire Airgeadais.

46. In page 21, line 3, to delete “or €1,000” and substitute “or €1,500”.

—Richard Boyd Barrett.

47. In page 21, line 5, to delete “or €500” and substitute “or €750”.

—Richard Boyd Barrett.

*Section opposed.*

—Michael McGrath, Richard Boyd Barrett.

SECTION 9

48. In page 21, between lines 18 and 19, to insert the following:

“(c) under paragraph (f) of the definition of “health expenses” by deleting the words

[SECTION 9]

“or similar treatment prescribed by a practitioner” after the word “physiotherapy”.”.

—Michael McGrath.

**49.** In page 21, between lines 18 and 19, to insert the following:

“(c) by substituting the following for paragraph (f):

“(f) physiotherapy.”.”.

—Pearse Doherty.

*Section opposed.*

—Richard Boyd Barrett.

SECTION 10

*Section opposed.*

—Richard Boyd Barrett.

SECTION 12

**50.** In page 22, lines 7 to 9, to delete all words from and including “in” in line 7 down to and including “provisions” in line 9 and substitute the following:

“by inserting the following subsection after subsection (2A):

“(2B) Notwithstanding the provisions”.

—An tAire Airgeadais.

SECTION 16

**51.** In page 25, between lines 26 and 27, to insert the following:

“**16.** The Minister shall review within one month of the passing of this Act all exemptions that have been allowed to the Higher Earners’ Restriction and provide a report to Dáil Éireann on the effects of the temporary removal of the Employment and Investment Incentive from the Restriction.”.

—Pearse Doherty.

*[Acceptance of this amendment involves the deletion of section 16 of the Bill.]*

SECTION 18

**52.** In page 28, between lines 27 and 28, to insert the following:

“(2) (a) The qualifying criteria for early access to pension benefits as outlined in the Finance Act 2013 shall be increased to include those in defined contribution schemes (including personal retirement savings accounts) subject to certain qualifying conditions.

(b) The person making the application fulfils one of the following criteria—

(i) they have been made redundant in the previous twelve months;

[SECTION 18]

- (ii) they are a first time buyer (subject to anti-avoidance measure that if the money is not used to purchase a home it must be repaid to their pension scheme);
- (iii) they have suffered critical illness.”.

—Michael McGrath.

**53.** In page 36, between lines 7 and 8, to insert the following:

“(5) Section 780 of the Principal Act is amended by the substitution of the following for subsection (7)(a):

“(a) The rate of tax shall be standardised at 20 per cent.”.

—Pearse Doherty.

*Section opposed.*

—Richard Boyd Barrett.

SECTION 20

**54.** In page 36, between lines 11 and 12, to insert the following:

“**20.** The Minister shall within 3 months of the passing of this Act prepare and lay before Dáil Éireann an analysis of the tax increases in this Act, and the total of tax increases and spending cuts of Budget 2014, setting out the continuing impact on people based on their gender, income, age, marital and disability status.”.

—Pearse Doherty.

**55.** In page 36, between lines 11 and 12, to insert the following:

“**20.** The Minister shall within one month from the passing of this Act prepare and lay before Dáil Éireann a report on options available for the introduction of a comprehensive asset tax otherwise known as a wealth tax, the report shall include options for the collation of data necessary for the assessment of such a tax, definitions of categories of wealth to be included in such a tax, proposals for the assessment and collection of the proposed tax and estimates of potential revenue raised at various rates of taxation.”.

—Pearse Doherty.

**56.** In page 36, between lines 11 and 12, to insert the following:

“**20.** The Minister shall within 9 months of the passing of this Act prepare and lay before the Dáil Éireann a preliminary analysis of the tax expenditures included in this Act, setting out their incurred cost to the State and the impact they have had on job creation, volume of new start-ups, preventing job losses and other such impacts; and follow this up with an extensive cost-benefit analysis of all taxation measures designated as job creation measures, to be provided to Dáil Éireann three months after Finance Bill 2014.”.

—Pearse Doherty.

