An Bille Airgeadais, 2020
Finance Bill 2020

Mar a ritheadh ag Dáil Éireann

As passed by Dáil Éireann

[No. 43b of 2020]

AN BILLE AIRGEADAIS, 2020
FINANCE BILL 2020

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AN BILLE AIRGEADAIS, 2020
FINANCE BILL 2020

Bill

entitled

An Act to provide for the imposition, repeal, remission, alteration and regulation of taxation, of stamp duties and of duties relating to excise and otherwise to make further provision in connection with finance including the regulation of customs; to amend Part 7 of the Emergency Measures in the Public Interest (Covid-19) Act 2020 and otherwise make provision for supports to certain sectors of the economy; and to provide for related matters.

Be it enacted by the Oireachtas as follows:

PART 1

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

Chapter 1

Interpretation

Interpretation (*Part 1*)

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

Chapter 2

Universal Social Charge

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

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

(a) by substituting the following for subsection (3):

"(3) Notwithstanding subsection (1) and the Table to this section, where an individual is in receipt of aggregate income which does not exceed €60,000, is aged under 70 years and has full eligibility for services under Part IV of the Health Act 1970, by virtue of sections 45 and 45A of that Act or Council Regulation (EC) No. 883/2004 of 29 April

2004[1], the individual shall, instead of being charged to universal social charge on the part of aggregate income for the tax year concerned that exceeds €20,484 at the rate provided for in column (2) of Part 1 of that Table, be charged on the amount of the excess at the rate of 2 per cent.",

(b) in subsection (4), by the substitution of "2022" for "2021", and

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

"Part 1

Part of aggregate income (1)	Rate of universal social charge (2)
The first €12,012	0.5 per cent
The next €8,472	2 per cent
The next €49,560	4.5 per cent
The remainder	8 per cent

".

(2) *Paragraphs (a)* and *(c)* of *subsection (1)* apply for the year of assessment 2020.

(3) Section 531AN of the Principal Act is amended—

(a) by substituting the following for subsection (3):

"(3) Notwithstanding subsection (1) and the Table to this section, where an individual is in receipt of aggregate income which does not exceed €60,000, is aged under 70 years and has full eligibility for services under Part IV of the Health Act 1970, by virtue of sections 45 and 45A of that Act or Council Regulation (EC) No. 883/2004 of 29 April 2004[2], the individual shall, instead of being charged to universal social charge on the part of aggregate income for the tax year concerned that exceeds €20,687 at the rate provided for in column (2) of Part 1 of that Table, be charged on the amount of the excess at the rate of 2 per cent.",

and

(b) by substituting the following for Part 1 of the Table to that section:

"Part 1

Part of aggregate income (1)	Rate of universal social charge (2)
The first €12,012	0.5 per cent
The next €8,675	2 per cent
The next €49,357	4.5 per cent
The remainder	8 per cent

".

(4) *Subsection (3)* applies for the year of assessment 2021 and each subsequent year of

1 OJ No. L166, 30.4.2004, p.1
2 OJ No. L166, 30.4.2004, p.1

assessment.

CHAPTER 3

Income Tax

Amendment of section 126 of Principal Act (tax treatment of certain benefits payable under Social Welfare Acts)

3. (1) Section 126 of the Principal Act is amended—

(a) in subsection (3)(a)—

(i) by inserting the following subparagraph after subparagraph (iia):

"(iib) the payments, commonly known as the pandemic unemployment payments, made under section 202 of the Act of 2005 on and after 13 March 2020 to the relevant date (within the meaning of section 7 of that Act),",

and

(ii) by inserting the following subparagraph after subparagraph (iib) (inserted by *subparagraph (i)*):

"(iic) Covid-19 pandemic unemployment payment (within the meaning of the Act of 2005),",

and

(b) in column (1) of the Table to that section, by inserting "(other than the payments referred to in subsection (3)(a)(iib))" after "Urgent needs payment".

(2) *Paragraphs (a)(i)* and *(b)* of *subsection (1)* shall be deemed to have come into operation on and from 13 March 2020.

(3) *Paragraph (a)(ii)* of *subsection (1)* shall be deemed to have come into operation on and from 5 August 2020.

Amendment of section 192BA of Principal Act (exemption of certain payments made or authorised by Child and Family Agency)

4. (1) Section 192BA of the Principal Act is amended, in subsection (1)—

(a) in the definition of "carer" by inserting "or the Health Service Executive" after "the Child and Family Agency", and

(b) in the definition of "qualifying payment" by substituting the following for all the words beginning with "means" down to and including "or" where it appears immediately after paragraph (a)(iii):

"means a payment—

(a) which either—

(i) is—

(I) described in column (1) of the Table to this section,

(II) paid on a basis specified in column (2) of that Table, and

(III) made or authorised by the Child and Family Agency on behalf of the Minister,

or

(ii) is made by or on behalf of the Health Service Executive to a carer in respect of what is generally referred to and commonly known as a Home Sharing Host Allowance,

or".

(2) *Subsection (1)* applies for the year of assessment 2020 and each subsequent year of assessment.

Amendment of section 466 of Principal Act (dependent relative tax credit)

5. (1) Section 466 of the Principal Act is amended in subsection (2) by substituting "€245" for "€70".

(2) *Subsection (1)* shall apply for the year of assessment 2021 and each subsequent year of assessment.

Exemption in respect of Mobility Allowance

6. Chapter 1 of Part 7 of the Principal Act is amended by inserting the following section after section 192G:

"192H. (1) This section applies to a payment made under section 61 of the Health Act 1970, generally referred to and commonly known as a Mobility Allowance, by or on behalf of the Health Service Executive to a person who satisfies the conditions of the Mobility Allowance scheme as administered by the Health Service Executive.

(2) A payment to which this section applies, which is made on or after 1 January 2021, shall be exempt from income tax and shall not be reckoned in computing total income for the purposes of the Income Tax Acts.

(3) A payment to which this section applies, which is made before 1 January 2021, shall be treated as if it was exempt from income tax in the year of assessment in which it was made and shall not be reckoned in computing total income for the purposes of the Income Tax Acts.".

Amendment of section 477C of Principal Act (help to buy)

7. Section 477C of the Principal Act is amended, in subsection (5A), by substituting "December 2021" for "December 2020".

Share scheme reporting

8. (1) Section 897B of the Principal Act is amended—

(a) in subsection (2), by substituting the following for paragraph (a):

"(a) Where in any year of assessment an employer or other person awards shares, or a cash equivalent of shares, to a director or employee, and income tax under Schedule D or Schedule E may be chargeable on the director or employee in respect of that award, the employer or other person, as the case may be, shall deliver particulars thereof to the Revenue Commissioners in an electronic format approved by them, on or before 31 March in the year of assessment following that year.",

and

(b) by inserting the following paragraph after paragraph (a):

"(aa) The provisions of paragraph (a) shall also apply to the value of discounts on shares awarded to a director or employee by an employer or other person.".

(2) The Principal Act is amended in Chapter 5 of Part 5—

(a) in section 128C(15), by inserting "in an electronic format approved by them" after "Revenue Commissioners",

(b) in section 128D(8), by inserting "in an electronic format approved by them" after "Revenue Commissioners", and

(c) in section 128E(9), by inserting "in an electronic format approved by them" after "Revenue Commissioners".

Amendment of section 472AB of Principal Act (earned income tax credit)

9. (1) Section 472AB of the Principal Act is amended, in subsection (2), by substituting "€1,650" for "€1,500" in each place where it occurs.

(2) *Subsection (1)* shall apply for the year of assessment 2020 and each subsequent year of assessment.

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

10. Section 472BB of the Principal Act is amended by inserting the following subsection after subsection (2):

"(3) Where for the year of assessment 2021 an individual is a qualifying individual—

(a) he or she shall be entitled to a sea-going naval personnel credit of €1,500, and

(b) relief shall not be given under section 472B or 472BA in respect of that year.".

Covid Restrictions Support Scheme

11. (1) The Principal Act is amended—

(a) by inserting the following sections after section 483:

"Objectives of section 485, purposes for which its provisions are enacted and certain duty of Minister for Finance respecting those provisions' operation

484. (1) (a) The objectives of section 485 are to—

(i) provide the necessary stimulus to the economy (in addition to that provided by Part 7 of the Emergency Measures in the Public Interest (Covid-19) Act 2020 and the Financial Provisions (Covid-19) (No. 2) Act 2020) so as to mitigate the effects, on the economy, of Covid-19, and

(ii) if, as of 1 January 2021, no agreement stands entered into between the European Union and the United Kingdom (with respect to the future relations between them on the relevant matters), mitigate the effects on the economy which are apprehended may arise therefrom.

(b) In paragraph (a) 'relevant matters' means the matters described in Part II of the Political declaration setting out the framework for the future relationship between the European Union and the United Kingdom[3].

(c) The purposes for which the several provisions of section 485 (in this section referred to as the 'Covid Restrictions Support Scheme') are, in furtherance of the foregoing objectives, enacted are:

(i) in addition to the provision of basic mechanisms to fulfil those objectives, to ensure the efficient use of the Covid Restrictions Support Scheme so as to minimise the cost to the Exchequer of the scheme (so far as consistent with fulfilment of those objectives);

(ii) to avoid, where possible, allocation of resources to sectors of the economy that are not in need of direct stimulus by means of the Covid Restrictions Support Scheme (and which sectors may reasonably be expected to be restored to financial viability and an eventual growth path by the indirect effects of the scheme);

(iii) to protect the public finances through mechanisms for the discontinuance or amendment of one or more of the payments under the Covid Restrictions Support Scheme (or for their variation) in defined circumstances;

(iv) to take account of the need to reflect changes in circumstances

3 OJ No. C384I, 12.11.2019, p.178

of persons who, as businesses, are persons in respect of whom payments under the Covid Restrictions Support Scheme are being made, in cases where such persons avail themselves of other financial supports provided by the State;

(v) to take account of changes in the State's economic circumstances and the demands on its financial resources which may occur in the remainder of the current financial year and thereafter.

(d) It shall be the duty of the Minister for Finance to monitor and superintend the administration of the Covid Restrictions Support Scheme (but this paragraph does not derogate from the function of the care and management conferred on the Revenue Commissioners by section 485(21)).

(e) Without prejudice to the generality of paragraph (d), the Minister for Finance shall cause an assessment, at such intervals as he or she considers appropriate but no less frequently than every 3 months beginning on 13 October 2020, of the following, and any other relevant matters, to be made—

(i) up-to-date data compiled by the Department of Finance relating to the State's receipts and expenditure,

(ii) up-to-date data from the register commonly referred to as the 'Live Register' and data related to that register supplied to the Department of Finance by the Department of Business, Enterprise and Innovation (whether data compiled by that last-mentioned Department of State from its own sources or those available to it from sources maintained elsewhere in the Public Service),

(iii) such other data as the Minister for Finance may consider relevant in relation to the impact from, and effects of, Covid-19 or the fact (should that be so) of there not being an agreement of the kind referred to in paragraph (a)(ii),

and, if the following is commissioned, by reference to an assessment, on economic grounds, of the Covid Restrictions Support Scheme that may be commissioned by the Minister for Finance and any opinion as to the sustainability of the scheme expressed therein.

(f) Following an assessment under paragraph (e), it shall be the duty of the Minister for Finance, after consultation with the Minister for Public Expenditure and Reform, to determine whether it is necessary to exercise any or all of the powers under subparagraphs (i) to (vi) of subsection (2)(a) so, as appropriate, to—

(i) fulfil, better, the objectives specified in paragraph (a), or

(ii) facilitate the furtherance of any of the purposes specified in paragraph (c),

and, if the Minister for Finance determines that such is necessary, the powers under one, or more than one, as provided in that subsection (2)(a), of those subparagraphs (i) to (vi) shall become and be exercisable by the Minister for Finance.

