



DÁIL ÉIREANN

**AN BILLE AIRGEADAIS 2016
FINANCE BILL 2016**

**LEASUITHE TUARASCÁLA
REPORT AMENDMENTS**

DÁIL ÉIREANN

AN BILLE AIRGEADAIS, 2016 —AN TUARASCÁIL

FINANCE BILL 2016 —REPORT

Leasuithe Amendments

1. In page 5, between lines 14 and 15, to insert the following:

“CHAPTER 2 A Millionaire’s Tax on Wealth

Study on Introduction of a Millionaire’s Tax on Wealth

2. The Minister for Finance is to order a study to be carried out on introducing a millionaire’s tax on net assets exceeding €1 million and is to report to the Dáil within six months of the enactment of this Act on the findings of the study.”.

—Paul Murphy, Richard Boyd Barrett.

2. In page 5, between lines 16 and 17, to insert the following:

- “2. The Minister for Finance is to order a study to be carried out into the impact of USC on ensuring a socially just distribution of income and is to report to the Dáil within six months of the enactment of this Act on the findings of the study.”.

—Richard Boyd Barrett, Paul Murphy.

3. In page 6, between lines 16 and 17, to insert the following:

- “3. The Minister for Finance is to order a study to be carried out on progressively raising the rate of employers’ PRSI towards the EU-15 average and is to report to the Dáil within six months of the enactment of this Act on the findings of the study.”.

—Paul Murphy, Richard Boyd Barrett.

4. In page 6, between lines 18 and 19, to insert the following:

“Exemption in respect of certain expense payments for resident relevant directors

3. The Principal Act is amended by inserting the following section after section 195C:

“Exemption in respect of certain expense payments for resident relevant directors

195D. (1) In this section—

‘civil servant’ has the meaning assigned to it by the Civil Service Regulation Act 1956;

‘company’ has the same meaning as it has in section 4;

‘director’ has the same meaning as it has in section 770;

‘relevant director’, in relation to a company, means a person holding office as a non-executive director of that company—

- (a) who is resident in the State, and
- (b) whose annualised amount of the emoluments from the office for the year of assessment 2017 and for each subsequent year in which the person is a relevant director of the company, other than payments to which this section applies, does not exceed €5,000;

‘relevant meeting’ means a meeting in the State attended by a relevant director in his or her capacity as a director for the purposes of the conduct of the affairs of the company;

‘travel’ means travel by car, motorcycle, taxi, bus, rail or aircraft.

- (2) This section applies to payments made by a company to or on behalf of a relevant director of that company in respect of expenses of travel and subsistence incurred by the relevant director, on and from 1 January 2017, solely for the purpose of the attendance by him or her at a relevant meeting.
- (3) So much of a payment to which this section applies, as does not exceed the upper of any relevant rate or rates laid down from time to time by the Minister for Public Expenditure and Reform in relation to the payment of expenses of travel and subsistence of a civil servant, shall be exempt from income tax and shall not be reckoned in computing income for the purposes of the Income Tax Acts.”.”.

—An tAire Airgeadais.

5. In page 6, to delete lines 21 and 22 and substitute the following:

- “(a) in paragraph (a), by substituting “€1,100” for “€550”, and
- (b) in paragraph (b), by substituting “€1,100” for “€550”.”.

—Pearse Doherty.

6. In page 7, line 36, to delete “Schedule E.” and substitute “Schedule E.”.”.

—An tAire Airgeadais.

7. In page 8, to delete lines 9 to 14 and substitute the following:

“7. Section 477B of the Principal Act is amended—

- (a) in subsection (1)—
 - (i) by inserting the following definition:

“ ‘housing authority’ has the same meaning as it has in the Housing (Miscellaneous Provisions) Act 1992;”,

and

(ii) in the definition of “qualifying residence”—

(I) in paragraph (c), by substituting “by the individual,” for “by the individual, or”,

(II) in paragraph (d), by substituting “of the qualifying work, or” for “of the qualifying work;”, and

(III) by inserting the following after paragraph (d):

“(e) which is owned by a housing authority and for which the housing authority is charging rent pursuant to section 58 of the Housing Act 1966 for the tenancy or occupation thereof by the individual and where the housing authority has given its prior written consent to the individual to qualifying work being carried out on the residential premises.”,

(b) in subsection (2)—

(i) in paragraph (a)—

(I) in subparagraph (i)—

(A) by substituting “2018” for “2016”, and

(B) by substituting “in subsection (1) refers,” for “in subsection (1) refers, and”,

