



DÁIL ÉIREANN

**AN BILLE AIRGEADAIS (UIMH. 2), 2013
FINANCE (NO. 2) BILL 2013
LEASUITHE TUARASCÁLA
REPORT AMENDMENTS**

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AN BILLE AIRGEADAIS (UIMH. 2), 2013 —AN TUARASCÁIL

FINANCE (NO. 2) BILL 2013 —REPORT

Leasuithe Amendments

1. In page 7, line 23, after “employers” to insert “whose annual net profits are less than €250,000”.

—Richard Boyd Barrett.

2. In page 9, between lines 34 and 35, 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;”.

—Pearse Doherty.

3. In page 10, to delete lines 37 to 39 and substitute the following:

“behalf, proves that in the years of assessment, he or she has made payments to a qualifying contractor or a number of qualifying contractors in respect of qualifying expenditure to which this section applies, incurred over the years of assessment as set out in subsection (2) of this section, the income tax”.

—Pearse Doherty.

4. In page 11, line 29, after “or” where it firstly occurs to insert “a number of”.

—Pearse Doherty.

5. In page 11, lines 29 and 30, to delete “than €5,000” and substitute “than €1,500”.

—Pearse Doherty.

6. In page 11, line 30, to delete “€5,000” and substitute “€2,000”.

—Richard Boyd Barrett.

7. In page 13, between lines 11 and 12, 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.

8. In page 16, line 35, to delete “continuously”.

—Richard Boyd Barrett.

9. In page 16, lines 35 and 36, to delete “for the period of 12 months immediately”.

—Richard Boyd Barrett.

10. In page 16, line 39, to delete “continuous”.

—Richard Boyd Barrett.

11. In page 16, lines 39 and 40, to delete “of not less than 312 days immediately”.

—Richard Boyd Barrett.

12. In page 18, to delete lines 23 to 38, to delete pages 19 and 20, and in page 21, to delete lines 1 to 17.

—Maureen O'Sullivan, Thomas P. Broughan, Pearse Doherty.

13. In page 20, line 6, after “assessment” to insert the following:

“or, is resident with the claimant for 50 or more days of that year and/or manifestly plays a substantial role in the care and financial maintenance of that child, ”.

—Richard Boyd Barrett.

14. In page 20, between lines 29 and 30, to insert the following:

“(5) 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.

15. In page 21, to delete lines 18 to 39, and in page 22, to delete lines 1 to 25.

—Thomas P. Broughan.

16. In page 21, to delete lines 35 to 39, and in page 22, to delete lines 1 to 23.

—Denis Naughten.

17. In page 22, line 17, to delete “€1,000” and substitute “€1,500”.

—Richard Boyd Barrett.

18. In page 22, line 20, to delete “€500” and substitute “€750”.

—Richard Boyd Barrett.

19. In page 22, line 23, after “proportionately.” to insert the following:

“The amounts referred to above shall increase annually in line with medical inflation as measured by the consumer price index published by the CSO.”.

—Michael McGrath.

20. In page 26, to delete lines 40 and 41, to delete page 27, and in page 28, to delete lines 1 to 7 and substitute the following:

“16. The Minister to review within one month of passing 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.

21. In page 26, to delete lines 40 and 41, to delete page 27, and in page 28, to delete lines 1 to 7.

—Richard Boyd Barrett.

22. In page 37, between lines 18 and 19, 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 2013, setting out the continuing impact on people based on their gender, income, age, marital and disability status.”.

—Pearse Doherty.

23. In page 39, to delete all words from and including “substituting” in line 19 down to and including “10 per cent” ” in line 20 and substitute the following:

“inserting “for companies of annual net profits of €500,000 or less” after “€200,000” ”.

—Richard Boyd Barrett.

24. In page 54, between lines 20 and 21, to insert the following:

“(3) The Principal Act is amended in 372AAB in part (a) by deleting the words “immediately prior to conversion” and replacing with “for a period not less than 5 years prior” and in part (b) by deleting the words “immediately prior to conversion” and replacing with “for a period not less than 5 years prior.”.

—Pearse Doherty.

25. In page 54, between lines 22 and 23, to insert the following:

“(4) The Living City initiative should include the following cities and town— Cork, Dublin, Galway, Kilkenny, Limerick, Waterford and Bray.”.

—Billy Timmins.

26. In page 55, to delete lines 1 to 4.

—Richard Boyd Barrett.

27. In page 61, line 29, to delete “1 January 2015” and substitute “1 January 2014”.

—Pearse Doherty.

28. In page 65, to delete lines 2 to 5.

—Pearse Doherty.

29. In page 65, between lines 5 and 6, to insert the following:

“(2) Section 604A of the Principal Act is amended in subsection (2) by substituting “This section only applies to commercial land or buildings (excluding residential property) situated in any EEA State (including the State)” for “This section applies to land or buildings situated in any EEA State (including the State)”.”.

—Michael McGrath.

30. In page 66, between lines 28 and 29, to insert the following:

“(4) A capital gains tax rate of 15 per cent shall apply to transactions that take place in accordance with subsections (2) and (3).”.

—Michael McGrath.

31. In page 69, between lines 18 and 19, to insert the following:

“48. Section 119 of the Finance Act 2001 (as amended by section 99 of the Finance Act 2010) is amended by inserting the following new subsection (5) into section 119 (penalties for certain excise offences):

“(5) where the offence referred to in subsections (1) and (2) relates to tobacco, a person convicted of such an offence 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—

(i) to a minimum fine equal to 5 times the value of the excisable products concerned, including any duty or tax chargeable thereon, or €130,000 whichever is the greater, or, at the discretion of the court, to imprisonment for a term of not less than 5 years or to both, or

(ii) where the value of the excisable products concerned including any duty or tax chargeable thereon, is greater than €250,000, a minimum fine equal to 5 times the value of those products, or, at the discretion of the court, imprisonment for a term of not less than 7 years or to both.”.

—Michael McGrath.

32. In page 75, to delete lines 12 to 38.

—Richard Boyd Barrett.

33. In page 75, to delete lines 39 to 41, and in page 76, to delete lines 1 to 35.

—Pearse Doherty, Richard Boyd Barrett.

34. In page 76, between lines 35 and 36, to insert the following:

“54. 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.

35. In page 87, to delete lines 3 to 13.

—Richard Boyd Barrett.

36. In page 87, to delete lines 14 to 30.

—Thomas P. Broughan.

37. In page 87, to delete lines 27 and 28 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.

38. In page 91, between lines 26 and 27, to insert the following:

“(12) The Minister shall, as soon as practicable, and prior to the coming into operation of *section 68*, lay before each House of the Oireachtas a report on the extension of the powers of the Financial Services Ombudsman to investigate the sale by financial institutions or their agents, of Payment Protection Insurance policies where the policy was taken out in excess of 6 years prior to the complaint but where the claim on the policy was made within the 6 year period.”.

—Denis Naughten.

39. In page 94, between lines 29 and 30, to insert the following:

“(b) by inserting the following section after section 205A:

“Health Service Executive Payments

205B. (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 Health Service Executive on foot of its failure to protect persons under the

Child Care Act.

- (2) This section applies to the following payments:
- (a) a relevant payment;
 - (b) any payment, other than a payment referred to in paragraph (a) made, directly or indirectly, by or on behalf of the Minister for Children 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.”.”.

—Denis Naughten.

40. In page 94, between lines 32 and 33, to insert the following:

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

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

—Denis Naughten.