SECTION 21

**57.** In page 38, line 12, to delete “ “€300,000” ” and substitute “ “€500,000” ”.

—Michael McGrath.

[SECTION 21]

58. In page 38, line 13, to delete “ “15 per cent” ” and substitute “ “25 per cent” ”.

—Michael McGrath.

59. In page 38, between lines 33 and 34, to insert the following:

“(3) The Minister shall, in Finance Bill 2014, provide for the modernising of the R&D base year from 2003 to a date not longer than six years before the Finance Act commences.”.

—Pearse Doherty.

*Section opposed.*

—Richard Boyd Barrett.

SECTION 23

60. In page 39, line 19, to delete “41 per cent” and substitute “36 per cent”.

—Pearse Doherty.

*Section opposed.*

—Michael McGrath.

SECTION 24

61. In page 41, between lines 7 and 8, to insert the following:

“(3) The Minister shall put forward a report outlining the cost and benefits associated with section 481 tax relief (relief for investments and films) within 18 months of the enactment of this Bill.”.

—Michael McGrath.

SECTION 27

62. In page 48, between lines 36 and 37, to insert the following:

“27. The Principal Act is amended by:

(a) In section 531AM(2) by substituting “€17,542” for “€4,004”.

(b) In section 531AN(4) to be read as follows:

“(4) Subsections (2) and (3) shall cease to have effect for the tax year 2015 and subsequent tax years.

TABLE

Part of aggregate income	Rate of universal social charge (individual under 70 years of age)	Rate of universal social charge (individuals over 70 years of age)
In excess of €17, 542	7%	4%

”.”.

—Pearse Doherty.

SECTION 28

63. In page 50, between lines 24 and 25, to insert the following:

“(2) Paragraphs (a) and (b)(ii) of subsection (1) apply as respects any relief, deduction,

[SECTION 28]

credit in relation to tax or, as the case may be, a reduction in the amount of tax payable, details of which fall to be included in particulars on a return, required to be delivered under section 951 of the Principal Act, which was delivered on or after 31 January 2008.”.

—An tAire Airgeadais.

SECTION 30

*Section opposed.*

—Richard Boyd Barrett.

SECTION 31

64. In page 53, between lines 10 and 11, to insert the following:

“(4) To qualify for tax relief under this provision—

- (a) it shall not be necessary for the person claiming relief to be ordinarily resident in the relevant house,
- (b) any person who owns a pre-1915 house in a town with a population greater than 10,000 people shall be eligible to avail of tax relief.”.

—Michael McGrath.

*Section opposed.*

—Pearse Doherty.

SECTION 33

*Section opposed.*

—Michael McGrath.

SECTION 38

65. In page 59, between lines 20 and 21, to insert the following:

**“Acceleration of wear and tear allowances for certain energy-efficient equipment**

38. (1) The Principal Act is amended in the Table in Schedule 4A by inserting the following in column (2) opposite the reference in column (1) to “Electric and Alternative Fuel Vehicles”:

*“Natural Gas Vehicles and Associated Equipment:* Natural gas vehicles and relevant required fuelling equipment that meet specified efficiency criteria.

*Natural Gas Vehicle Conversions:* Equipment for the conversion to natural gas or biogas as a primary fuel for existing commercial vehicles, that meet specified efficiency criteria.”.

(2) *Subsection (1)* shall come into operation on 1 January 2014.”.

—An tAire Airgeadais.

SECTION 39

66. In page 60, between lines 6 and 7, to insert the following:

**“Attribution of relevant profits for additional credit**

39. (1) Schedule 24 to the Principal Act is amended in paragraph 9I—

- (a) in subparagraph (1), in the definition of “tax”, by deleting “, for the purposes of the definition of ‘excluded dividend’ in this subparagraph,”,
- (b) in subparagraph (4)(b) by substituting “subject to corporation tax at the rate specified in section 21A(3)(a)” for “chargeable to corporation tax under Case III of Schedule D”, and
- (c) by inserting the following subparagraph after subparagraph (4):

“(4A) (a) Where the relevant profits in relation to the relevant dividend referred to in clause (a) or (b) of subparagraph (4) have not been subject to tax, which corresponds to corporation tax in the State, but are attributable to profits of a company which have been subject to such tax, then, for the purposes of subparagraph (4), the rate per cent of tax, which is referred to in clause (a) or (b) of that subparagraph as applicable to the relevant profits in relation to the relevant dividend, shall be deemed to be the rate per cent of tax, which corresponds to corporation tax in the State, applicable to those profits of that company which have been subject to such tax.