(II) in subparagraph (ii)—

(A) by substituting “2018” for “2016”, and

(B) by substituting “in subsection (1) refers, and” for “in subsection (1) refers.”,

and

(III) by inserting the following after subparagraph (ii):

“(iii) during the period from 1 January 2017 to 31 December 2018 in the case of a qualifying residence to which paragraph (e) of the definition of ‘qualifying residence’ in subsection (1) refers.”,

and

(ii) in paragraph (d)—

(I) by substituting “2018” for “2016” in each place where it occurs, and

(II) by substituting “2019” for “2017” in each place where it occurs,

(c) in subsection (6)(b)(vi)(I), by substituting “(a), (b) or (e)” for “(a) or (b)”,

(d) in subsection (8), by inserting the following after paragraph (b):

“(c) Subparagraph (i) of paragraph (a) shall not apply in the case of a residential premises referred to in paragraph (e) of the definition of ‘qualifying residence’ in subsection (1).”.

and

(e) in subsection (12), by substituting “(a), (b) or (c)” for “(a) or (b)”.

—An tAire Airgeadais.

8. In page 8, line 9, before “Section”, to insert the following:

“(1) Section 477B of the Principal Act is amended in subsection (1) by inserting the following new paragraph in the definition of “qualifying residence”:

“or

(e) a tenant of a local authority property where the individual has received permission from the relevant housing authority to carry out qualifying work;”.

—Joan Burton.

9. In page 8, to delete lines 15 to 38, to delete pages 9 to 20, and in page 21, to delete lines 1 to 11.

—Paul Murphy, Richard Boyd Barrett.

10. In page 8, to delete lines 26 to 29 and substitute the following:

“ ‘first-time purchaser or negative equity purchaser’ means an individual who, at the time of a claim under subsection (3)—

(a) has not, either individually or jointly with any other person, previously purchased or previously built, directly or indirectly, on his or her own behalf a dwelling, or

(b) owns only one premises and—

(i) that premises was acquired by that individual as a principal private residence, within the meaning of section 604, and was occupied as such for a period of at least 2 years prior to its first letting,

(ii) at the time that premises was acquired, the individual was a first-time buyer, and

(iii) the current mortgage on that property does not exceed the market value of that property;”.

—Stephen S. Donnelly.

11. In page 9, line 11, to delete “first-time purchaser” and substitute “first-time purchaser or negative equity purchaser”.

—Stephen S. Donnelly.

12. In page 9, line 17, to delete “first-time purchaser” and substitute “first-time purchaser or negative equity purchaser”.

—Stephen S. Donnelly.

13. In page 9, line 24, to delete “31 December 2019” and substitute “31 December 2017”.

—Joan Burton.

14. In page 9, lines 32 and 33, to delete “first-time purchaser” and substitute “first-time purchaser or negative equity purchaser”.

—Stephen S. Donnelly.

15. In page 10, line 12, to delete “first-time purchaser” and substitute “first-time purchaser or negative equity purchaser”.

—Stephen S. Donnelly.

16. In page 12, line 27, to delete “first-time purchaser” and substitute “first-time purchaser or negative equity purchaser”.

—Stephen S. Donnelly.

17. In page 14, line 15, to delete “first-time purchaser” and substitute “first-time purchaser or negative equity purchaser”.

—Stephen S. Donnelly.

18. In page 21, between lines 3 and 4, to insert the following:

“(26) The Minister shall, within 6 months of the passing of this Act, prepare and lay before the Oireachtas a report on the cost of delivering a new home in Ireland and the options available for reducing that cost, without compromising the quality of the home.”.

—Michael McGrath.

19. In page 21, between lines 3 and 4, to insert the following:

“(26) The Minister shall, within 3 months of the passing of this Act, prepare and lay before the Oireachtas a report on the effectiveness of the Activate Capital development finance for residential redevelopment schemes under the Ireland Strategic Investment Fund and set out the options for a sustainable finance model for the construction of new residential homes.”.

—Michael McGrath.

20. In page 21, between lines 11 and 12, to insert the following:

“9. The Minister shall, within one year of the passing of this Act, prepare and lay before Dáil Éireann a report on the impact of section 477C “Help to Buy” on prices for new houses in the property market inclusive of an econometric analysis of the scheme.”.

—Joan Burton.