(2) (a) Where the Minister for Finance makes a determination of the kind lastly referred to in subsection (1)(f), the Minister for Finance shall, as he or she deems fit and necessary—

(i) make an order that the reference in the definition of 'Covid restrictions' in section 485(1) to restrictions provided for in regulations made under sections 5 and 31A of the Health Act 1947 that are for the purpose of preventing, or reducing the risk of, the transmission of Covid-19 and which have the effect of restricting the conduct of certain business activity during the specified period shall be limited in such respects as are specified in the order (including, if the Minister for Finance considers appropriate, by the specification of a requirement, with respect to the restriction of certain business activity, that particular business activity must be affected by the restriction to a specified extent) and an order under this subparagraph shall make such additional modifications to the provisions of section 485 as the Minister for Finance may consider necessary and appropriate in consequence of the foregoing limitation,

(ii) make an order that the day referred to in the definition of 'specified period' in section 485(1) as the day on which the period there referred to shall expire shall be such day as is later than 31 March 2021 (but not later than 31 December 2021) as the Minister for Finance considers appropriate and specifies in the order,

(iii) make an order that the percentage specified in section 485(4)(b)(i) shall be such a percentage, that is greater or lower than the percentage specified in that provision, as the Minister for Finance—

(I) considers necessary to—

(A) fulfil, better, the objectives specified in subsection (1)(a), or

(B) facilitate the furtherance of any of the purposes specified in subsection (1)(c),

and

(II) specifies in the order,

(iv) make an order that the percentage specified in subparagraph (i)(I) or subparagraph (ii)(I) of section 485(7)(a) shall be such a percentage, that is greater or lower than the percentage specified in that subparagraph (i)(I) or subparagraph (ii)(I), as the Minister for Finance—

(I) considers necessary to—

(A) fulfil, better, the objectives specified in subsection (1)(a), or

(B) facilitate the furtherance of any of the purposes specified in subsection (1)(c),

and

(II) specifies in the order,

(v) make an order that the percentage referred to in subparagraph (i)(II) or subparagraph (ii)(II) of section 485(7)(a) shall be such a percentage, that is greater or lower than that percentage specified in that subparagraph (i)(II) or subparagraph (ii)(II), as the Minister for Finance—

(I) considers necessary to—

(A) fulfil, better, the objectives specified in subsection (1)(a), or

(B) facilitate the furtherance of any of the purposes specified in subsection (1)(c),

and

(II) specifies in the order,

(vi) make an order either that subsection (8) of section 485 shall cease to be in operation on and from such day, or that the election referred to in paragraph (b) of that subsection, which that subsection enables a qualifying person to make, shall not be exercisable save in such circumstances, as the Minister for Finance—

(I) considers necessary to—

(A) fulfil, better, the objectives specified in subsection (1)(a), or

(B) facilitate the furtherance of any of the purposes specified in subsection (1)(c),

and

(II) specifies in the order,

and any matter that is provided for in the preceding subparagraphs is referred to in section 485(3) as a 'modification'.

(b) Where an order under subparagraph (i), (ii), (iii), (iv), (v) or (vi) of paragraph (a) is proposed to be made, a draft of the order shall be laid before Dáil Éireann and the order shall not be made unless a resolution approving of the draft has been passed by that House.

Covid Restrictions Support Scheme

485. (1) In this section—

'applicable business restrictions provisions' shall be construed in the manner provided for in the definition of 'Covid restrictions period' in this subsection;

'business activity', in relation to a person carrying on a trade either solely or in partnership, means—

(a) where customers of the trade acquire goods or services from that person from one business premises, the activities of the trade, or

(b) where customers of the trade acquire goods or services from that person from more than one business premises, the activities of the trade relevant to each business premises,

and where customers of the trade acquire goods or services from that person other than through attending at a business premises, that portion of the trade which relates to transactions effected in that manner shall be deemed to relate to the business premises or, where there is more than one business premises, shall be apportioned between such business premises on a just and reasonable basis;

'business premises', in relation to a business activity, means a building or other similar fixed physical structure from which a business activity is ordinarily carried on;

'chargeable period' has the same meaning as in section 321(2);

'claim period' means a Covid restrictions period, or a Covid restrictions extension period, as the context requires;

'Covid-19' has the same meaning as it has in the Emergency Measures in the Public Interest (Covid-19) Act 2020;

'Covid restrictions' means restrictions provided for in regulations made under sections 5 and 31A of the Health Act 1947, being restrictions for the purpose of preventing, or reducing the risk of, the transmission of Covid-19 and which have the effect of restricting the conduct of certain business activity during the specified period;

'Covid restrictions extension period' has the meaning assigned to it in subsection (2);

'Covid restrictions period', in relation to a relevant business activity carried on by a person, means a period for which the person is required by provisions of Covid restrictions to prohibit, or significantly restrict, members of the public from having access to the business premises in which the relevant business activity is carried on (referred to in this section as 'applicable business restrictions provisions') and is a period which commences on the Covid restrictions period commencement date and ends on the Covid restrictions period end date;

'Covid restrictions period commencement date', in relation to a

relevant business activity, means the later of—

(a) 13 October 2020, or

(b) the day on which applicable business restrictions provisions come into operation (not having been in operation on the day immediately preceding that day);

'Covid restrictions period end date', in relation to a relevant business activity, means the earlier of—

(a) the day which is three weeks after the Covid restrictions period commencement date,

(b) the day that is specified in the Covid restrictions (being those restrictions in the terms as they stood on the Covid restrictions period commencement date) to be the day on which the applicable business restrictions provisions shall expire,

(c) the day preceding the first day following the Covid restrictions period commencement date, on which the applicable business restrictions cease to be in operation (by reason of the terms in which the Covid restrictions stand being different from how they stood as referred to in paragraph (b)), or

(d) 31 March 2021,

and, for the purposes of paragraph (c)—

(i) the fact (if such is the case) that regulations made under sections 5 and 31A of the Health Act 1947 are revoked and replaced by fresh regulations thereunder (but the applicable business restrictions provisions continue to apply to the relevant business activity) is immaterial, and

(ii) the first reference in that paragraph to the terms in which the Covid restrictions stand is a reference to their terms as provided for in those fresh regulations;

'partnership trade' has the same meaning as in section 1007;

'precedent partner', in relation to a partnership and a partnership trade, has the same meaning as in section 1007;

'relevant business activity' has the meaning assigned to it in subsection (4);

'relevant geographical region' means a geographical location for which Covid restrictions are in operation;

'specified period' means the period commencing on 13 October 2020 and expiring on 31 March 2021;

'tax' means income tax or corporation tax;

'trade' means a trade any profits or gains arising from which is chargeable to tax under Case I of Schedule D.

(2) (a) Subject to subsection (8), where, in relation to a relevant business activity carried on by a person, applicable business restrictions provisions continue to apply, by reason of regulations made or amended under sections 5 and 31A of the Health Act 1947, to the relevant business activity on the day after the end of a Covid restrictions period, the period for which those restrictions continue to so apply is referred to in this section as a 'Covid restrictions extension period', which period commences on the foregoing day (referred to in this section as a 'Covid restrictions extension period commencement date') and ends on the Covid restrictions extension period end date.

(b) In this section, 'Covid restrictions extension period end date', in relation to a relevant business activity, means the earlier of—

(i) the day which is three weeks after the Covid restrictions extension period commencement date,

(ii) the day that is specified in the Covid restrictions (being those restrictions in the terms as they stood on the Covid restrictions extension period commencement date) to be the day on which the applicable business restrictions provisions shall expire,

(iii) the day preceding the first day, following the Covid restrictions extension period commencement date, on which the applicable business restrictions provisions cease to be in operation (by reason of the terms in which the Covid restrictions stand being different from how they stood as referred to in subparagraph (ii)), or

(iv) 31 March 2021,

and, for the purposes of subparagraph (iii)—

(i) the fact (if such is the case) that regulations made under sections 5 and 31A of the Health Act 1947 are revoked and replaced by fresh regulations thereunder (but the applicable business restrictions provisions continue to apply to the relevant business activity) is immaterial, and

(ii) the first reference in that subparagraph to the terms in which the Covid restrictions stand is a reference to their terms as provided for in those fresh regulations.

(c) Where, in relation a relevant business activity carried on by a person, applicable business restrictions provisions continue to apply, by reason of regulations made or amended under sections 5 and 31A of the Health Act 1947, to the relevant business activity on the day after the end of a Covid restrictions extension period, the period for which those restrictions continue to so apply is also referred in this subsection as a 'Covid restrictions extension period' which period commences on the foregoing day and ends on the Covid restrictions extension period end date.

(3) The following provisions made in this section, namely:

(a) the reference in the definition of 'Covid restrictions' in subsection (1) to restrictions provided for in regulations made under sections 5 and 31A of the Health Act 1947 that are for the purpose of preventing, or reducing the risk of, the transmission of Covid-19 and which have the effect of restricting the conduct of certain business activity during the specified period;

(b) the specification of 31 March 2021 in the definition of 'specified period' in subsection (1) as the date on which the period there referred to shall expire;

(c) the specification of 25 per cent in subsection (4)(b)(i);

(d) the specification of 10 per cent in subsection (7)(a)(i)(I) or (ii)(I);

(e) the specification of 5 per cent in subsection (7)(a)(i)(II) or (ii)(II);

(f) subsection (8) and the election referred to in paragraph (b) of it which a qualifying person is, by virtue of that subsection, enabled to make,

shall, together with any other provision of this section that the following modification relates to, be construed and operate subject to any modification that is provided for in an order made under section 484(2)(a) and which is in force.

(4) (a) In this section—

'average weekly turnover from the established relevant business activity' means the average weekly turnover of the person, carrying on the activity, in respect of the established relevant business activity for the period commencing on 1 January 2019 and ending on 31 December 2019;

'average weekly turnover from the new relevant business activity', means the average weekly turnover of the person, carrying on the activity, in respect of the new relevant business activity in the period commencing on the date on which the person commenced the business activity and ending on 12 October 2020;

'established relevant business activity' means, in relation to a person, a relevant business activity commenced by that person before 26 December 2019;

'new relevant business activity' means, in relation to a person, a relevant business activity commenced by that person on or after 26 December 2019 and before 13 October 2020;

'relevant business activity', in relation to a person, means a business activity which is carried on by that person in a business premises located wholly in a relevant geographical region;

'relevant turnover amount' means—

(i) where a person carries on an established relevant business activity, an amount determined by the formula—

A x B

where—

A is the average weekly turnover from the established relevant business activity, and

B is the total number of full weeks in the claim period,

or

(ii) where a person carries on a new relevant business activity, an amount determined by the formula—

A x B

where—

A is the average weekly turnover from the new relevant business activity, and

B is the total number of full weeks that comprise the claim period.

(b) Subject to subsections (5) and (6), this section shall apply to a person who carries on a relevant business activity and who—

(i) in accordance with guidelines published by the Revenue Commissioners under subsection (22), demonstrates to the satisfaction of the Revenue Commissioners that, in the claim period, because of applicable business restrictions provisions that prohibit, or significantly restrict, members of the public from having access to the business premises in which the relevant business activity of the person is carried on—

(I) the relevant business activity of the person is temporarily suspended, or

(II) the relevant business activity of the person is disrupted,

such that the turnover of the person in respect of the relevant business activity in the claim period will be an amount that is 25 per cent (or less) of the relevant turnover amount, and

(ii) satisfies the conditions specified in subsection (5),

(hereafter referred to in this section as a 'qualifying person').