(b) For the purposes of clause (a) and subparagraphs (3) and (4)—

(i) each part, if any, of a relevant dividend mentioned in clause (a) or (b) of subparagraph (4), being—

(I) an amount (referred to in this subclause as the ‘directly taxed amount’), which is so much of the relevant dividend as does not exceed the relevant profits in relation to the relevant dividend which have been subject to tax, which corresponds to corporation tax in the State, or

(II) so much of the excess of the relevant profits in relation to the relevant dividend over the directly taxed amount as is attributable to profits of a company which have been subject to tax, which corresponds to corporation tax in the State,

shall be treated as a separate relevant dividend, and

(ii) the aggregate value of the parts of the relevant dividend so treated under subclause (i) shall not exceed the value of that relevant dividend.

(c) For the purposes of this subparagraph—



[SECTION 39]

- (i) profits of a company are attributable to the profits of another company if they have been received directly or indirectly by the payment of dividends or the making of distributions by one or more companies directly or indirectly from the profits of that other company, and
- (ii) relevant profits in relation to a relevant dividend shall not be attributable to the same profits of a company more than once.
- (d) For the purposes of clause (c)(ii), any profits of a company, other than relevant profits in relation to a relevant dividend, and any profits of any other company to which they are attributable shall be deemed to be the same profits.”.

(2) This section shall have effect as respects dividends paid on or after the date of the passing of this Act.”.

—An tAire Airgeadais.

**67.** In page 60, between lines 6 and 7, to insert the following:

“**39.** The Minister shall, within three months of the passing of this Act, conduct a public and industrial consultation process, followed by a report, to assess the costs and benefits of the various existing tax expenditures relating to the aircraft leasing industry, with a view to ensuring that the maximum benefit to the sector and to the wider economy is obtained.”.

—Pearse Doherty.

**68.** In page 60, between lines 6 and 7, to insert the following:

“**39.** The Minister shall, within three months of the passing of this Act, prepare and lay before Dáil Éireann a report on the effective rate of tax charged to domestic businesses in this state and separately to multinational corporations, and analyse the impact of this Finance Act with regards to lowering the effective tax rate or increasing it.”.

—Pearse Doherty.

SECTION 40

**69.** In page 60, between lines 21 and 22, to insert the following:

“**40.** Section 546 of the Taxes Consolidation Act 1997 is amended to restrict allowable capital losses to 50 per cent of chargeable gains made in any year of assessment commencing on or after 1st January 2014.”.

—Pearse Doherty.

**70.** In page 60, to delete lines 25 to 38, and in page 61, to delete lines 1 to 4 and substitute the following:

“(1B) (a) In this subsection—

‘connected person’ has the same meaning as in section 10;

‘debt’ means a debt or debts, in respect of borrowed money, whether incurred by the person making the disposal of an asset or

by a connected person;

‘group’ and ‘member of a group’ have the same meanings, respectively, as in section 616.

(b) Where—

(i) the amount or value of the consideration referred to in subsection (1)(a), or

(ii) the amount of any expenditure referred to in subsection (1)(b), was defrayed either directly or indirectly out of borrowed money, the debt in respect of which is released in whole or in part (whether before, on or after the disposal of the asset), that amount shall be reduced by the lesser of the amount of the debt which is released or the amount of the allowable loss which, but for this subsection, would arise.

(c) For the purposes of paragraph (b), the date on which the whole or part of a debt is released shall be determined on the same basis as the release of the whole or part of a specified debt is treated as having been effected in section 87B(4).