21. In page 21, between lines 11 and 12, to insert the following:

“9. Part 4 of the Principal Act is amended by inserting the following after section 97—

“Accidental landlords

97A. (1) In this section—

‘qualifying let property’ means a residential property which was acquired, between 1 January 2002 and 1 December 2008 the floor area of which is less than 113 square meters;

‘qualifying rented property’ means a residential property, which has more bedrooms than a qualifying let property, where the rent paid is no more than the market rate;

‘qualifying landlord’ means an individual who—

(a) owns only one premises and—

(i) that premises is a qualifying let property,

(ii) that premises was acquired by that individual as a principal private residence, within the meaning of section 604, and was occupied as such for a period of at least 2 years prior to its first letting, and

(iii) at the time that premises was acquired, the individual was a first time buyer,

and

(b) resides, on a full time basis, in the qualifying rented property.

(2) Notwithstanding section 97(2), in calculating the surplus or deficiency in respect of the qualifying let property, a qualifying landlord shall be entitled to take a deduction for the amount of any rent payable in respect of a qualifying rented property.”.”.

—Stephen S. Donnelly.

22. In page 21, to delete lines 12 to 16.

—Paul Murphy, Richard Boyd Barrett.

23. In page 21, to delete lines 17 to 39, and in page 22, to delete lines 1 to 4.

—Paul Murphy, Richard Boyd Barrett.

24. In page 27, between lines 22 and 23, to insert the following:

“14. The Minister shall, within 3 months of the passing of this Act, prepare and lay before Dáil Éireann a report on the possibility of extending the TaxSaver Commuter Ticket Scheme to include parking costs associated with public transport.”.

—James Lawless.

25. In page 27, between lines 24 and 25, to insert the following:

“14. The Minister for Finance is to order a study to be carried out on the operation of Relevant Contracts Tax, particularly in relation to rise in self-employment in the construction industry, and is to report to the Dáil within six months of the enactment of this Act on the findings of the study.”.

—Richard Boyd Barrett, Paul Murphy.

26. In page 27, between lines 24 and 25, to insert the following:

“14. The Minister shall, within six months from the passing of this Act, prepare and lay before Dáil Éireann a report on options available to restrict banks from carrying forward losses against taxable profits of the banks, which could result in many institutions paying no tax for the foreseeable future.”.

—Pearse Doherty.

27. In page 27, to delete lines 25 to 38, to delete pages 28 to 32, and in page 33, to delete lines 1 to 27.

—Paul Murphy, Richard Boyd Barrett.

28. In page 33, to delete lines 28 to 47, and in page 34, to delete lines 1 to 26.

—Paul Murphy, Richard Boyd Barrett.

29. In page 36, lines 35 and 36, to delete all words from and including “otherwise,” in line 35 down to and including line 36, and in page 37, to delete lines 1 and 2 and substitute “otherwise”.

—Paul Murphy, Richard Boyd Barrett.

30. In page 37, to delete lines 7 to 40, and in page 38, to delete lines 1 and 2.

—Paul Murphy, Richard Boyd Barrett.

31. In page 38, between lines 2 and 3, to insert the following:

“(3) The Minister shall, within three months of the passing of this Act, prepare and lay before the Oireachtas a report on the breaking of the link between the rate of DIRT and the rate of exit tax from life assurance policies, including the impact of this on life assurance savers.”.

—Michael McGrath.

32. In page 38, between lines 2 and 3, to insert the following:

“Repeal of section 110 of Principal Act (securitisation)

21. Section 110 of the Principal Act is repealed.”.

—Paul Murphy, Richard Boyd Barrett.

33. In page 38, between lines 4 and 5, to insert the following:

“(a) in subsection (1) in the definition of “qualifying asset” by the insertion of the

following paragraph after paragraph (c):

“(d) an asset for which the security, in relation to paragraphs (a) and (b) is not located in the State, and for which the assets, in relation to paragraph (c), are not located in the State;”,

—Stephen S. Donnelly.

34. In page 38, between lines 5 and 6, to insert the following:

“(i) the insertion of the following paragraph after paragraph (a):

“(b) which does not derive income from assets which have their underlying security, value or income from land, property or other commercial assets in the State;”,

—Stephen S. Donnelly.

35. In page 40, between lines 24 and 25, to insert the following:

“other than a loan or a specified agreement which derives its value or the greater part of its value from a CLO transaction, a CMBS/RMBS transaction, a loan origination business or a sub-participation transaction,”

—An tAire Airgeadais.

36. In page 40, to delete lines 34 and 35 and substitute the following:

“(c) a loan origination business,
(d) a sub-participation transaction, or
(e) activities which are preparatory to the transactions or business mentioned in paragraphs (a) to (d),”

—An tAire Airgeadais.

