



SEANAD ÉIREANN

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

**MOLTÁI COISTE
COMMITTEE RECOMMENDATIONS**

SEANAD ÉIREANN

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

FINANCE (NO. 2) BILL 2013 —COMMITTEE STAGE

Moltaí Recommendations

SECTION 3

1. In page 8, to delete lines 20 to 22.

—*Senator Sean D. Barrett.*

SECTION 5

2. In page 10, to delete lines 42 and 43, and in page 11, to delete lines 1 to 4 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 of payments, and

(II) The amount which reduces the income tax of that year of assessment to nil.”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

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

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

4. In page 11, line 30, to delete “€5,000” and substitute “€1,500”.

—*Senator Kathryn Reilly.*

Section opposed.

—*Senator Sean D. Barrett.*

SECTION 7

5. In page 20, line 19, to delete “100 days” and substitute “183 days”.

—*Senator Sean D. Barrett.*

6. In page 20, line 19, to delete “100 days” and substitute “75 days”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry,*

[SECTION 7]

Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.

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

“(5) Where a 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.”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

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

“(5) Where a primary claimant marries and is no longer a single carer, and where the secondary claimant continues to share the parenting of his or her child, that secondary claimant shall be entitled to the single person child carer credit in full.”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

9. In page 21, between lines 17 and 18, 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.”.

—*Senator Kathryn Reilly.*

Section opposed.

—*Senator Kathryn Reilly.*

SECTION 8

10. 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.”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

[SECTION 8]

11. In page 22, between lines 25 and 26, to insert the following:

“(3) The Revenue Commissioners in association with the Health Information and Quality Authority shall audit the cost of claims for insurance against expenses of illness including average length of hospital stay, cost of drugs, and costs of medical procedures relative to international standards and publish such findings in the annual reports of both bodies.”.

—*Senator Sean D. Barrett.*

Section opposed.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

SECTION 9

12. In page 22, between lines 32 and 33, to insert the following:

“and

(c) under paragraph (f) of the definition of “health expenses” by deleting the words “or similar treatment prescribed by a practitioner” after the word “physiotherapy”.”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

SECTION 12

13. In page 23, to delete lines 21 to 27 and substitute the following:

“(2B) Any amount of a pension to which section 112, 113, 117 or 157, as the case may be, of the Social Welfare Consolidation Act 2005 applies is paid in respect of a qualified adult (within the meaning of the Acts), shall be treated for all the purposes of the Income Tax Acts as if it arises to and is payable to the beneficiary referred to in those sections of that Act.”.

—*Senator Sean D. Barrett.*

SECTION 15

14. In page 25, line 37, to delete “, an EEA state or an EFTA state”.

—*Senator Sean D. Barrett.*

SECTION 16

Section opposed.

—*Senator Sean D. Barrett.*

SECTION 18

[SECTION 18]

15. In page 29, between lines 11 and 12, to insert the following:

“18. (1) No pension fund or board of trustees of a pension fund as defined under the Pensions Act 1990 shall have the right to grant early retirement, a lump sum or any other form of irregular arrangement if their current assets are any less than 95% of their current liabilities.”.

—*Senator Sean D. Barrett.*

16. In page 29, between lines 34 and 35, to insert the following:

“(2) (a) The qualifying criteria for early access to pension benefits as outlined in the Finance Bill 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 fulfills one of the following criteria—

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

(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), or

(iii) they have suffered critical illness.”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

SECTION 19

Section opposed.

—*Senator Sean D. Barrett*

SECTION 20

17. In page 37, between lines 18 and 19, 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.”.

—*Senator Kathryn Reilly.*

18. 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.”.

—*Senator Kathryn Reilly.*

[SECTION 20]

19. In page 37, between lines 20 and 21, to insert the following:

“20. Section 664 of the Principal Act is amended in subsection (1) (a) in paragraph (i) of the definition of “qualifying lessee” by substituting “means an individual or a farming company” for “means an individual”.”