(d) Where a debt is released in whole or in part in a year of assessment after the year of assessment in which the disposal of the asset takes place (such that the release of the debt was not taken into account in the computation of a chargeable gain or allowable loss on the disposal of the asset) then for the purposes of the Capital Gains Tax Acts a chargeable gain, equal to the amount of the reduction that would have been made under paragraph (b) had the release been effected in the year of assessment in which the disposal of the asset took place, shall be deemed to accrue to the person who disposed of the asset on the date on which the debt is released but, where the disposal is to a connected person, any gain under this subsection shall be treated for the purposes of section 549(3) as if it accrued on the disposal of an asset to that connected person.

(e) A chargeable gain under paragraph (d) shall not be deemed to accrue where, had a gain accrued on the disposal of the asset, it would not have been a chargeable gain or it would have qualified for relief from capital gains tax.

(f) Where a debt released is in respect of money borrowed by a member of a group of companies from another member of the group, the amount or value of the consideration referred to in subsection (1)(a), or the amount of any expenditure referred to in subsection (1)(b), shall not be reduced by the amount of that debt which is released under paragraph (b) or a chargeable gain in respect of the release of that debt shall not be deemed to accrue under paragraph (d).”.”.

[SECTION 40]

—An tAire Airgeadais.

SECTION 41

71. In page 61, to delete lines 7 to 28 and substitute the following:

“41. (1) Section 598 of the Principal Act is amended in subsection (1)(a), in the definition of “qualifying assets”, by substituting the following for paragraph (v):

“(v) land which has been let by the individual at any time in the period of 15 years ending with the disposal where—

(I) immediately before the time the land was first let in that period of 15 years, the land was owned by the individual and used for the purposes of farming carried on by the individual for a period of not less than 10 years ending at that time, and

(II) the disposal is—

(A) to a child (within the meaning of section 599) of the individual, or

(B) to an individual, other than a child referred to in clause (A), provided the land was let to a person for the purposes of farming during the period of 15 years referred to in subparagraph (I) and each letting of the land was for a period of not less than 5 consecutive years;” ”.

—An tAire Airgeadais.

SECTION 42

72. In page 61, line 33 after “ “31 December 2013.”, ” to insert the following:

“and by inserting, after “31 December 2014”, the following:

“This measure will be restricted for the additional year, from 1 January 2014 to 31 December 2014, only for use in areas designated as ‘disadvantaged’ under the RAPID definition.” ”.

—Pearse Doherty.

*Section opposed.*

—Michael McGrath.

SECTION 43

73. In page 62, line 7, to delete “by an individual”.

—Michael McGrath.

74. In page 62, line 9, to delete “of which the individual has control”.

—Michael McGrath.

75. In page 62, to delete lines 28 to 41 and substitute the following:

“(2) An individual who, on or after 1 January 2010, has made a disposal of an asset on which capital gains tax has been paid shall be entitled to a

[SECTION 43]

tax credit against any capital gains tax liability arising in an amount equal to the lower of that part of the capital gains tax paid on the disposal of the asset in the proportion that the amount so applied bears to the consideration (after deducting any capital gains tax paid).”.

—Michael McGrath.

76. In page 62, to delete line 42 and in page 63, to delete lines 1 to 16 .

—Michael McGrath.

SECTION 44

77. In page 64, between lines 36 and 37, to insert the following:

“(c) in section 102(9) by substituting “under subsection (1), (1A), (1B) or (3)” for “under subsection (3)”.”.

—An tAire Airgeadais.

SECTION 47

78. In page 67, between lines 5 and 6, to insert the following:

“47. Chapter 3 of Part 2 of Finance Act 2001 is amended in section 119 by the insertion of—

“(4) where the offence referred to in subsection (2) relates to tobacco, a person convicted shall be liable—

(a) on summary conviction to a minimum fine of €5,000 or at the discretion of the court, to imprisonment for a term not exceeding 12 months or to both,

(b) on conviction on indictment to a fine 5 times the value of the excisable products concerned, including any duty or tax chargeable thereon, or €20,000 whichever is the greater, or, at the discretion of the court, to imprisonment for a term not exceeding 5 years or to both.”.