37. In page 41, to delete line 1 and substitute the following:

“distribution payable thereon;

‘sub-participation transaction’ means a transaction which involves the acquisition of an economic interest in a loan by the qualifying company in the ordinary course of a *bona fide* syndication of such loan to one or more lenders where the originator of the loan—

- (a) is a financial institution (within the meaning of CRR) or credit institution (within the meaning of CRR)—
 - (i) regulated by a competent authority in a relevant Member State or the State, or
 - (ii) authorised by a third country authority, recognised by the European Commission as having supervisory and regulatory arrangements at least equivalent to those applied in a relevant Member State or the State, to carry out similar activities,

- (b) remains a lender of record, and
- (c) retains a material net economic interest in the credit risk of the loan of not less than 5 per cent.”.

—An tAire Airgeadais.

38. In page 42, to delete lines 35 to 40.

—Stephen S. Donnelly.

39. In page 43, between lines 3 and 4, to insert the following:

“(iv) for which there may be no shared ownership, or control, in the State or internationally, between the qualifying company and the recipient of any interest or other distribution payable.”.

—Stephen S. Donnelly.

40. In page 43, between lines 12 and 13, to insert the following:

“22. The Minister shall, as soon as the appropriate data becomes available but not more than within eighteen months of the passing of this Act and every twelve months thereafter, prepare and lay before Dáil Éireann a report on the effectiveness of the provisions in this Act which are intended to restrict the use of profit participating loans where they were used to finance business of section 110 companies related to Irish property transactions.”.

—Pearse Doherty.

41. In page 43, to delete lines 13 to 40, to delete pages 44 to 62, and in page 63, to delete line 1.

—Paul Murphy, Richard Boyd Barrett.

42. In page 43, line 27, to delete “the IREF profits” and substitute “the IREF profits, including any retained IREF profits,”.

—An tAire Airgeadais.

43. In page 44, line 6, to delete “25%” and substitute “1 per cent”.

—Richard Boyd Barrett, Paul Murphy.

44. In page 44, line 18, to delete “legal person;” and substitute the following:

“legal person. The Minister shall have the power to reduce the threshold specified in subsection (a) above by means of Statutory Instrument;”.

—Pearse Doherty.

45. In page 44, line 30, to delete “loan origination business of the IREF;” and substitute the following:

“loan origination business of the IREF, and any necessary amendments to the definition of ‘loan origination’ shall be made so that it applies to a business carried on by an IREF rather than a qualifying company;”.

—An tAire Airgeadais.

46. In page 44, to delete lines 39 and 40, and in page 45, to delete lines 1 to 34.

—Richard Boyd Barrett, Paul Murphy.

47. In page 44, to delete line 40, and in page 45, to delete lines 1 to 20 and substitute the following:

“(a) in relation to a unit holder in respect of which an IREF is not a personal portfolio IREF having regard to the IREF assets concerned (other than those referred in paragraphs (b) to (e) of the definition of ‘IREF assets’)—

(i) any profits or gains as shown in the income statement of the IREF in relation to the disposal of those assets where—

(I) such asset was held by the IREF, or an investment undertaking of which the IREF is a sub-fund, for a period of at least 5 years from the date on which it was acquired, and

(II) the disposal of such asset would be a disposal of a chargeable asset for the purposes of capital gains tax or corporation tax on chargeable gains and would otherwise form part of relevant profits of the IREF which are not chargeable to tax under section 739C,

and

(ii) any unrealised profits or gains as shown in the income statement of the IREF in relation to those assets where the disposal of such asset would be a disposal of a chargeable asset for the purposes of capital gains tax or corporation tax on chargeable gains and would otherwise form part of relevant profits of the IREF which are not chargeable to tax under section 739C,

and where such asset was acquired through a transaction in respect of which relief was availed of under section 615 or 617, excluded profits shall be calculated with reference to the market value of the asset on its acquisition,”.

—An tAire Airgeadais.

48. In page 45, to delete lines 7 to 12.

—Stephen S. Donnelly.

49. In page 46, line 14, to delete “20 per cent” and substitute “90 per cent”.

—Paul Murphy, Richard Boyd Barrett.

50. In page 46, line 16, to delete “the IREF profits” and substitute “the IREF profits, including any retained IREF profits,”.

—An tAire Airgeadais.