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

20. In page 39, to delete lines 5 to 7.

—*Senator Sean D. Barrett.*

SECTION 21

21. In page 39, line 19, to delete “€300,000” and substitute “€500,000”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

22. In page 39, line 20, to delete “15 per cent” and substitute “25 per cent”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

Section opposed.

—*Senator Sean D. Barrett.*

SECTION 23

23. In page 40, line 26, to delete “41 per cent” and substitute “20 per cent”.

—*Senator Sean D. Barrett.*

Section opposed.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

SECTION 24

24. In page 42, between lines 12 and 13, 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.”

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

SECTION 25

Section opposed.

—*Senator Sean D. Barrett.*

[SECTION 28]

SECTION 28

Section opposed.

—*Senator Sean D. Barrett.*

SECTION 30

Section opposed.

—*Senator Sean D. Barrett.*

SECTION 31

25. In page 54, between lines 22 and 23, 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.”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

Section opposed.

—*Senator Kathryn Reilly.*

SECTION 33

Section opposed.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

SECTION 36

Section opposed.

—*Senator Sean D. Barrett.*

SECTION 39

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

—*Senator Sean D. Barrett.*

SECTION 42

Section opposed.

—*Senator Sean D. Barrett.*

SECTION 43

Section opposed.

—*Senator Sean D. Barrett.*

SECTION 44

Section opposed.

[SECTION 44]

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

SECTION 45

27. In page 65, line 16, to delete “by an individual”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

28. In page 65, line 18, to delete “, of which the individual has control”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

29. In page 65, to delete lines 37 to 39, and in page 66, to delete lines 1 to 28 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 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).”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

Section opposed.

—*Senator Sean D. Barrett.*

SECTION 46

Section opposed.

Senator Sean D. Barrett.

SECTION 49

30. In page 70, between lines 17 and 18, to insert the following:

“49. Chapter 3 of Part 2 of Finance Act 2001 in amended by inserting the following new subsection (4) into section 119 (evasion of excise duty):

“(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, or

(b) on conviction on indictment to a fine 5 times the value of the excisable products concerned, including any duty or tax chargeable

[SECTION 49]

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.”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

SECTION 51

Section opposed.

—*Senator Sean D. Barrett.*

SECTION 53

Section opposed.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson, Kathryn Reilly.*

SECTION 54

31. In page 80, between lines 3 and 4, to insert the following:

“(4) 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.”.

—*Senator Kathryn Reilly.*

SECTION 55

Section opposed.

—*Senator Sean D. Barrett.*

SECTION 63

32. In page 83, line 33, to delete “€2,000,000” and substitute “€2,500,000”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

SECTION 66

Section opposed.

—*Senator Sean D. Barrett.*

SECTION 70

33. In page 87, between lines 2 and 3, to insert the following:

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

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

[SECTION 70]

34. In page 87, between lines 2 and 3, to insert the following:

“70. 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.”.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

35. In page 87, line 11, after “Limited.” to insert the following:

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

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

SECTION 71

36. In page 87, between lines 30 and 31, to insert the following:

“(d) The Pensions Board shall report annually on the impact of this and other tax and administrative costs on the income of pensioners.”.

—*Senator Sean D. Barrett.*

Section opposed.

—*Senators Darragh O'Brien, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Brian Ó Domhnaill, Denis O'Donovan, Labhrás Ó Murchú, Ned O'Sullivan, Averil Power, Jim Walsh, Mary M. White, Diarmuid Wilson.*

SECTION 78

Section opposed.

—*Senator Sean D. Barrett.*

SECTION 81

37. In page 97, between lines 26 and 27, to insert the following:

“(g) by inserting the following:

“(11) The Revenue Commissioners must provide an audit statement to the Joint Oireachtas Committee on Finance, Public Expenditure and Reform outlining how they have successfully ensured that they have addressed all potential conflicts of interest and ensured the integrity and confidentiality of all taxpayer information housed and stored in physical and electronic form by themselves and their service providers.”.

—*Senator Sean D. Barrett.*