—Michael McGrath.

SECTION 51

*Section opposed.*

—Michael McGrath, Pearse Doherty.

SECTION 52

79. In page 73, between lines 24 and 25, to insert the following:

“52. The Minister shall, within one month of the passing of this Act, prepare and lay before Dáil Éireann a report on options available for the introduction of a rate of 3 per cent betting duty for online and in shop bets.”.

—Pearse Doherty.

80. In page 75, line 20, to delete “and”.

—An tAire Airgeadais.

[SECTION 52]

81. In page 75, line 29, to delete “December.” and substitute the following:

“December.”,

and

(c) by inserting the following sections after section 66:

**“Payment arrangements for excise duty payable under section 65, 66A or 66B**

66C. (1) The excise duty payable under section 65, 66A or 66B, as the case may be, shall, at the option of the person by whom it is so payable, be paid—

(a) in full at the time of the granting or renewal of the licence, or

(b) subject to subsection (2), in two equal instalments as follows:

(i) the first instalment at the time of the granting or renewal of the licence, and

(ii) the second instalment—

(I) in the case of excise duty payable under section 65, on or before 30 November next following the granting or renewal of the licence concerned,

(II) in the case of the excise duty payable under section 66A or 66B, as the case may be, on or before 30 June next following the granting or renewal of the licence concerned.

(2) Where the period between the date of granting the licence concerned and the date on which it falls due for renewal is one year or less, the excise duty payable under section 65, 66A or 66B, as the case may be, shall be paid in full at the time of the granting of the licence.

**Payment arrangements for excise duty payable under section 66**

66D. (1) The excise duty payable under section 66 on the registration or renewal of the registration of a premises shall, at the option of the person referred to under section 66(2), be paid—

(a) in full at the time of the registration or renewal of the registration, or

(b) subject to subsection (2), in two equal instalments as follows:

(i) the first instalment at the time of the registration or renewal of the registration, and

(ii) the second instalment on or before 30 November next following the registration or renewal of registration.

(2) Where the period between the date of registration of the premises concerned and the date on which it falls due for renewal is one year or less, the excise duty payable under section 66 shall be paid in full at

[SECTION 52]

the time of the registration.”.”.

—An tAire Airgeadais.

SECTION 61

82. In page 79, line 28, to delete “ “€2,000,000” ” and substitute “ “€2,500,000” ”.

—Michael McGrath.

SECTION 62

83. In page 79, between lines 28 and 29, to insert the following:

“62. Section 80 of the Principal Act is amended by inserting a new subsection between subsections (5) and (6) to read as follows:

“(5A) Where, in relation to a supply of agricultural produce or an agricultural service by a flat-rate farmer, an invoice is issued, that invoice must carry a VAT number and PPS number for moneys claimed against income tax by farmers and farm businesses.”.”.

—Pearse Doherty.

SECTION 63

84. In page 79, between lines 32 and 33, to insert the following:

**“Notice of requirement to furnish certain information, etc.**

63. Part 13 of the Principal Act is amended—

(a) in Chapter 1 by inserting the following section after section 108:

**“Notice of requirement to furnish certain information, etc.**

108A. (1) The Revenue Commissioners may, for the purposes of the prevention and detection of tax evasion, serve a notice in writing on an accountable person whom the Commissioners have reasonable grounds for believing is likely to have further information, explanations or particulars in respect of any books, records (within the meaning of section 108), accounts or other documents relating to his or her supplies of goods made to his or her customers which may assist in identifying taxable supplies in respect of which tax chargeable will not be, or is not likely to be, paid requiring the accountable person to furnish to the Commissioners any such information, explanations or particulars as they may reasonably require and which they consider may so assist.