51. In page 46, between lines 23 and 24, to insert the following:

“ ‘retained IREF profits’ means the portion of the retained profits of the investment undertaking attributable to the IREF profits, and where those profits arose in an accounting period which commenced prior to 1 January 2017 or 20 October 2016, as the case may be, those profits shall be the profits which would be IREF profits if they arose in an accounting period which commenced on or after that date;”.

—An tAire Airgeadais.

52. In page 46, line 26, to delete “subsection (6), (7)” and substitute “subsection (6) (other than paragraphs (cc), (e), and (kb)), (7)”.

—An tAire Airgeadais.

53. In page 46, line 29, to delete “subject to 739M” and substitute “subject to section 739M”.

—An tAire Airgeadais.

54. In page 47, to delete lines 35 to 37 and substitute “B is the retained IREF profits,”.

—An tAire Airgeadais.

55. In page 47, lines 38 and 39, to delete all words from and including “excluding” in line 38 down to and including line 39.

—An tAire Airgeadais.

56. In page 48, lines 38 and 39, to delete “the IREF is a personal portfolio IREF in respect of any of the unit holders” and substitute “subject to section 739N, the IREF is a personal portfolio IREF in respect of the unit holder”.

—An tAire Airgeadais.

57. In page 49, to delete lines 8 to 24 and substitute the following:

“Anti-avoidance: multiple funds further measures

739N. (1) Where—

(a) an IREF would otherwise be a personal portfolio IREF in accordance with section 739M(3)(a), and

(b) the scheme, undertaking or company, as the case may be, in respect of which it is a personal portfolio IREF would not be a personal portfolio IREF under section 739M(3)(b)(i),

then the IREF shall not be considered to be a personal portfolio IREF in respect of the unit holder concerned.

(2) Where an IREF would only be a personal portfolio IREF of a unit holder in accordance with section 739M(3)(a) because of a scheme of amalgamation to which section 739D(8C) applied, the IREF shall not be considered to be a personal portfolio IREF in respect of the unit holder concerned.

(3) Where an IREF would be a personal portfolio IREF of a unit holder in accordance with section 739M(3)(a) solely because a person connected with the unit holder may select or influence the IREF assets or IREF business where that connected person can not—

(a) be influenced by that unit holder in the exercise of their duties, or

(b) show any preference, or give any consideration, to that unit holder over and above any other unit holder,

then that IREF shall not be considered to be a personal portfolio IREF in respect of the unit holder concerned.”.

—An tAire Airgeadais.

58. In page 50, line 5, to delete “this Chapter” and substitute “paragraph (b)”.

—An tAire Airgeadais.

59. In page 51, line 21, to delete “otherwise”.

—An tAire Airgeadais.

60. In page 51, line 29, to delete “, repayment of IREF withholding tax” and substitute “and subject to section 739T, repayment of withholding tax”.

—An tAire Airgeadais.

61. In page 52, lines 2 and 3, to delete “shall be entitled to make a claim” and substitute the following:

“shall be entitled to a refund of withholding tax as if the units concerned were directly held and to make a claim”.

—An tAire Airgeadais.

62. In page 52, between lines 6 and 7, to insert the following:

“(4) For the purposes of section 865(2) the return made by the IREF under section 739R shall be deemed to be a return made by the unit holder for the purposes of an assessment to tax.”.

—An tAire Airgeadais.

63. In page 53, lines 10 and 11, to delete “, in respect of a specified person”.

—An tAire Airgeadais.

64. In page 56, to delete lines 1 and 2 and substitute the following:

“(ii) all of the shares issued are ordinary shares with equal rights, and”.

—An tAire Airgeadais.

65. In page 56, to delete lines 17 to 21 and substitute the following:

“(a) the investment undertaking shall be deemed to have disposed of all

assets in use for the purposes of the transferred business for the value at which they are carried in the accounts.”.

—An tAire Airgeadais.

66. In page 56, to delete lines 39 to 41, and in page 57, to delete lines 1 to 5 and substitute the following:

“(ii) for the purpose of the Capital Gains Tax Acts shall be treated as if any assets included in the transfer were acquired by the specified company on the date of transfer for consideration equal to the value of the assets in the accounts of the investment undertaking.”.

—An tAire Airgeadais.

67. In page 57, to delete lines 28 to 31 and substitute the following:

“(5) Any instrument giving effect to a transfer to which this section applies shall not be chargeable to stamp duty under the Stamp Duties Consolidation Act 1999.”.

—An tAire Airgeadais.