(5) The conditions referred to in subsection (4)(b)(ii) are—

(a) the person has logged on to the online system of the Revenue Commissioners (in this section referred to as 'ROS') and applied on ROS to be registered as a person to whom this section applies and as part of that registration provides such particulars as the Revenue Commissioners consider necessary and appropriate for the

purposes of registration and which particulars shall include those specified in subsection (14),

(b) for the claim period, the person completes an electronic claim form on ROS containing such particulars as the Revenue Commissioners consider necessary and appropriate for the purposes of determining the claim and which particulars shall include those specified in subsection (14),

(c) for the claim period, the person makes a declaration to the Revenue Commissioners through ROS that the person satisfies the conditions in this section to be regarded as a qualifying person for that claim period,

(d) the person has complied with any obligations that apply to that person in respect of the registration for, and furnishing of returns relating to, value-added tax,

(e) the person is throughout the claim period eligible for a tax clearance certificate, within the meaning of section 1095, to be issued to the person, and

(f) the person would, but for the Covid restrictions, carry on the business activity, that is a relevant business activity, at the business premises in a relevant geographical region, and intends to carry on that activity when applicable business restrictions provisions cease to be in operation in relation to that relevant business activity.

(6) Where a relevant business activity of a qualifying person does not constitute a whole trade carried on by that person, then, for the purposes of determining whether the requirements in subsection (4)(b)(i) are met, the relevant business activity shall be treated as if it were a separate trade and the turnover of the whole trade shall be apportioned between the separate trade and the other part of the trade on a just and reasonable basis, and the amount of turnover attributed to the separate trade during the claim period shall not be less than the amount that would be attributed to the separate trade if it were carried on by a distinct and separate person engaged in that relevant business activity.

(7) Subject to subsections (10) and (11), on making a claim under this section, a qualifying person shall, in respect of each full week comprised within the claim period, be entitled to an amount equal to the lower of—

(a) (i) where the qualifying person carries on an established relevant business activity, an amount equal to the sum of—

(I) 10 per cent of so much of the average weekly turnover from the established relevant business activity as does not exceed €20,000, and

(II) 5 per cent of any amount of the average weekly turnover from the established relevant business activity as exceeds €20,000,

or

(ii) where the qualifying person carries on a new relevant business activity, an amount equal to the sum of—

(I) 10 per cent of so much of the person's average weekly turnover from the new relevant business activity as does not exceed €20,000, and

(II) 5 per cent of any amount of the person's average weekly turnover from the new relevant business activity as exceeds €20,000,

and

(b) €5,000 per week,

and any amount payable under this section is referred to in this section as an 'advance credit for trading expenses'.

(8) (a) Where, in relation to a relevant business activity carried on by a person—

(i) applicable business restrictions provisions were in operation such that a qualifying person made a claim under this section in respect of a claim period and that claim, taken together with any claims made by the person immediately preceding that claim, is in respect of a continuous period of not less than three weeks, and

(ii) those applicable business restrictions provisions cease to be in operation,

then, where that qualifying person, within a reasonable period of time from the date on which the applicable business restrictions provisions cease to be in operation, resumes or continues, as the case may be, supplying goods or services to customers from the business premises in which the qualifying person's relevant business activity is carried on, that qualifying person may make an election under paragraph (b).

(b) Where no part of the week immediately following the date on which the applicable business restrictions provisions ceased to be in operation in respect of a relevant business activity would otherwise form part of a Covid restrictions period or a Covid restrictions extension period, a qualifying person to whom paragraph (a) applies may elect to treat that week as a Covid restrictions extension period and may make a claim under this section in respect of that period.

(9) A claim made under this section in respect of an advance credit for trading expenses shall be made—

(a) subject to paragraph (b), no later than—

(i) eight weeks from the date on which the claim period, to which

the claim relates, commences, or

(ii) if the date on which the qualifying person is registered as a person to whom this section applies (following an application which is made in accordance with subsection (5)(a) and within the period of eight weeks specified in subparagraph (i)) falls on a date subsequent to the expiry of the period of eight weeks so specified, three weeks from the date on which the person is so registered,

and

(b) in the case of a claim made under this section that is referred to in subsection (8), no later than eight weeks from the date on which the applicable business restrictions provisions concerned cease to be in operation.

(10) Where, for any week comprised within a claim period, a person is a qualifying person in relation to more than one relevant business activity carried on from the same business premises, and a claim is made in relation to each relevant business activity, the amount the qualifying person shall be entitled to claim under this section in respect of all of those relevant business activities for any weekly period shall not exceed the amount specified in subsection (7)(b) and subsection (7) shall apply with any necessary modifications to give effect to this subsection.

(11) (a) Where a relevant business activity in respect of which a person is a qualifying person is carried on as the whole or part of a partnership trade, then any claim made under this section for an advance credit for trading expenses in respect of the relevant business activity shall be made by the precedent partner on behalf of the partnership and each of the partners in that partnership and the maximum amount of any such claim made in respect of the relevant business activity in any weekly period shall not exceed the lower of the amounts specified in subsection (7)(a)(i) or (a)(ii), as the case may be.

(b) Where a claim is made under this section by a precedent partner for an advance credit for trading expenses in respect of a relevant business activity carried on as the whole or part of a partnership trade then—

(i) for the purposes of subsections (15) and (16), each partner shall be deemed to have claimed, in respect of that partner's several trade, a portion of the advance credit for trading expenses calculated as—

$$A \times B$$

where—

A is the advance credit for trading expenses claimed by the precedent partner, and

B is the partnership percentage at the commencement of the claim period,

(ii) the precedent partner shall, in respect of each such claim, provide a statement to each partner in the partnership containing the following particulars—

(I) the partnership name and its business address,

(II) the amount of advance credit for trading expenses claimed by the precedent partner on behalf of the partnership and each partner,

(III) the profit percentage for each partner,

(IV) the portion of the advance credit for trading expenses allocated to each partner,

(V) the commencement and cessation date of the claim period, and

(VI) the chargeable period of the partnership trade in which the claim period commences,

(iii) for the purposes of subsections (17) and (18), references to a person making a claim shall be taken as references to the precedent partner making the claim on behalf of the partnership and each of its partners, and

(iv) for the purposes of subsection (19), section 1077E shall apply as if references to a person were references to each partner and the references to a claim were a reference to a claim deemed to have been made by each partner under subparagraph (i).

(12) Any reference to 'turnover' in this section means any amount recognised as turnover in a particular period of time in accordance with the correct rules of commercial accounting, except for any amount recognised as turnover in that particular period of time due to a change in accounting policy.

(13) Where a person makes a claim for an advance credit for trading expenses under this section, in computing the amount of the profits or gains of the trade, to which the relevant business activity relates, for the chargeable period in which the claim period commences, the amount of any disbursement or expense which is allowable as a deduction, having regard to section 81, shall be reduced by the amount of the advance credit for trading expenses and the advance credit for trading expenses shall not otherwise be taken into account in computing the amount of the profits or gains of the trade for that chargeable period.

(14) (a) The particulars referred to in paragraphs (a) and (b) of subsection (5) are those particulars the Revenue Commissioners consider necessary and appropriate for the purposes of determining a claim made under this section, including—

(i) in relation to a qualifying person—

(I) name,

(II) address, including Eircode, and

(III) tax registration number,

and

(ii) in relation to a relevant business activity—

(I) name under which the business activity is carried on,

(II) a description of the business activity,

(III) address, including Eircode, of the business premises where the business activity is carried on,

(IV) where the business activity was commenced prior to 26 December 2019, the average weekly turnover of the qualifying person in respect of the business activity in the period commencing on 1 January 2019 and ending on 31 December 2019,

(V) where a trade is carried on in more than one business premises, the turnover of the qualifying person in respect of the business premises, to which the relevant business activity relates, in the period commencing on 1 January 2019 and ending on 31 December 2019,

(VI) where a business activity is a new relevant business activity, the date of commencement of the activity and the amount of turnover in respect of the new business activity beginning on the date of commencement and ending on 12 October 2020,

(VII) the average weekly turnover in respect of an established relevant business activity or a new relevant business activity, as the case may be,

(VIII) in respect of tax, within the meaning of section 2 of the Value-Added Tax Consolidation Act 2010, for the taxable periods comprised within the period of time referred to in clauses (IV) and (VI) the amount of tax that became due in accordance with section 76(1)(a)(i) of the Value-Added Tax Consolidation Act 2010,

(IX) such other total income excluding the relevant business turnover in respect of the total tax returned in respect of section 76(1)(a)(i) of the Value-Added Tax Consolidation Act 2010, for the taxable periods comprised within the period of time referred to in clause (IV) or (VI),

(X) expected percentage reduction in turnover of the qualifying person in respect of the business activity in the claim period, and

(XI) such other particulars, as the Revenue Commissioners may require.

(b) Subsequent to receiving the information requested under this section, the Revenue Commissioners may seek further particulars or evidence for the purposes of determining the claim.

(15) Where a company makes a claim under this section in respect of a claim period and it subsequently transpires that the claim was not one permitted by this section to be made, and the company has not repaid the amount as required by subsection (17)(a)(II)—

(a) the company shall be charged to tax under Case IV of Schedule D for the chargeable period in which the claim period commences, on an amount equal to 4 times so much of the amount under this section as was not so permitted to be made, and

(b) an amount chargeable to tax under this subsection shall be treated as income against which no loss, deficit, credit, expense or allowance may be set off, and shall not form part of the income of a company for the purposes of calculating a surcharge under section 440.

(16) (a) Where an individual makes a claim under this section in respect of a claim period and it subsequently transpires that the claim was not one permitted by this section to be made, and the individual has not repaid the amount as required by subsection (17)(a)(II), the individual shall be deemed to have received an amount of income equal to 5 times so much of the amount under this section as was not so permitted to be made (referred to in this subsection as the 'unauthorised amount').

(b) The unauthorised amount shall, notwithstanding any other provision of the Tax Acts, be deemed to be an amount of income, arising on the first day of the claim period that is chargeable to income tax under Case IV of Schedule D.

(c) Where the taxable income of an individual includes an amount pursuant to paragraph (b), the part of the taxable income equal to that amount shall be chargeable to income tax at the standard rate in force at the time of the payment of the advance credit for trading expenses but shall not—

(i) form part of the reckonable earnings chargeable to an amount of Pay Related Social Insurance Contributions under the Social Welfare Acts, and

(ii) be an amount on which a levy or charge is required, by or under Part 18D.

(d) Notwithstanding section 458 or any other provision of the Tax Acts, in calculating the tax payable (within the meaning of Part 41A) on the unauthorised amount under this subsection, there shall be allowed no deduction, relief, tax credit or reduction in tax.

(e) In applying section 188 or Chapter 2A of Part 15, no account shall be taken of any income deemed to arise under this subsection or any income tax payable on that income.

(17) (a) Where, subsequent to a person making a claim under this section, it transpires that—

(i) the requirements in subsection (4)(b) are not met (and a claim in respect of which those requirements are not met is referred to hereafter in this subsection as an 'invalid claim'), or

(ii) the amount claimed exceeds the amount the person is entitled to claim under this section (and a claim to which this subparagraph applies is referred to hereafter in this subsection as an 'overclaim'),

then the person shall, without unreasonable delay—

(I) notify the Revenue Commissioners of the invalid claim or overclaim, as the case may be, and

(II) repay to the Revenue Commissioners—

(A) in respect of an invalid claim, the amount paid in respect of that claim,

(B) in respect of an overclaim, the amount by which the amount paid in respect of that claim exceeds the amount the person is entitled to claim (hereafter referred to in this section as the 'excess amount').

(b) Where a person makes a claim under this section in respect of a claim period and it subsequently transpires that the claim is an invalid claim or an overclaim, as the case may be—

(i) then, subject to subparagraph (ii), the amount of the advance credit for trading expenses paid by the Revenue Commissioners in respect of the invalid claim, or the amount of the advance credit for trading expenses overpaid by the Revenue Commissioners in respect of an overclaim, as the case may be, shall carry interest as determined in accordance with section 1080(2)(c) as if a reference to the date when the tax became due and payable were a reference to the date the amount was paid by the Revenue Commissioners, and

(ii) where the invalid claim or overclaim, as the case may be, was made neither deliberately nor carelessly (within the meaning of section 1077E) and the person complies with the requirements of paragraph (a)(II), the amount repaid to the Revenue Commissioners in respect of the invalid claim or overclaim, as the case may be, shall carry interest as determined in accordance with section 1080(2)(c) as if a reference to the date when the tax became due and payable were a reference to the date paragraph (a) is complied with.