(2) A notice served under subsection (1) shall—

(a) specify—

(i) the date from which the notice shall have effect, being a date not earlier than 7 days from the date of service of the notice,

(ii) the information, explanations or particulars, referred to in subsection (1), required to be furnished to the Revenue

[SECTION 63]

Commissioners,

- (iii) the period for which the notice shall have effect, being a period not more than 2 months from the date specified under subparagraph (i),
- (iv) the period within which the accountable person shall furnish the specified information, explanations or particulars to the Commissioners, being a period not less than 14 days from the end of the period specified under subparagraph (iii), and
- (v) the form in which the specified information, explanations or particulars shall be furnished to the Commissioners,

and

- (b) inform the accountable person of the consequences under section 115(8A) of failing to comply with the notice.”,

and

- (b) in Chapter 3, by inserting the following subsection after subsection (8) of section 115—

“(8A) A person who fails to furnish to the Revenue Commissioners the information, explanations or particulars specified in a notice served on the person under subsection (1) of section 108A within the period specified in the notice shall be liable to a penalty of €4,000.”.

—An tAire Airgeadais.

- 85.** In page 80, to delete line 34 and substitute the following:

“(2) *Subsection (1)* comes into operation on such day as the Minister for Finance may appoint by order.”.

—An tAire Airgeadais.

- 86.** In page 80, to delete line 34 and substitute the following:

“(2) *Subsection (1)* will apply following a commencement order from the Minister, after consultation with the industry, stakeholders and the public.”.

—Pearse Doherty.

SECTION 64

- 87.** In page 80, after line 34, to insert the following:

**“Amendment of Schedule 1 to Principal Act**

- 64.** Schedule 1 to the Principal Act is amended in paragraph 14(2) with effect from 1 January 2014 by inserting “and Irish Water” after “local authorities”.”.

—An tAire Airgeadais.

SECTION 66

[SECTION 66]

88. In page 81, between lines 28 and 29, to insert the following:

“66. Where a farm is personally owned and the farmer has operated a farm company, then on subsequent transfer of the farm and farm company to a successor, the Young Trained Farmer stamp duty relief shall apply.”.

—Michael McGrath.

89. In page 81, between lines 28 and 29, to insert the following:

“66. The one per cent stamp duty rate for transfers of land to close relatives provided for in the Finance Act 2012 shall be extended beyond the year 2014.”.

—Michael McGrath.

90. In page 81, between lines 28 and 29, to insert the following:

“66. The Minister shall, within one month of passing this Act, commission a report examining and analysing the potential effects of the exemption from stamp duty of the transfer of stocks and marketable securities of companies which are listed on the Enterprise Securities Market (ESM) of the Irish Stock Exchange (ISE).”.

—Pearse Doherty.

*[Acceptance of this amendment involves the deletion of section 66 of the Bill.]*

91. In page 81, to delete lines 31 to 33 and substitute the following:

“ “86A.(1) Stamp duty shall not be chargeable on any conveyance or transfer of stocks or marketable securities admitted to the Enterprise Securities Market operated by the Irish Stock Exchange Limited.

(2) Subsection (1) shall not apply to any conveyance or transfer of stocks or marketable securities where the admission of the stocks or marketable securities to the Enterprise Securities Market has been cancelled by the Irish Stock Exchange Limited.”.”.

—An tAire Airgeadais.

92. In page 81, line 33, after “Limited.” to insert the following:

“The Minister shall examine the extension of this exemption to all securities listed on the Irish Stock Exchange”.

—Michael McGrath.

SECTION 67

93. In page 82, to delete lines 14 and 15 and substitute the following:

“(b) 0.50 per cent of the chargeable amount for the year 2014 and 0 per cent in 2015 and all subsequent years.”.”.

—Pearse Doherty.

*Section opposed.*

—Michael McGrath, Richard Boyd Barrett.



[SECTION 68]

SECTION 68

94. In page 82, line 25, to delete “ ‘business’ ” and substitute “ ‘relevant business’ ”.

—An tAire Airgeadais.