68. In page 57, to delete lines 32 to 34 and substitute the following:

“Transfer of IREF business to a REIT

739W.(1) In this section—

‘property rental business’ has the meaning assigned to it by Part 25A;

‘qualifying REIT’ means a company which was not a REIT prior to giving the notice referred to in subsection (2)(a);

‘REIT’ has the meaning assigned to it in Part 25A;

‘transferred business’ means the IREF business, the IREF assets and any assets ancillary to the IREF business referred to in subsection (2) (b).

(2) This section applies—

(a) where notice is given to the Revenue Commissioners under section 705E specifying a date not later than 31 December 2017 in respect of a company which is to carry on the property rental business previously carried on as part of the IREF property business of an IREF,

(b) where that IREF transfers the whole of its property rental business to the qualifying REIT referred to in paragraph (a),

(c) (i) where ordinary shares in the qualifying REIT are issued to the unit holders in the IREF in respect of and in proportion to (or as nearly as may be in proportion to) their unit holdings in the IREF, and

- (ii) where the IREF receives no part of the consideration for the transfer referred to in paragraph (b) (otherwise than by the qualifying REIT taking over the whole or part of the liabilities of the property rental business transferred),
 - (d) where the shares concerned are issued on or before 31 December 2017, and
 - (e) where the IREF does not carry on any business similar to the transferred business after the date of transfer referred to in paragraph (b).
- (3) In respect of a transfer to which this section applies, for the purpose of the Capital Gains Tax Acts the unit holder shall not be treated as having disposed of the units or as having acquired the shares or any part of them, but the units (taken as a single asset) and the shares (taken as a single asset) shall be treated as the same asset acquired as the units were acquired.
- (4) For the purposes of Part 25A and Chapters 1A and 1B of Part 27—
- (a) the IREF shall be treated as having disposed of, and
 - (b) the qualifying REIT shall, notwithstanding section 705L(1), be treated as having acquired,
- all assets and liabilities of the transferred business for consideration equal to the value of those assets and liabilities in the accounts of the investment undertaking.
- (5) For the purposes of this Chapter, the transfer referred to in subsection (2) shall constitute an IREF taxable event but the IREF, the unit holder and the qualifying REIT may jointly elect that the tax due under sections 739O and 739P becomes due and payable on the earlier of—
- (a) a date not later than 60 days after the disposal of the shares in the qualifying REIT,
 - (b) the tenth anniversary of the date of the transfer,
 - (c) the appointment of a liquidator to the qualifying REIT, or
 - (d) the company ceasing to be a REIT,
- and the qualifying REIT shall, not later than 21 days after the date of the end of each of the calendar years which follow the year in which the transfer occurs, deliver a statement to the Revenue Commissioners, in the prescribed form, providing such information as may be required for the purposes of this subsection.
- (6) Any instrument giving effect to a transfer to which this section applies shall not be chargeable to stamp duty under the Stamp Duties Consolidation Act 1999.”.

—An tAire Airgeadais.

69. In page 58, to delete line 22 and substitute “*Declaration of pension schemes*”.

—An tAire Airgeadais.

70. In page 59, line 7, to delete “ceases to be a” and substitute “becomes a”.

—An tAire Airgeadais.

71. In page 59, line 40, to delete “ceases to be a” and substitute “becomes a”.

—An tAire Airgeadais.

72. In page 60, to delete line 4 and substitute “*Declaration of investment undertaking*”.

—An tAire Airgeadais.

73. In page 60, line 26, to delete “ceases to be a” and substitute “becomes a”.

—An tAire Airgeadais.

74. In page 61, line 11, to delete “ceases to be a” and substitute “becomes a”.

—An tAire Airgeadais.

75. In page 62, to delete line 10 and substitute “*Declaration of Credit Unions*”.

—An tAire Airgeadais.

76. In page 62, to delete line 26 and substitute “*Declaration of qualifying company*”.

—An tAire Airgeadais.

77. In page 63, between lines 1 and 2, to insert the following:

“Anti avoidance — investment undertaking which has at least one non-resident shareholder and under five shareholders in total

739Y. Where an investment undertaking of at least one non-resident shareholder and under five shareholders in total holds any portion of IREF assets, then any portion of profits and gains attributable to the non-resident investor, should be taxed as if the fund structure did not exist, under normal non-resident individual taxing rules.”.

—Pearse Doherty.

78. In page 63, between lines 1 and 2, to insert the following:

“23. The Minister for Finance is to order a study to be carried out on introducing a Financial Transactions Tax and is to report to the Dáil within six months of the enactment of this Act on the findings of the study.”.

—Paul Murphy, Richard Boyd Barrett.