(c) Paragraph (b) shall apply to tax payable on unauthorised amounts under subsections (15) and (16) as it applies to overpayments arising on invalid or overclaims.

(18) (a) For the purposes of this subsection, 'claim' and 'overpayment' shall have the same meanings respectively as they have in subsection (1) of section 960H.

(b) In this subsection, a claim period is a 'reduced claim period' where—

(i) in the case of a claim period which is a Covid restrictions period, the claim period ends on a date as provided for (in relation to that Covid restrictions period) by paragraph (c) of the definition of 'Covid restrictions period end date' in subsection (1), and such date precedes the date that had been specified in the Covid restrictions (being those restrictions in the terms as they stood on the Covid restrictions period commencement date) to be the date on which the applicable business restrictions provisions shall expire, and

(ii) in the case of a claim period which is a Covid restrictions extension period, the claim period ends on a date as provided for (in relation to that Covid restrictions extension period) by subsection (2)(b)(iii), and such date precedes the date that had been specified in the Covid restrictions (being those restrictions in the terms as they stood on the Covid restrictions extension period commencement date) to be the date on which the applicable business restrictions provisions shall expire.

(c) Where a qualifying person makes an overclaim in respect of a reduced claim period, the Revenue Commissioners shall be entitled to recover the excess amount from the person in accordance with paragraph (d) where the following conditions are met:

(i) the claim is made before the end of the claim period; and

(ii) the claim is an overclaim solely by reason of the fact that the claim period is a reduced claim period.

(d) The Revenue Commissioners shall be entitled to recover the excess amount referred to in paragraph (c) by—

(i) setting the amount of an advance credit for trading expenses that the person is entitled to be paid in accordance with subsection (7) or (8) against the excess amount, or

(ii) where, after the end of the specified period, a repayment is due to the person in respect of a claim or overpayment, setting the amount of the repayment against the excess amount.

(e) Where the conditions referred to in paragraph (c) are met and the excess amount is recovered by the Revenue Commissioners in accordance with paragraph (d) within a reasonable period of time

from the end of the specified period, the excess amount shall not be an unauthorised amount under subsection (15) or (16), as the case may be.

(f) Where the conditions referred to in paragraph (c) are met, the excess amount shall carry interest as determined in accordance with section 1080(2)(c) as if the reference to the date when the tax became due and payable were a reference to the day after the day on which the specified period ends.

(19) Any claim made under this section shall be deemed for the purposes of section 1077E to be a claim in connection with a credit and, for the purposes of determining an amount in accordance with section 1077E(11) or 1077E(12), a reference to an amount of tax that would have been payable for the relevant periods by the person concerned shall be read as if it were a reference to a claim in respect of a claim period made in connection with subsection (7).

(20) A person shall, without prejudice to any other penalty to which the person may be liable, be guilty of an offence under this section if the person—

(a) knowingly or wilfully delivers any incorrect return or statement, or knowingly or wilfully furnishes any incorrect information, in connection with the operation of this section or the eligibility for the advance credit for trading expenses in relation to any person, or

(b) knowingly aids, abets, assists, incites or induces another person to make or deliver knowingly or wilfully any incorrect return or statement, or knowingly or wilfully furnish any incorrect information in connection with the operation of this section or the eligibility for the advance credit for trading expenses in relation to any person,

and

the provisions of subsections (3) to (10) of section 1078, and section 1079, shall, with any necessary modifications, apply for the purposes of this subsection as they apply for the purposes of offences in relation to tax within the meaning of section 1078.

(21) The administration of this section shall be under the care and management of the Revenue Commissioners and section 849 shall apply for this purpose with any necessary modifications as it applies in relation to tax within the meaning of that section.

(22) The Revenue Commissioners shall prepare and publish guidelines with respect to matters that are considered by them to be matters to which regard shall be had in determining whether—

(a) there are provisions of Covid restrictions that prohibit, or significantly restrict, members of the public from having access to the business premises in which the relevant business activity of a person is carried on in a Covid restrictions period, or Covid

restrictions extension period, as the case may be, and

(b) as a result of the provisions referred to in paragraph (a), the turnover of the person in respect of the relevant business activity in the Covid restrictions period, or Covid restrictions extension period, as the case may be, will not exceed an amount that is 25 per cent (or less) of the relevant turnover amount.

(23) Notwithstanding any obligations imposed on the Revenue Commissioners under section 851A or any other enactment in relation to the confidentiality of taxpayer information (within the meaning of that section), the details referred to in clauses (I) and (III) of subsection (14)(a)(ii) shall, for all persons to whom an advance credit for trading expenses has been paid by the Revenue Commissioners under this section, be published on the website of the Revenue Commissioners.

(24) (a) Where a Revenue officer determines that a person is not a qualifying person within the meaning of subsection (4)(b), the Revenue officer shall notify the person in writing accordingly.

(b) A person aggrieved by a determination under paragraph (a), may appeal the determination to the Appeal Commissioners, in accordance with section 949I, within the period of 30 days after the date on the notice of the determination.

(c) Where the Appeal Commissioners determine that a person is a qualifying person within the meaning of subsection (4)(b), the 8 week period specified in subsection (9), shall commence in respect of such a person on the date that determination is issued.

(d) The reference to the Tax Acts in paragraph (a) of the definition of 'Acts' in section 949A shall be read as including a reference to this section.",

and

(b) in Schedule 29, in column 1, by inserting "section 485".

(2) *Subsection (1)* shall be deemed to have come into operation on 13 October 2020.

Amendment of section 285A of Principal Act (acceleration of wear and tear allowances for certain energy-efficient equipment)

12. Section 285A of the Principal Act is amended in subsection (1) in the definition of "relevant period" by substituting "31 December 2023" for "31 December 2020".

Amendment of Chapter 1 of Part 18 of Principal Act (payments in respect of professional services by certain persons)

13. (1) The Principal Act is amended—

(a) in section 520(1), by inserting the following definitions:

" 'electronic means' has the same meaning as in section 917EA(1);

'payment notification' has the meaning assigned to it by section 524(4);

'payment notification reference number' has the meaning assigned to it by section 524(6);

'PSWT service' means such electronic system as is made available by the Revenue Commissioners to enable accountable persons to fulfil their obligations under section 524(4) and to facilitate electronic communication between the Revenue Commissioners, accountable persons, specified persons and others for the purpose of fulfilling those obligations and includes any enhancements or other changes made to that system and any replacement system;",

(b) by substituting the following section for section 524:

"Identification of specified persons and submission of payment notifications

524. (1) Subject to subsection (2), the specified person shall furnish to the accountable person concerned—

(a) in the case of a specified person resident in the State or a person having a permanent establishment or fixed base in the State, details of—

(i) the specified person's income tax or corporation tax number, as may be appropriate, and

(ii) if the relevant payment includes an amount in respect of value-added tax, the specified person's value-added tax registration number,

and

(b) in the case of a specified person other than a person mentioned in paragraph (a), details of—

(i) the specified person's country of residence,

(ii) the specified person's tax reference in that country, and

(iii) the specified person's address and contact details.

(2) (a) Where a relevant payment (including a payment to which section 522 applies) is made in accordance with section 529A(1), the precedent partner shall furnish the tax number of the partnership to the accountable person.

(b) For the purposes of paragraph (a), 'tax number' in relation to a partnership means—

(i) the registration number allocated by the Revenue Commissioners in relation to the operation by the partnership of value-added tax, or any other tax, or the reference number stated on any return, form or notice issued by the Revenue Commissioners in relation to the partnership, or

(ii) where appropriate, the tax reference of the partnership in another country.

(3) For the purposes of this section, an accountable person may require a specified person or, as the case may be, a precedent partner to provide evidence from the Revenue Commissioners that—

(a) the income tax or corporation tax number furnished by the specified person in accordance with subsection (1)(a)(i) relates to that specified person, or

(b) the tax number of the partnership furnished by the precedent partner in accordance with subsection (2)(a) relates to that partnership.

(4) Where the specified person has complied with subsection (1) or, as the case may be, the precedent partner has complied with subsection (2), the accountable person, on making a relevant payment, shall submit to the Revenue Commissioners a notification using the PSWT service (in this Chapter referred to as a 'payment notification'), specifying—

(a) the name and address of the specified person or, as the case may be, of the partnership,

(b) the specified person's tax reference as furnished in accordance with paragraph (a) or (b) of subsection (1) or, as the case may be, the partnership's tax number as furnished in accordance with subsection (2),

(c) the amount of the relevant payment,

(d) the amount of the appropriate tax deducted from that payment,

(e) the date on which the payment was made, and

(f) such other information as may be required by the Revenue Commissioners for the purposes of this section.

(5) Where, before the date on which a return in respect of a relevant payment is required to be made in accordance with section 525(7), an accountable person is aware or becomes aware that a payment notification submitted in respect of the relevant payment contains an error or omission or was not required by this Chapter, the person shall, before the date on which the return is required to be made—

(a) cancel the payment notification and, where required by this Chapter, submit a further payment notification, or

(b) amend the payment notification.

(6) Upon submission of a payment notification, an accountable person shall be provided by the PSWT service with a reference number (in this Chapter referred to as a 'payment notification reference number'), which shall be deemed to be an acknowledgement issued by the Revenue Commissioners.

(7) Where, having made a relevant payment, an accountable person has complied with subsection (4) and, where appropriate, subsection (5), the accountable person shall—

(a) as soon as practicable, provide to the specified person or, as the case may be, the precedent partner, by written or electronic means, details of—

(i) the name and tax reference number of the accountable person,

(ii) the gross amount of the relevant payment, including the tax deducted,

(iii) the amount of tax deducted from the relevant payment, and

(iv) the date of the relevant payment,

and

(b) where requested by the specified person or, as the case may be, the precedent partner, provide to that person, by written or electronic means, the payment notification reference number in respect of the relevant payment.

(8) The Revenue Commissioners may, by electronic or other means, make available to a specified person or precedent partner details of the information contained in a payment notification relating to the specified person or partnership, as the case may be.",

(c) in section 525—

(i) in subsection (1), by substituting "23 days" for "14 days",

(ii) in subsection (2), by deleting ", in relation to each specified person, or where section 529A applies, each partnership to whom a relevant payment has been made in the income tax month concerned,",

(iii) by inserting the following subsection after subsection (4):

"(4A) A return shall be made by electronic means and the relevant provisions of Chapter 6 of Part 38 shall apply.",

and

(iv) by inserting the following subsections after subsection (6):

"(7) On or before 23 February following each tax year, an accountable person shall submit to the Collector-General, in such form as the Revenue Commissioners may approve or prescribe, a return containing details of—

(a) all amounts of appropriate tax which the accountable person was liable to deduct from relevant payments made during that year,

(b) all amounts of appropriate tax remitted by the accountable person in accordance with subsection (1) during that year, and

(c) any amounts of appropriate tax owed by the accountable person in

respect of relevant payments made during that year.