95. In page 82, to delete lines 34 to 37, and in page 83, to delete lines 1 to 14 and substitute the following:

“ ‘relevant person’ means—

- (a) a person who, in the year 2011, was a holder of a licence granted under section 9 of the Central Bank Act 1971 or held a licence or other similar authorisation under the law of any other Member State of the European Communities which corresponds to a licence granted under that section, or
- (b) a person who, in the year 2011, was a building society within the meaning of the Building Societies Act 1989 or a society established in accordance with the law of any other Member State of the European Communities which corresponds to that Act,

and the person—

(i) was obliged, in the year 2011, to pay—

- (I) appropriate tax under section 258(3) of the Taxes Consolidation Act 1997, or
- (II) an amount on account of appropriate tax under section 258(4) or 259(4) of that Act,

and

(ii) is carrying on a trade or business in the State (whether including a relevant business or not),

but a person shall not be regarded as a relevant person where the relevant retention tax in relation to the person in the year 2011 did not exceed €100,000;”.

—An tAire Airgeadais.

96. In page 84, line 3, after “a” where it secondly occurs to insert “relevant”.

—An tAire Airgeadais.

97. In page 84, line 5, after “the” where it thirdly occurs to insert “relevant”.

—An tAire Airgeadais.

98. In page 84, line 17, after “a” to insert “relevant”.

—An tAire Airgeadais.

99. In page 84, line 21, after “the” where it secondly occurs to insert “relevant”.

—An tAire Airgeadais.

[SECTION 68]

100. In page 84, line 24, after “the” where it thirdly occurs to insert “relevant”.

—An tAire Airgeadais.

101. In page 84, line 37, after “a” to insert “relevant”.

—An tAire Airgeadais.

102. In page 85, line 2, after “the” where it secondly occurs to insert “relevant”.

—An tAire Airgeadais.

103. In page 85, line 5, after “the” where it thirdly occurs to insert “relevant”.

—An tAire Airgeadais.

104. In page 86, between lines 5 and 6, to insert the following:

“(12) Financial Institutions benefiting from *section 33* of this Act, shall see their levy adjusted in accordance with the estimated Revenue lost to the State in each relevant year resulting from the lifting of restrictions on carry-forward losses.”.

—Pearse Doherty.

SECTION 70

105. In page 86, between lines 9 and 10, to insert the following:

“70. Section 825C (SARP) of the Taxes Consolidation Act 1997 (as inserted by section 14 of the Finance Act 2012) is deleted.”.

—Pearse Doherty.

SECTION 71

106. In page 87, line 5, to delete “for repayment of tax under subsection (2)” and substitute the following:

“under subsection (2) for repayment of tax which, but for an error or mistake referred to in that subsection, would not have been due”.

—An tAire Airgeadais.

107. In page 87, line 8, to delete “reflect” and substitute “correct”.

—An tAire Airgeadais.

108. In page 87, to delete lines 9 to 12 and substitute the following:

“(2B) Where a chargeable person (within the meaning of section 950) makes a claim under subsection (2) for repayment of tax which, but for an error or mistake referred to in that subsection, would not have been due and the claim relates to an accounting period which commenced before 1 January 2013 or to a year of assessment before the year of assessment 2013 it shall not constitute a valid claim for the purposes of subsection (3) unless the person’s return for the accounting period or year of assessment, as the case may be, to which the claim relates is amended in accordance with section 959V to correct the error or

[SECTION 71]

mistake, and for this purpose section 959V shall apply to such an amendment as if—”.

—An tAire Airgeadais.

**109.** In page 87, to delete lines 26 to 35 and substitute the following:

“(9) Nothing in this section shall prevent the Revenue Commissioners from examining a claim subsequent to any repayment having been made and—

(a) making or amending an assessment, as the case may be, under—

(i) Chapter 5 of Part 41A,

(ii) section 954 or 955, as appropriate, where the claim relates to an accounting period which commenced before 1 January 2013 or to a year of assessment before the year of assessment 2013, or

(iii) section 960Q,

or

(b) making a determination under section 960Q, in the case of persons who are not chargeable persons.”.”.

—An tAire Airgeadais.