79. In page 63, between lines 1 and 2, to insert the following:

“23. The Minister for Finance is to order a study to be carried out on methods of closing remaining loopholes and abolishing tax breaks currently availed of by equity funds, investment funds, financial vehicles and Real Estate Investment Trusts and is to report to

the Dáil within six months of the enactment of this Act on the findings of the study, including an estimation of how much could be raised from this for the Exchequer.”.

—Paul Murphy, Richard Boyd Barrett.

80. In page 63, between lines 1 and 2, to insert the following:

“23. The Minister shall, within eighteen months of the passing of this Act and every twelve months thereafter, prepare and lay before Dail Eireann a report on the potential additional tax take were the exception in 739K(i)(I) inserted by section 22 of this Act removed.”.

—Pearse Doherty.

81. In page 63, between lines 1 and 2, to insert the following:

“23. The Minister shall, within nine months of the passing of this Act, prepare and lay before Dail Eireann a report on the ability of non-resident investors (from countries with which Ireland does not have a double tax treaty) who hold Irish business assets (including shares in Irish businesses) in QIAIFs or ICAVs to avoid dividend withholding tax on any dividends they receive from their Irish business holdings.”.

—Pearse Doherty.

82. In page 63, line 15, after “subsection (4)” to insert “and that is published and made available for public viewing by the Revenue Commissioners”.

—Richard Boyd Barrett, Paul Murphy.

83. In page 64, line 16, to delete “may” and substitute “will”.

—Richard Boyd Barrett, Paul Murphy.

84. In page 65, to delete lines 8 to 10.

—Richard Boyd Barrett, Paul Murphy.

85. In page 67, to delete lines 20 and 21.

—Paul Murphy, Richard Boyd Barrett.

86. In page 67, between lines 21 and 22, to insert the following:

“Report on relief from corporation tax for losses

25. The Minister shall within one month of the passing of this Act prepare and lay before Dáil Éireann a report on the offset of losses, carried forward from preceding accounting periods, for which relief is available in succeeding accounting periods, setting out the costs of tax foregone and the merits of any alternative to the current treatment of those losses.”.

—Joan Burton.

87. In page 67, between lines 21 and 22, to insert the following:

“Amendment of section 396C of Principal Act (relief from corporation tax for losses of participating institutions)

25. Section 33 of the Finance (No. 2) Act 2013, amending section 396C of the Principal Act, is repealed.”.

—Joan Burton.

88. In page 67, between lines 21 and 22, to insert the following:

“25. The Minister for Finance is to order a study to be carried out on methods to increase the corporation tax take from big business, including by doubling the rate of corporation tax for big business to 25 per cent and abolishing corporation tax breaks and is to report to the Dáil within six months of the enactment of this Act on the findings of this study.”.

—Paul Murphy, Richard Boyd Barrett.

89. In page 67, between lines 23 and 24, to insert the following:

“25. The Minister for Finance is to report to the Dáil within six months of the enactment of this Act on the projected cost of property-related exemptions from Capital Gains Tax, including the Capital Gains Tax exemption for properties bought between 7 December 2011 and the end of 2014 and held for seven years and the new exemption introduced for IREFs holding property for 5 years introduced under this Act.”.

—Paul Murphy, Richard Boyd Barrett.

90. In page 67, to delete lines 24 to 27.

—Paul Murphy, Richard Boyd Barrett.

91. In page 69, between lines 9 and 10, to insert the following:

“Capital Gains Retirement Relief and Agricultural Relief for farmland with solar panels

30. The Principal Act is amended in section 664(1) by substituting the following for the definition of “farm land”:

“ ‘farm land’ means—

- (a) land in the State wholly or mainly occupied for the purposes of husbandry and includes a building (other than a building or part of a building used as a dwelling) situated on the land and used for the purposes of farming that land, or
- (b) land in the State on which solar panels are installed which is still mainly occupied for the purposes of husbandry and includes a building (other than a building or part of a building used as a dwelling) situated on the land and used for the purposes of farming that land;”.

—Michael McGrath.

92. In page 78, line 8, to delete “of Finance” and substitute “of the Finance”.

—An tAire Airgeadais.

93. In page 78, line 29, to delete “purchased” and substitute “procured or purchased”.

—An tAire Airgeadais.

94. In page 78, to delete lines 35 to 39 and substitute the following:

“(5) Where the officer forms the opinion that the relevant product is a substitute fuel or additive that relevant product shall, in accordance with the provisions of Chapter 1 of Part 2 of the Finance Act 1999, be liable to mineral oil tax.”.