(8) On or before the 23rd day of the month following the coming into operation of *section 13* of the *Finance Act 2020*, an accountable person shall submit to the Collector-General in such form as the Revenue Commissioners may approve or prescribe, a return containing, in relation to the period from 1 January 2021 to the date of that coming into operation, details of—

(a) the amount of relevant payments made by the accountable person to each specified person or, where section 529A applies, each partnership to which relevant payments were made by the accountable person during that period,

(b) the amount of appropriate tax which the accountable person was liable to deduct from relevant payments to each specified person or, where section 529A applies, each partnership to which relevant payments were made by the accountable person during that period,

(c) the amount of appropriate tax remitted by the accountable person in accordance with subsection (1) during that period, and

(d) such other particulars as may be required by the return.",

(d) in section 526—

(i) by substituting the following subsection for subsection (3):

"(3) The specified person shall, where requested by the Revenue Commissioners, furnish the following in respect of each amount of appropriate tax included in a claim under subsection (1) or (2)—

(a) the payment notification reference number in respect of the payment notification made in accordance with section 524(4), and

(b) in the case of a specified person who is a partner in relation to a partnership trade or profession, the documentation referred to in section 529A(3).",

and

(ii) in subsection (4), by substituting "payment notifications" for "forms",

(e) in section 527—

(i) in subsection (2)(c), by substituting "payment notification reference number in respect of the payment notification made in accordance with section 524(4)" for "form given to the specified person by an accountable person in accordance with section 524(2)",

(ii) in subsection (3)(a), by substituting "payment notifications" for "forms",

(iii) by deleting subsection (3A), and

(iv) in subsection (4)(b)(ii), by substituting "payment notifications" for "forms",

(f) in section 528, by substituting "payment notification" for "form", and

(g) in section 529A(3), by substituting "which shall include the details provided to the precedent partner by the accountable person in accordance with section 524(7)" for "together with a copy of the form given to the precedent partner by the accountable person in accordance with section 524(2)".

(2) This section shall come into operation on such day as the Minister for Finance may appoint by order.

Amendment of Part 11C of Principal Act (emissions-based limits on capital allowances and expenses for certain road vehicles)

14. (1) The Principal Act is amended in Part 11C—

(a) in section 380K—

(i) in subsection (2)—

(I) by substituting "A to F" for "A to G", and

(II) by substituting "EC type-approval certificate, EC certificate of conformity or vehicle registration certificate," for "EC type approval certificate or EC certificate of conformity,",

(ii) by substituting the following Table for the Table to subsection (2):

"TABLE

Vehicle Category	CO_2 emissions (CO_2 g/km)
A	0g/km up to and including 120g/km
B	more than 120g/km up to and including 140g/km
C	more than 140g/km up to and including 155g/km
D	more than 155g/km up to and including 170g/km
E	more than 170g/km up to and including 190g/km
F	more than 190g/km

",

(iii) in subsection (3), by substituting "Category F" for "Category G", and

(iv) in subsection (4), by substituting the following definitions for the definition of "CO_2 emissions":

" 'CO_2 emissions' means—

(a) in the case of a passenger or light duty vehicle—

(i) unless the matter falls within subparagraph (ii) or (iii), the level of carbon dioxide (CO_2) emissions for a vehicle measured in accordance with the provisions of Commission Regulation (EC) 715/2007 of 20 June 2007[4] and listed in Annex VIII to Council Directive 2007/46/EC of 5 September 2007[5], or

(ii) in the case of a vehicle in respect of which the certificate of conformity issued on or after 1 September 2018, the level of

4 OJ No. L171, 29.6.2007, p.1
5 OJ No. L263, 9.10.2007, p.1

carbon dioxide (CO_2) emissions measured in accordance with Commission Regulation (EU) 1151/2017 of 1 June 2017[6], or

(iii) the level of carbon dioxide (CO_2) emissions for a vehicle measured in accordance with the Commission Regulation referred to in subparagraph (ii) and determined using the correlation tool provided for in Commission Regulation (EU) 1153/2017 of 2 June 2017[7],

or

(b) in the case of a heavy duty vehicle, the level of carbon dioxide (CO_2) emissions measured in accordance with Commission Regulation (EC) 595/2009 of 18 June 2009[8],

and,

(i) in the case of paragraph (a), displayed in accordance with the provisions of Council Directive 1999/94/EC of 13 December 1999[9], and

(ii) in the case of paragraph (a) or (b), contained in the relevant EC type-approval certificate or EC certificate of conformity or any other appropriate documentation which confirms compliance with any measures taken to give effect in the State to any act of the European Union relating to the approximation of the laws of Member States in respect of type-approval for the type of vehicle concerned;

'registration certificate' has the same meaning as in paragraph (c) of Article 2 of Council Directive 1999/37/EC of 29 April 1999[10].",

(b) in section 380L, in subsections (3)(c), (4)(c), (5)(a)(III) and (6)(c), by substituting "D, E or F" for "D, E, F or G" in each place, and

(c) in section 380M(c), by substituting "D, E or F" for "D, E, F or G".

(2) *Subsection (1)* shall apply to expenditure incurred on or after 1 January 2021 on—

(a) the provision of a vehicle, or

(b) the hiring of a vehicle, except where, prior to that date—

(i) the contract for the hire of the vehicle was entered into, and

(ii) the first payment required under that contract was made.

Transfer Pricing

15. (1) Part 35A of the Principal Act is amended, in subsection (1) of section 835A, by inserting, in the definition of "relevant person" in that subsection, "(and for the purposes of sections 835F and 835G shall, in relation to an arrangement, include a person who is a supplier or an acquirer whose profits or gains or losses within the

6 OJ No. L175, 7.7.2017, p.1
7 OJ No. L175, 7.7.2017, p.679
8 OJ No. L188, 18.7.2009, p.1
9 OJ No. L12, 18.1.2000, p.16
10 OJ No. L138, 1.6.1999, p.57

charge to tax would take account of any results of the arrangement)" after "results of the arrangement".

(2) Part 35A of the Principal Act is further amended by substituting the following for section 835E:

"Modification of basic rules on transfer pricing for arrangements between qualifying relevant persons

835E. (1) For the purposes of this Part, but subject to subsection (2), for a chargeable period, 'qualifying relevant person', in relation to an arrangement, means—

(a) a relevant person—

(i) who is chargeable to income tax or corporation tax under Schedule D for the chargeable period in respect of profits or gains or losses, the computation of which takes account of the actual results of the arrangement, and

(ii) who, where that person is chargeable to income tax in respect of profits or gains or losses (and, as aforesaid, the computation of which takes account of the actual results of the arrangement), is resident in the State for the purposes of tax for the chargeable period,

or

(b) a person who, not being a relevant person to whom paragraph (a) applies, is a supplier or an acquirer who, under paragraph (c)(i) of subsection (5), is regarded as a party to a qualifying loan arrangement.

(2) A person who is a qualifying company within the meaning of section 110 shall not be regarded, for the purposes of this Part, as a qualifying relevant person.

(3) For the purposes of this section, but subject to subsection (5)(c)(ii), the computation of profits or gains or losses of a relevant person that are chargeable to income tax or corporation tax under Schedule D for the chargeable period, as the case may be, shall only be regarded as taking account of the actual results of an arrangement where—

(a) in the case of an acquirer in relation to an arrangement, the actual consideration payable for an acquisition under the arrangement is directly taken into account in computing the amount of profits or gains or losses of the acquirer that are chargeable to tax under Schedule D,

(b) in the case of a supplier in relation to an arrangement, the actual consideration receivable for a supply under the arrangement is directly taken into account in computing the amount of profits or gains or losses of the supplier that are chargeable to tax under Schedule D.

(4) Subject to subsections (5) and (6), where the actual consideration

receivable by the supplier for a supply under an arrangement, or the actual consideration payable by the acquirer for an acquisition under an arrangement, is not greater than a nominal amount, the computation of profits or gains or losses of the supplier or the acquirer, as the case may be, that are chargeable to tax under Schedule D shall, for the purposes of this section, not be regarded as taking account of the actual results of that arrangement.

(5) (a) In this subsection a 'qualifying loan arrangement' for a chargeable period is an arrangement—

(i) whereby a loan is made by a supplier to an acquirer, otherwise than in the course of a trade carried on by the supplier, and—

(I) where the acquirer is a company referred to in clause (I) or (II) of subparagraph (ii), the acquirer is within the charge to corporation tax and the supplier is—

(A) an individual who is resident in the State for the purposes of income tax, or

(B) a company within the charge to corporation tax,

or

(II) where the acquirer is a company referred to in clause (III) of subparagraph (ii), both the supplier and the acquirer are companies within the charge to corporation tax,

(ii) where the company who is the acquirer in relation to the arrangement is—

(I) a company which exists wholly or mainly for the purposes of carrying on a trade or trades,

(II) a company whose income consists wholly or mainly of profits or gains chargeable to tax under Case V of Schedule D, or

(III) a company whose business consists wholly or mainly of the holding of shares directly in a company which exists wholly or mainly for the purposes of carrying on a trade or trades or whose income consists wholly or mainly of profits or gains chargeable to tax under Case V of Schedule D,

(iii) where—

(I) in the case of an acquirer referred to in clause (I) of subparagraph (ii), the acquirer is, for the chargeable period, chargeable to tax under Case I of Schedule D in respect of profits or gains or losses and the full amount of any interest chargeable on the loan would be directly taken into account in computing the amount of those profits or gains or losses, or

(II) in the case of an acquirer referred to in clause (II) of

subparagraph (ii), the acquirer is, for the chargeable period, chargeable to tax under Case V of Schedule D in respect of profits or gains or losses and the full amount of any interest chargeable on the loan would be directly taken into account in computing the amount of those profits or gains or losses, or

(III) in the case of an acquirer referred to in clause (III) of subparagraph (ii), the proceeds of the loan are used by the acquirer to lend to another person (referred to in this clause as the 'second arrangement') and, in the chargeable period, interest is receivable by the acquirer under the second arrangement, which is directly taken into account in computing profits or gains or losses of the acquirer that are chargeable to tax under Schedule D (and where the second arrangement involves a person with whom the acquirer is associated, the amount of interest directly taken into account in computing those profits or gains or losses is not less than an arm's length amount), but the following clause provides an alternative to this clause in the case of an acquirer referred to in subparagraph (ii)(III), or

(IV) in the case of an acquirer referred to in clause (III) of subparagraph (ii), the proceeds of the loan are used by the acquirer to acquire ordinary shares directly in, or to subscribe for ordinary shares in, a company (in this clause referred to as a 'relevant company')—

(A) which exists wholly or mainly for the purposes of carrying on a trade or trades or a company whose income consists wholly or mainly of profits or gains chargeable to tax under Case V of Schedule D, and

(B) which, immediately following the acquisition or subscription, as the case may be, is a company with which the acquirer is associated,

and arising from such acquisition, or subscription, as appropriate, of shares in the relevant company, the acquirer receives in the chargeable period, or in any period of three years that includes the chargeable period, an amount of dividends or other distributions, greater than a nominal amount, from the relevant company that are chargeable to tax under Schedule D or which would be chargeable to corporation tax but for section 129,

and

(iv) the arrangement is entered into for *bona fide* commercial reasons and not as part of a scheme or arrangement the main purpose of which, or one of the main purposes of which, is the avoidance of tax.

(b) In the case of an acquirer referred to in clause (III) of paragraph (a)(ii), where, and to the extent that, the proceeds of a loan (in this paragraph referred to as the 'replacement loan') are used by the acquirer to repay a loan (referred to in this paragraph as the 'original loan')—

(i) which was provided under an arrangement that, under paragraph (a), was regarded as a qualifying loan arrangement for a chargeable period, and

(ii) the full proceeds of the original loan were used for a purpose specified in clause (III) or (IV) of paragraph (a)(iii),

the proceeds of the replacement loan shall be deemed to be used for a purpose specified in clause (III) or (IV) of paragraph (a)(iii), as the case may be.

(c) Where, for a chargeable period, an arrangement is a qualifying loan arrangement—

(i) the supplier or the acquirer, as the case may be, shall, for the purposes of this section, be regarded as a party to a qualifying loan arrangement, but where clause (IV) of paragraph (a)(iii) or clause (III) of subsection (6)(b)(iii) applies in relation to the qualifying loan arrangement, the supplier or the acquirer, as the case may be, shall only be regarded as a party to a qualifying loan arrangement where they are both resident for the purposes of tax in the State, and

(ii) subsection (8) shall apply to the supplier as if the supplier has, for the chargeable period, profits or gains or losses that are chargeable to tax under Schedule D, other than under Case I or II of Schedule D, the computation of which takes account of the actual results of the qualifying loan arrangement.