SECTION 73

**110.** In page 88, to delete lines 11 to 37, and in page 89, to delete lines 1 to 9 and substitute the following:

“**Magdalen Laundry Payments**

205A. (1) In this section—

‘relevant individual’ means an individual to whom a relevant payment has been made;

‘relevant payment’ means a payment or payments made, directly or indirectly, to a relevant individual by or on behalf of the Minister for Justice, Equality and Defence, in accordance with the Table of Payments set out in Appendix A to the Magdalen Commission Report dated May 2013 on the establishment of an *ex gratia* scheme and related matters for the benefit of those women who were admitted to and worked in the Magdalen Laundries.

(2) This section applies to the following payments:

(a) a relevant payment;

(b) an amount equal to the State Pension (Contributory) as set out in column 2 of Part 1 of Schedule 2 of the Social Welfare Consolidation Act 2005 to a relevant individual;

(c) an amount equal to the State Pension (Non-Contributory) as set out in Part 3 of the Social Welfare Consolidation Act 2005 to a relevant

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individual;

(d) any payment, other than a payment referred to in paragraphs (a) to (c), made, directly or indirectly, by or on behalf of the Minister for Social Protection to a relevant individual, by virtue of that individual being a relevant individual.

(3) For the purposes of the Income Tax Acts, and notwithstanding any provision of those Acts to the contrary, a payment to which this section applies, made to a relevant individual, shall be disregarded.”,

and

(b) in section 613(1)—

(i) in paragraph (c) by substituting “profession;” for “profession.”, and

(ii) by inserting the following paragraph after paragraph (c):

“(d) any payment to which section 205A applies.”.

—An tAire Airgeadais.

**111.** In page 89, line 15, to delete “September” and substitute “August”.

—An tAire Airgeadais.

SECTION 75

**112.** In page 90, between lines 5 and 6, to insert the following:

**“Electronic transmission of certain Revenue returns**

**75.** Section 917D of the Principal Act is amended in subsection (1)—

(a) in the definition of “the Acts” by inserting the following after paragraph (a):

“(aa) the Customs Acts,”

and

(b) in the definition of “tax” by inserting “customs duty,” before “excise duty.”.

—An tAire Airgeadais.

**113.** In page 90, lines 13 to 15, to delete all words from and including ““within” in line 13 down to and including “affairs” ” in line 15 and substitute ““within 30 days of the giving of the notice a statement of affairs” ”.

—An tAire Airgeadais.

SECTION 79

**114.** In page 92, between lines 24 and 25, to insert the following:

**“79.** The Minister shall, within one month of the passing of this Act, prepare and lay before Dáil Éireann a report on options available for the abolition of the Local Property Tax.”.

—Pearse Doherty.

[SECTION 79]

115. In page 92, between lines 24 and 25, to insert the following:

**“Cap on CEO pay**

79. The Minister shall introduce a salary cap for Chief Executive Officers of semi-state companies and pillar banks, equivalent to the guidelines for public sector employees.”.

—Richard Boyd Barrett.

SECTION 80

116. In page 92, between lines 29 and 30, to insert the following:

**“Capital Services Redemption Account**

80. (1) In this section—

“capital services” has the same meaning as it has in the principal section;

“Capital Services Redemption Account” has the same meaning as it has in the principal section;

“sixty-first additional annuity” means the sum charged to the Central Fund under *subsection (2)*;

“principal section” means section 22 of the Finance Act 1950.

- (2) A sum of €85,282,431 to redeem borrowings in respect of capital services and interest on such borrowings shall be charged annually on the Central Fund or the growing produce of that Fund in the 30 successive financial years commencing with the financial year ending on 31 December 2014.
- (3) The sixty-first additional annuity shall be paid into the Capital Services Redemption Account in such manner and at such times in the relevant financial year as the Minister for Finance may determine.
- (4) Any amount of the sixty-first additional annuity, not exceeding €65,550,000 in any financial year, may be applied toward defraying the interest on the public debt.
- (5) The balance of the sixty-first additional annuity shall be applied in any one or more of the ways specified in subsection (6) of the principal section.”.

—An tAire Airgeadais.