—An tAire Airgeadais.

95. In page 79, to delete lines 1 to 24.

—Richard Boyd Barrett, Paul Murphy.

96. In page 79, to delete line 9 and substitute the following:

“

Cigarettes and Heated Cigarettes	Rate of tax at—
----------------------------------	-----------------

”.

—Michael McGrath.

97. In page 89, between lines 22 and 23, to insert the following:

“Heated cigarettes

44. Chapter 3, section 71 of the Finance Act 2005 is amended in subsection (1) by inserting:

“ ‘heated cigarettes’ means rolls of tobacco that can be heated and/or smoked when, by simple non-industrial handling, are inserted into a battery or electronic device;”.

—Michael McGrath.

98. In page 89, between lines 26 and 27, to insert the following:

“Value-Added Tax in respect of charities

45. The Minister shall, within 3 months of the passing of this Act, prepare and lay before Dáil Éireann a report on the introduction in 2017 of a capped Value-Added Tax compensation scheme for charities with reimbursement to commence in 2018.”.

—Michael McGrath.

99. In page 91, line 33, to delete “1 January 2017” and substitute “1 January 2018”.

—Michael McGrath.

100. In page 93, between lines 28 and 29, to insert the following:

“50. The Minister for Finance is to report to the Dáil within six months of the enactment of

this Act on the impact, including the increased revenue that could be raised, of restoring stamp duty on commercial property to 6 per cent.”.

—Paul Murphy, Richard Boyd Barrett.

101. In page 93, between lines 32 and 33, to insert the following:

“Tax exemption for dwelling house

- 51.** The Minister shall within one month of the passing of this Act prepare and lay before Dáil Éireann a report on the operation of section 86 of the Capital Acquisitions Tax Consolidation Act 2003 (which provides that gifts or inheritances of a dwelling house are in certain circumstances exempt from capital acquisitions tax), insofar as the section facilitates the purchase by parents of valuable homes for their children and the *inter vivos* transfer of those homes, as a means of avoiding inheritance tax.”.

—Joan Burton.

102. In page 93, between lines 32 and 33, to insert the following:

“Removal of exemption from capital acquisitions tax of certain gifts or inheritances of a dwelling house

- 51.** Section 86 of the Capital Acquisitions Tax Consolidation Act 2003 is repealed.”.

—Joan Burton.

103. In page 96, to delete lines 38 to 41, and in page 97, to delete lines 1 to 3.

—Paul Murphy, Richard Boyd Barrett.

104. In page 99, line 19, to delete “1 May 2017” and substitute “1 January 2017”.

—Joan Burton, Pearse Doherty.

105. In page 99, line 19, to delete “May” and substitute “January”.

—Paul Murphy, Richard Boyd Barrett.

106. In page 99, line 35, to delete “1 May 2017” and substitute “1 January 2017”.

—Joan Burton, Pearse Doherty.

107. In page 99, line 35, to delete “May” and substitute “January”.

—Richard Boyd Barrett, Paul Murphy.

108. In page 100, line 9, to delete “1 May 2017” and substitute “1 January 2017”.

—Joan Burton, Pearse Doherty.

109. In page 100, line 9, to delete “May” and substitute “January”.

—Paul Murphy, Richard Boyd Barrett.

110. In page 100, line 19, to delete “1 May 2017” and substitute “1 January 2017”.

—Joan Burton, Pearse Doherty.

111. In page 100, between lines 21 and 22, to insert the following:

“(a) in subsection (2A), by substituting “Subject to subsection (2D), for the purposes of subsection (2),” for “For the purposes of subsection (2),”.”

—An tAire Airgeadais.

112. In page 103, to delete lines 3 to 20 and substitute the following:

“(ii) the Revenue Commissioners shall be deemed to have accepted or undertaken to accept, as the case may be, the adjusted specified sum pursuant to an agreement, of a type referred to in paragraph (c) of subsection (2), made in the relevant period in which the Revenue Commissioners accepted or undertook to accept the total claim sum.”.”

—An tAire Airgeadais.

113. In page 105, between lines 11 and 12, to insert the following:

“Report on Panama Papers

57. The Minister shall within one month of the passing of this Act prepare and lay before Dáil Éireann a report on the use of offshore accounts to avoid tax, with particular reference to analyses carried out by members of the International Consortium of Investigative Journalists into the documents known as the Panama Papers, which demonstrate how wealthy individuals and public officials can use offshore shell corporations for illegal purposes including fraud, tax evasion and evading international sanctions.”.

—Joan Burton.