(6) (a) In this subsection, a reference to a 'debt' is a reference to an amount of money owed by an acquirer to a supplier, which—

(i) arose directly from a supply of goods, services or assets under an arrangement to which section 835C(1) applies (referred to in this subsection as the 'underlying arrangement'), and

(ii) is an amount of consideration for that supply and acquisition which, for *bona fide* commercial reasons, is unpaid.

(b) Where, for a chargeable period, the following is the case—

(i) a debt is owed by an acquirer to a supplier, which arose otherwise than in the course of a trade carried on by the supplier, and—

(I) where the acquirer is a company referred to in clause (I) or (II) of subparagraph (ii), the acquirer is within the charge to corporation tax and the supplier is—

(A) an individual who is resident in the State for the purposes of income tax, or

(B) a company within the charge to corporation tax,

or

(II) where the acquirer is a company referred to in clause (III) of subparagraph (ii), both the supplier and the acquirer are companies within the charge to corporation tax,

(ii) the company who is the acquirer is—

(I) a company referred to in subsection (5)(a)(ii)(I),

(II) a company referred to in subsection (5)(a)(ii)(II), or

(III) a company referred to in subsection (5)(a)(ii)(III),

(iii) where—

(I) in the case of an acquirer referred to in clause (I) of subparagraph (ii), the acquirer is, for the chargeable period, chargeable to tax under Case I of Schedule D in respect of profits or gains or losses and the full amount of any interest chargeable on the debt would be directly taken into account in computing the amount of those profits or gains or losses, or

(II) in the case of an acquirer referred to in clause (II) of subparagraph (ii), the acquirer is, for the chargeable period, chargeable to tax under Case V of Schedule D in respect of profits or gains or losses and the full amount of any interest chargeable on the debt would be directly taken into account in computing the amount of those profits or gains or losses, or

(III) in the case of an acquirer referred to in clause (III) of subparagraph (ii), the debt arose directly from the acquirer acquiring ordinary shares in, or subscribing for ordinary shares in, a relevant company (as referred to in clause (IV) of subsection (5)(a)(iii)) and arising from such acquisition, or subscription, as appropriate, of shares in the relevant company, the acquirer receives in the chargeable period, or in any period of three years that includes the chargeable period, an amount of dividends or other distributions, greater than a nominal amount, from the relevant company that are chargeable to tax under Schedule D or which would be chargeable to corporation tax but for section 129,

and

(iv) the arrangement which gave rise to the debt was entered into for *bona fide* commercial reasons and not as part of a scheme or arrangement the main purpose of which, or one of the main

purposes of which, was the avoidance of tax,

then the debt owed from the acquirer to the supplier shall be deemed to be a qualifying loan arrangement within the meaning of subsection (5) and subsection (5)(c) shall apply with any necessary modifications.

(c) An underlying arrangement, which gave rise to a debt which is regarded as a qualifying loan arrangement under paragraph (b), shall not be regarded as a qualifying loan arrangement by virtue of paragraph (b).

(7) This section shall apply to an arrangement involving a supplier and an acquirer who are, in respect of that arrangement, qualifying relevant persons.

(8) Where, in relation to an arrangement to which this section applies, for a chargeable period, a supplier or an acquirer, as the case may be, is chargeable to tax under Schedule D, other than under Case I or II of Schedule D, in respect of profits or gains or losses, the computation of which takes account of the actual results of the arrangement—

(a) the profits or gains or losses of the supplier or the acquirer, as the case may be, shall be computed on the basis that section 835C does not apply in respect of that particular arrangement, and

(b) section 835G(2) shall not apply to the supplier or acquirer, as the case may be, in respect of that particular arrangement.

(9) Subsection (8) shall not apply in the case of an arrangement involving a supplier and an acquirer who are qualifying relevant persons (in this subsection referred to as the 'first-mentioned arrangement') which is made as part of, or in connection with any scheme involving the acquirer in relation to the first-mentioned arrangement, or a person associated with the acquirer, entering into an arrangement with a person or persons who are not qualifying relevant persons (in this subsection referred to as the 'second-mentioned arrangement') and the sole or main purpose of the first-mentioned arrangement is to directly or indirectly obtain a tax advantage in connection with the second-mentioned arrangement.

(10) For the purposes of subsection (9), 'tax advantage' has the same meaning as in section 811C.

(11) A supplier or an acquirer, as the case may be, shall maintain and have available such records as may reasonably be required for the purposes of determining whether the requirements of this section are met.".

(3) This section shall come into operation on such day as the Minister for Finance may appoint by order.

Amendment of Schedule 2 to Principal Act (machinery for assessment, charge and payment of tax under Schedule C and, in certain cases, Schedule D)

16. (1) Schedule 2 to the Principal Act is amended in Part 4—

(a) in paragraph 14—

(i) by substituting the following for subparagraph (1):

"(1) Subject to Chapter 2 of Part 3 and subparagraph (3), every chargeable person shall, on making a payment of specified dividend income, deduct and retain a sum representing income tax at a rate of 25 per cent on that income and pay that income tax on behalf of the person entitled to that income.",

and

(ii) by inserting the following subparagraph after subparagraph (2):

"(3) Subparagraph (1) shall not apply to a payment of specified dividend income to a company where that company—

(a) is beneficially entitled to that income, and

(b) is or will be within the charge to corporation tax in respect of that income.",

(b) in paragraph 15, by substituting the following for subparagraph (3):

"(3) A return due under this Schedule shall be in a form prescribed by the Revenue Commissioners and shall include the following:

(a) the name and address of the person to whom the payment of the specified dividend income is made;

(b) the amount and type of the payment referred to in clause (a);

(c) the amount of income tax deducted in respect of the payment referred to in clause (a) in accordance with paragraph 14(1);

(d) a declaration to the effect that the return is correct and complete.",

and

(c) in paragraph 18, by substituting the following for subparagraph (1):

"(1) A chargeable person shall keep records to distinguish the separate accounts of each of the persons entitled to receive specified dividend income and such records shall include—

(a) the name and address of the person entitled to receive specified dividend income,

(b) the amount and type of the specified dividend income payments paid to the person referred to in clause (a),

(c) the amounts of income tax deducted in respect of the payments referred to in clause (c) in accordance with paragraph 14(1), and

(d) in the case of amounts payable out of any public revenue to the

person referred to in clause (a), particulars of the public revenue out of which each separate amount is payable.".

(2) *Subsection (1)*, other than *paragraph (a)*, shall come into operation on such day as the Minister for Finance may appoint by order.

(3) *Subsection (1)(a)* shall come into operation on 1 January 2021.

Acceleration of wear and tear allowances for farm safety equipment

17. (1) The Principal Act is amended—

(a) in Chapter 2 of Part 9, by inserting the following section after section 285C:

"Acceleration of wear and tear allowances for farm safety equipment

285D.(1) In this section—

'eligible person' means a person carrying on farming, the profits or gains of which are chargeable to tax in accordance with section 655;

'farming' has the same meaning as it has in Part 23, other than in section 664;

'Minister' means the Minister for Agriculture, Food and the Marine;

'qualifying certificate' means a certificate issued under subsection (4);

'qualifying equipment' means equipment of a type specified in column (1) of the table in Part 2 of Schedule 35 meeting the description specified in column (2) of that table opposite the reference to that equipment type in column (1) thereof;

'qualifying expenditure', in relation to an item of qualifying equipment, means the amount which, in the reasonable opinion of the Minister, is an appropriate purchase price;

'relevant tax', in relation to an eligible person—

(a) where the eligible person is a company, means any corporation tax, and

(b) where the eligible person is not a company, means any contributions paid under the Social Welfare Consolidation Act 2005, income tax or universal social charge;

'Rescuing and Restructuring Guidelines' means the Communication of the Commission on Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty[11];

'SME' has the same meaning as it has in Commission Regulation (EU) No. 702/2014 of 25 June 2014[12];

'undertaking' means the relevant economic unit that would be regarded as an undertaking for the purposes of the Rescuing and Restructuring Guidelines;

11 OJ No. C249, 31.7.2014, p. 1
12 OJ No. L193, 1.7.2014, p. 1

'undertaking in difficulty' shall be construed in accordance with section 2.2 of the Rescuing and Restructuring Guidelines.

(2) Where a person acquires qualifying equipment, the person may make an application to the Minister for a qualifying certificate in respect of the equipment.

(3) A person making an application to the Minister under subsection (2) shall use the form provided by the Minister for that purpose and shall include the following information in the application:

(a) in respect of each item of qualifying equipment to which the application relates—

(i) a description of the equipment, and

(ii) the purchase price of the equipment;

(b) the name and address of the applicant; and

(c) such other information, specified in the form provided by the Minister, as the Minister considers necessary and appropriate for the purposes of determining—

(i) whether a certificate should be issued under subsection (4), and

(ii) the qualifying expenditure in respect of an item of qualifying equipment.

(4) Where—

(a) a person makes an application to the Minister under subsection (2),

(b) the Minister is satisfied that the equipment concerned is qualifying equipment, and

(c) subsection (5) does not apply in respect of the equipment concerned,

the Minister shall issue a certificate to the person.

(5) This subsection shall apply in respect of qualifying equipment in respect of which an application is made under subsection (2) where the qualifying expenditure for that equipment exceeds an amount determined by the formula—

€5,000,000 – M

where—

M is an amount (which may be nil) equal to the aggregate qualifying expenditure, if any, exclusive of any amount of value-added tax, in respect of which—

(a) a qualifying certificate has been issued prior to the date on which the application was made, in the year in which the application was received, and

(b) a qualifying certificate would be issued, if an appeal of a decision,

made prior to the date on which the application was made, in the year in which the application was received, was successful.

(6) A qualifying certificate shall include the following information:

(a) in respect of each item of qualifying equipment to which the certificate relates—

(i) a description, and

(ii) the qualifying expenditure;

(b) a unique, sequential certificate identification number assigned by the Minister;

(c) the name and address of the person to whom the certificate is issued; and

(d) such other information as the Minister or the Revenue Commissioners consider necessary and appropriate.

(7) The Minister shall provide the Revenue Commissioners, by 28 February each year, with the details of all qualifying certificates issued during the preceding year, including, in relation to each such certificate, the information specified in subsection (6).

(8) Where the Minister, following application in that behalf by a person under subsection (2), decides—

(a) not to issue a qualifying certificate, or

(b) to issue a qualifying certificate specifying, as the qualifying expenditure in respect of an item of qualifying equipment to which the certificate relates, an amount which is lower than the amount of the purchase price of the item of equipment specified in the application,

the Minister shall notify the person of that decision.

(9) A notification under subsection (8) shall—

(a) state the reasons for the decision, and

(b) inform the person that—

(i) the person may appeal the decision, by notice in writing (in this section referred to as a 'notice of appeal'), to the appeals officer (within the meaning of section 667G) within 21 days of the date of the notification,

(ii) the notice of appeal shall specify the grounds for the appeal,

(iii) the decision shall be suspended until—

(I) the decision becomes final under subsection (12), or

(II) the disposal of the appeal under this section.

(10) A notice of appeal shall comply with subsection (9)(b)(i) and (ii) and

shall be accompanied by such fee as may be determined by the Minister from time to time and published in such manner as the Minister considers appropriate, including on the internet.

(11) Where the Minister makes a decision referred to in subsection (8), the decision shall be suspended until—

(a) where subsection (12) applies, the decision becomes final under that subsection, or

(b) where subsection (12) does not apply, the disposal of the appeal of that decision under this section.

(12) If, on the expiration of the period of 21 days beginning on the date of a notification under subsection (8), no appeal under this section is made by the person notified under that subsection, the decision to which the notification relates is final.

(13) Subsections (5) to (10) of section 667G shall apply to an appeal under this section as they apply to an appeal under that section.

(14) Subject to subsections (15) and (16), where an eligible person—

(a) incurs, for the purpose of farming by that person, capital expenditure on qualifying equipment on or after 1 January 2021 and on or before 31 December 2023, and

(b) has been issued with a qualifying certificate in respect of that equipment,

then, for any chargeable period a wear and tear allowance is to be made under section 284 in respect of any qualifying expenditure specified in that qualifying certificate, subsection (2) of that section shall apply as if the reference in paragraph (ad) of that subsection to 12.5 per cent were a reference to 50 per cent.

(15) Subsection (14) shall not apply where the eligible person concerned—

(a) is an undertaking in difficulty,

(b) is part of an undertaking part of which is subject to an outstanding recovery order following a previous decision of the Commission of the European Union that declared an aid illegal and incompatible with the internal market, or

(c) is part of an undertaking that is not an SME.

(16) The aggregate amount of relief granted to a person under this section shall not exceed €500,000.

(17) This subsection applies to a person in respect of a chargeable period where the aggregate of the amount of the relief granted to the person in that chargeable period and in previous chargeable periods is greater than €60,000.

(18) Notwithstanding section 851A, where subsection (17) applies to a person in respect of a chargeable period, the Revenue Commissioners

may disclose the following information in respect of the year in which the chargeable period ends:

(a) the name of the person;

(b) the sector of activity at NACE group level, within the meaning of Regulation (EC) No. 1893/2006 of the European Parliament and of the Council of 20 December 2006[13], as amended by Regulation (EC) No. 295/2008 of the European Parliament and of the Council of 11 March 2008[14] and Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019[15];

(c) the territorial unit, within the meaning of the NUTS Level 2 classification specified in Annex 1 to Regulation (EC) No. 1059/2003 of the European Parliament and of the Council of 26 May 2003[16] as amended by Regulation (EC) No. 1888/2005 of the European Parliament and of the Council of 26 October 2005[17], Commission Regulation (EC) No. 105/2007 of 1 February 2007[18], Regulation (EC) No. 176/2008 of the European Parliament and of the Council of 20 February 2008[19], Regulation (EC) No. 1137/2008 of the European Parliament and of the Council of 22 October 2008[20], Commission Regulation (EU) No. 31/2011 of 17 January 2011[21], Council Regulation (EU) No. 517/2013 of 13 May 2013[22], Commission Regulation (EU) No. 1319/2013 of 9 December 2013[23], Commission Regulation (EU) No. 868/2014 of 8 August 2014[24], Commission Regulation (EU) No. 2016/2066 of 21 November 2016[25], and Commission Delegated Regulation (EU) 2019/1755 of 8 August 2019[26], in which the person is located; and

(d) the year in which the relief is granted.

(19) For the purposes of subsections (16) and (17), the amount of relief granted to a person in a chargeable period shall be the amount determined by the formula—

$$R = A - B$$

where—

R is the amount of the relief granted to the person in the chargeable period,

A is the amount of relevant tax that would be payable by the eligible person for the chargeable period, but for subsection (14), and

13 OJ No. L393, 30.12.2006, p. 1
14 OJ No. L97, 9.4.2008, p. 13
15 OJ No. L198, 25.7.2019, p. 241
16 OJ No. L154, 21.6.2003, p. 1
17 OJ No. L309, 25.11.2005, p. 1
18 OJ No. L39, 10.2.2007, p.1
19 OJ No. L61, 5.3.2008, p.1
20 OJ No. L311, 21.11.2008, p.1
21 OJ No. L13, 18.1.2011, p.3
22 OJ No. L158, 10.6.2013, p.1
23 OJ No. L342, 18.12.2013, p.1
24 OJ No. L241, 13.8.2014, p.1
25 OJ No. L322, 29.11.2016, p. 1
26 OJ No. L270, 24.10.2019, p. 1

B is the amount of relevant tax payable by the eligible person for that chargeable period.",

(b) in section 667F(1), by substituting "for the purposes of appeals under sections 285D and 667G" for "for the purposes of an appeal under section 667G", and

(c) by inserting the following Schedule after Schedule 34:

"SCHEDULE 35

Section 285D

PART 1

DEFINITIONS

In this Schedule—

'farm vehicle' means an agricultural tractor, agricultural self-propelled machine, all-terrain vehicle or utility terrain vehicle;

'machinery Directive' means Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (recast)[27].

PART 2

QUALIFYING EQUIPMENT REFERRED TO IN SECTION 285D

Equipment type (1)	Description (2)
Hydraulic linkage arms mounted tractor jacking systems.	An agricultural tractor jacking system that uses either the rear or front mounted lower linkage arms to enable an agricultural tractor to be lifted so that one or more wheels may be replaced on the agricultural tractor. The jacking system shall bear CE marking in accordance with Article 16 of the machinery Directive and be in conformity with the requirements of that Directive.
Big bag (equal to or greater than 500kg) lifter, with or without integral bag cutting system.	Lifting system for bags of fertiliser or seed of 500kg mass or greater. The system shall be mounted on either the three-point linkage of an agricultural tractor, front loader of an agricultural tractor or mounted on a fertiliser or seed drill. The lifter shall be capable of securely holding the bag and raising the bag over a fertilizer spreader or seed drill. The system may have an integral

27 OJ No. L157, 9.6.2006, p. 24

	system for automatically opening the bag. The lifting system shall bear CE marking in accordance with Article 16 of the machinery Directive and be in conformity with the requirements of that Directive.
Chemical storage cabinets.	A storage cabinet fitted with a locking device and integral bund for the storage of pesticides and other chemicals. The cabinet may be made of metal or hard plastic, or a combination of both. The cabinet shall be suitably vented to prevent a build-up of fumes.
Animal anti-backing gate for use in cattle crush or race.	Device to be mounted on the side of a cattle crush or cattle crush race to prevent an animal from reversing along the cattle crush or cattle crush race. The device shall allow an animal to pass up along the cattle crush or cattle crush race and shall be either automatically or manually moved into position once an animal has passed.
Quick hitch mechanism for rear and front three-point linkage to enable hitching of implements without need to descend from tractor.	A one-part or two-part system to enable the hitching of implements to an agricultural tractor three-point linkage without having to descend from the agricultural tractor. The system shall be connected to the three-point hydraulic linkage of the agricultural tractor and enable the agricultural tractor to link to an implement. The system shall bear CE marking in accordance with Article 16 of the machinery Directive and be in conformity with the requirements of that Directive.
Provision of access lift, hoist or integrated ramp to farm vehicle, including modified entry when required.	Provision of an integrated ramp, lift or hoist to facilitate access to a farm vehicle by a disabled person. The system may incorporate a modified side or rear entry to enable access. The lift or hoist system shall bear CE marking in accordance with Article 16 of the machinery Directive and be in conformity with the

	requirements of that Directive.
Wheelchair restraints.	Provision of wheelchair restraints within a farm vehicle.
Wheelchair docking station.	Provision of wheelchair docking station within a farm vehicle.
Modified controls to enable full hand operation of a farm vehicle.	Extensive reconfiguration of primary controls necessary to enable a farm vehicle to be driven and operated by a disabled person.
Modified seating to enable operation of a farm vehicle.	Provision of an extensively modified seat to enable operation of a farm vehicle by a disabled person.
Additional steps to farm vehicle or machinery to provide easier access.	Additional steps to farm vehicle or machinery to provide easier access. The additional steps shall bear CE marking in accordance with Article 16 of the machinery Directive and be in conformity with the requirements of that Directive.
Modified farm vehicle or machinery controls to enable control by hand or foot.	Extensive reconfiguration of controls necessary to enable a farm vehicle or farm machinery to be operated by a disabled person.
Hydraulically located lower three-point linkage arms.	Provision of a hydraulic system to control the location of the lower three-point linkage arms of a farm vehicle.

.”.

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

CHAPTER 5

Corporation Tax

Amendment of section 288 of Principal Act (balancing allowances and balancing charges)

18. (1) Section 288 of the Principal Act is amended, in subsection (3C), by substituting “incurred before 14 October 2020 on the provision” for “incurred on the provision”.

(2) *Subsection (1)* shall have effect as on and from 14 October 2020.

Amendment of section 481 of Principal Act (relief for investment in films)

19. Section 481 of the Principal Act is amended in subsection (1B)(b)—

(a) in subparagraph (i), by substituting “2021” for “2020”,

(b) in subparagraph (ii), by substituting “after 31 December 2021 but on or before 31

December 2022" for "after 31 December 2020 but on or before 31 December 2021",

(c) in subparagraph (iii), by substituting "after 31 December 2022 but on or before 31 December 2023" for "after 31 December 2021 but on or before 31 December 2022", and

(d) in subparagraph (iv), by substituting "2023" for "2022".

Amendment of Part 35B of Principal Act (controlled foreign companies)

20. (1) The Principal Act is amended by inserting the following section after section 835Y:

"Non-cooperative jurisdictions: modified application of sections 835T, 835U and 835V

835YA. (1) In this section, 'listed territory' means a territory included in Annex 1 of the Council conclusions on the revised EU list of non-cooperative jurisdictions for tax purposes[28], as replaced by the EU list of non-cooperative jurisdictions for tax purposes - Report by the Code of Conduct Group (business taxation) suggesting amendments to the Annexes to the Council conclusions of 18 February 2020[29].

(2) Where, in an accounting period of a controlled foreign company, the territory in which the controlled foreign company is resident is a listed territory, sections 835T, 835U and 835V shall not apply in respect of that accounting period.".

(2) *Subsection (1)* shall apply in respect of an accounting period beginning on or after 1 January 2021.

Amendment of Part 35C of Principal Act (hybrid mismatches)

21. (1) Section 835AA of the Principal Act is amended—

(a) in subsection (2)—

(i) by substituting the following for paragraph (e):

"(e) where—

(i) both enterprises are entities,

(ii) one enterprise (which is other than a non-consolidating entity) is included in the same consolidated financial statements as the other enterprise, and

(iii) the consolidated financial statements referred to in subparagraph (ii) are prepared under—

(I) international accounting standards, or

(II) Irish generally accepted accounting practice,",

and

28 OJ No. C64, 27.2.2020, p.8
29 OJ No. C331, 7.10.2020, p.3

(ii) by substituting the following for paragraph (f):

"(f) where—

(i) both enterprises are entities, and

(ii) one enterprise (which is other than a non-consolidating entity)—

(I) is—

(A) not included in consolidated financial statements, or

(B) included in consolidated financial statements prepared other than under an accounting practice referred to in paragraph (e),

and

(II) would, if consolidated financial statements were prepared under the accounting practice referred to in paragraph (e)(iii)(I), be included in the same consolidated financial statements as the other enterprise,",

(b) in subsection (6), by substituting "Subject to subsection (7), references in this Part" for "References in this Part", and

(c) by inserting the following subsection after subsection (6):

"(7) References in this Part to a transaction between associated enterprises shall not include a reference to a transaction between enterprises who were associated enterprises at the time the transaction was entered into or formed, but are neither—

(a) associated enterprises at the time the payment arises under the transaction, nor

(b) associated enterprises at the time a deduction in respect of the payment referred to in paragraph (a) arises,

and it is reasonable to consider that the arrangement as a result of which those enterprises ceased to be associated enterprises was entered into for *bona fide* commercial reasons and does not form part of any arrangement of which the main purpose, or one of the main purposes, is to avoid the application of this Part.".

(2) Section 835AB of the Principal Act is amended—

(a) in subsection (1)—

(i) in paragraph (c), by deleting "or",

(ii) in paragraph (d), by substituting "two or more such hybrid entities, or" for "two or more such hybrid entities,", and

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

"(e) where the entity is an entity on which a controlled foreign company charge or foreign company charge is made in respect of two or

more hybrid entities, two or more such hybrid entities,",

and

(b) in subsection (3)—

(i) in subparagraph (i), by deleting "or",

(ii) in subparagraph (ii), by substituting "two or more such hybrid entities, or" for "two or more such hybrid entities,", and

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

"(iii) where the entity referred to in subsection (1) is an entity on which a controlled foreign company charge or foreign company charge is made in respect of two or more hybrid entities, two or more such hybrid entities,".

(3) Section 835AL of the Principal Act is amended—

(a) in subsection (1), by substituting "Subject to subsection (1A), a payment to a hybrid entity" for "A payment to a hybrid entity", and

(b) by inserting the following subsection after subsection (1):

"(1A) A payment to a hybrid entity deduction without inclusion mismatch outcome shall not arise under subsection (1) in respect of a payment to a hybrid entity where the participator is an entity that, under the laws of the territory in which it is established, is exempt from tax which generally applies to profits or gains in that territory.".

Amendment of section 769Q of Principal Act (application)

22. Section 769Q of the Principal Act is amended by substituting "1 January 2023" for "1 January 2021".

CHAPTER 6

Capital Gains Tax

Amendment of section 541 of Principal Act (debts)

23. (1) Section 541 of the Principal Act is amended by inserting the following subsection after subsection (6):

"(6A) (a) Notwithstanding subsection (6), where a debt owed by a bank which is not in the currency of the State, and which is represented by a sum standing to the credit of a person in an account in the bank, is transferred by the person in whole or in part to another account of that person in the bank concerned, or in any other bank, in the same currency, the transfer (referred to in paragraph (b) as a 'transfer to which paragraph (a) applies') shall be treated as if it were made for a consideration of such amount as would secure that neither a gain nor a loss would accrue to that person on that transfer.

(b) On any disposal of the debt or part of the debt by the person who is the holder of the account referred to in paragraph (a), other than any further transfer to which paragraph (a) applies, the acquisition cost of the debt or part of the debt taken into account in computing the amount of any gain accruing to that person on the disposal shall be determined as if the transfer, or any further transfer, to which paragraph (a) applies had not occurred.".

(2) This section applies to disposals made on or after the date of the passing of this Act.

Amendment of section 597AA of Principal Act (revised entrepreneur relief)

24. (1) Section 597AA of the Principal Act is amended—

(a) in subsection (1)(a), by substituting the following definition for the definition of "relevant individual":

" 'relevant individual' means an individual—

(a) who has been the beneficial owner of an asset or an interest in an asset to which subparagraph (i) of the definition of 'chargeable business asset' in subsection (2)(a) applies for a continuous period of not less than 3 years in the 5 years immediately prior to the disposal of that asset, or

(b) who has been the beneficial owner of a holding of ordinary shares to which subparagraph (ii) of the definition of 'chargeable business asset' in subsection (2)(a) applies for a continuous period of not less than 3 years at any time prior to the disposal of those shares;",

and

(b) in subsection (2)(a)(ii), by substituting the following clause for clause (A):

"(A) has owned not less than 5 per cent of the ordinary shares for a continuous period of not less than 3 years at any time prior to the disposal of those shares, and".

(2) This section shall apply to disposals of chargeable business assets made on or after 1 January 2021.

Amendment of section 629 of Principal Act (deferral of exit tax)

25. (1) Section 629(9) of the Principal Act is amended by substituting the following paragraph for paragraph (a):

"(a) Simple interest shall be payable in respect of an amount of tax which is due and payable and which remains unpaid, and shall be calculated, from the specified date to the date of payment, for any day or part of a day during which that amount of tax remains unpaid (and by reference to the outstanding balance of that amount, as distinct from being by reference to an amount of a particular instalment due) at the prevailing rate specified in the Table to subsection (2)(c)(ii) of section 1080.".

(2) This section shall apply to amounts of tax referred to in section 629 of the Principal Act which remain unpaid on or after 14 October 2020.

PART 2

EXCISE

Rates of tobacco products tax

26. The Finance Act 2005 is amended with effect as on and from 14 October 2020 by substituting the following for Schedule 2:

"SCHEDULE 2
RATES OF TOBACCO PRODUCTS TAX
(With effect as on and from 14 October 2020)

Description of Product	Rate of Tax
Cigarettes	Rate of tax at— (a) except where paragraph (b) applies, €356.39 per thousand together with an amount equal to 10.06 per cent of the price at which the cigarettes are sold by retail, or (b) €414.24 per thousand in respect of cigarettes sold by retail where the rate of tax would be less than that rate had the rate been calculated in accordance with paragraph (a).
Cigars	Rate of tax at €414.861 per kilogram.
Fine-cut tobacco for the rolling of cigarettes	Rate of tax at €399.120 per kilogram.
Other smoking tobacco.... ….	Rate of tax at €287.812 per kilogram.

".

Amendment of Chapter 1 of Part 2 of, and Schedules 2 and 2A to, Finance Act 1999 (mineral oil tax)

27. (1) The Finance Act 1999 is amended with effect as on and from 14 October 2020—

(a) in section 96(1B), by substituting "A is the amount to be charged per tonne of CO_2 emitted, being €33.50 in the case of petrol, aviation gasoline, and heavy oil used as a propellant or for air navigation or for private pleasure navigation, and €26 in the case of each other description of mineral oil in Schedule 2A" for "A is the amount, €26, to be charged per tonne of CO_2 emitted",

(b) by substituting the following schedule for Schedule 2:

"SCHEDULE 2

RATES OF MINERAL OIL TAX

(With effect as on and from 14 October 2020)

Description of Mineral Oil	Rate of Tax
Light Oil:	
Petrol	€619.36 per 1,000 litres
Aviation gasoline	€619.36 per 1,000 litres
Heavy Oil:	
Used as a propellant	€515.38 per 1,000 litres
Used for air navigation	€515.38 per 1,000 litres
Used for private pleasure navigation	€515.38 per 1,000 litres
Kerosene used other than as a propellant	€65.74 per 1,000 litres
Fuel oil	€95.05 per 1,000 litres
Other heavy oil	€117.78 per 1,000 litres
Liquefied Petroleum Gas:	
Used as a propellant	€106.07 per 1,000 litres
Other liquefied petroleum gas	€42.48 per 1,000 litres
Vehicle gas:	€9.36 per megawatt hour

",

and

(c) by substituting the following schedule for Schedule 2A:

"SCHEDULE 2A

CARBON CHARGE

(With effect as on and from 14 October 2020)

Description of Mineral Oil	Rate
Light Oil:	
Petrol	€77.52 per 1,000 litres
Aviation gasoline	€77.52 per 1,000 litres
Heavy Oil:	
Used as a propellant	€89.66 per 1,000 litres
Used for air navigation	€89.66 per 1,000 litres
Used for private pleasure navigation	€89.66 per 1,000 litres
Kerosene used other than as a propellant	€65.74 per 1,000 litres
Fuel oil	€80.27 per 1,000 litres
Other heavy oil	€70.42 per 1,000 litres

Liquefied Petroleum Gas:	
Used as a propellant	€42.48 per 1,000 litres
Other liquefied petroleum gas	€42.48 per 1,000 litres
Vehicle gas:	€5.22 per megawatt hour

".

(2) The Finance Act 1999 is further amended with effect as on and from 1 May 2021—

(a) in section 96—

(i) by substituting the following for subsection (1A):

"(1A) (a) Where a rate is specified in Schedule 2A for any description of mineral oil, that rate, referred to in this Chapter as the 'carbon charge', is included in the rate of tax specified in Schedule 2 for that description of mineral oil.

(b) The rate of tax per 1,000 litres specified for each description of mineral oil, other than vehicle gas in Schedule 2A, is in proportion to the emissions of CO_2 from the combustion of the description of mineral oil concerned.

(c) The rate of tax per megawatt hour at gross calorific value specified for vehicle gas in Schedule 2A is in proportion to the emissions of CO_2 from the combustion of natural gas.",

and

(ii) by deleting subsections (1B) and (1C),

(b) in section 98(1)—

(i) by substituting "rate specified in the Table to this subsection" for "rate, for heavy oil of €71.32 per 1,000 litres, and for liquefied petroleum gas of €48.06 per 1,000 litres", and

(ii) by inserting the following table to that subsection:

"TABLE

With effect as on and from	Heavy Oil Rate per 1,000 litres	Liquefied Petroleum Gas Rate per 1,000 litres
1 May 2021	€90.42	€60.26
1 May 2022	€109.41	€72.51
1 May 2023	€128.41	€84.75
1 May 2024	€147.40	€97.00
1 May 2025	€166.39	€109.24
1 May 2026	€185.39	€121.48
1 May 2027	€204.38	€133.73
1 May 2028	€223.38	€145.97

1 May 2029	€242.37	€158.22
1 May 2030	€258.83	€168.83

”,

(c) by substituting the following schedule for Schedule 2 (amended by *subsection (1)(b)*):

“SCHEDULE 2

RATES OF MINERAL OIL TAX

With effect as on and from:	Light Oil: Rates per 1,000 litres		Heavy Oil: Rates per 1,000 litres						Liquefied Petroleum Gas: Rates per 1,000 litres		Vehicle gas: Rate per megawatt hour at gross calorific value
	Petrol	Aviation gasoline	Used as a propellant	Used for air navigation	Used for private pleasure navigation	Kerosene used other than as a propellant	Fuel oil	Other heavy oil	Used as a propellant	Other liquefied petroleum gas	
1 May 2021	€619.36	€619.36	€515.38	€515.38	€515.38	€84.84	€118.01	€138.17	€118.27	€54.68	€9.36
13 October 2021	€636.71	€636.71	€535.46	€535.46	€535.46	€84.84	€118.01	€138.17	€118.27	€54.68	€9.36
1 May 2022	€636.71	€636.71	€535.46	€535.46	€535.46	€103.83	€141.12	€158.50	€130.52	€66.93	€9.36
12 October 2022	€654.07	€654.07	€555.53	€555.53	€555.53	€103.83	€141.12	€158.50	€130.52	€66.93	€9.36
1 May 2023	€654.07	€654.07	€555.53	€555.53	€555.53	€122.83	€164.23	€178.83	€142.76	€79.17	€9.36
11 October 2023	€671.43	€671.43	€575.61	€575.61	€575.61	€122.83	€164.23	€178.83	€142.76	€79.17	€9.36
1 May 2024	€671.43	€671.43	€575.61	€575.61	€575.61	€141.82	€187.34	€199.17	€155.01	€91.42	€10.13
9 October 2024	€688.78	€688.78	€595.68	€595.68	€595.68	€141.82	€187.34	€199.17	€155.01	€91.42	€10.13
1 May 2025	€688.78	€688.78	€595.68	€595.68	€595.68	€160.81	€210.45	€219.50	€167.25	€103.66	€11.48
8 October 2025	€706.14	€706.14	€615.76	€615.76	€615.76	€160.81	€210.45	€219.50	€167.25	€103.66	€11.48
1 May 2026	€706.14	€706.14	€615.76	€615.76	€615.76	€179.81	€233.57	€239.83	€179.49	€115.90	€12.84
14 October 2026	€723.49	€723.49	€635.83	€635.83	€635.83	€179.81	€233.57	€239.83	€179.49	€115.90	€12.84
1 May 2027	€723.49	€723.49	€635.83	€635.83	€635.83	€198.80	€256.68	€260.16	€191.74	€128.15	€14.20
13 October 2027	€740.85	€740.85	€655.90	€655.90	€655.90	€198.80	€256.68	€260.16	€191.74	€128.15	€14.20
1 May 2028	€740.85	€740.85	€655.90	€655.90	€655.90	€217.80	€279.79	€280.49	€203.98	€140.39	€15.56
11 October 2028	€758.21	€758.21	€675.98	€675.98	€675.98	€217.80	€279.79	€280.49	€203.98	€140.39	€15.56
1 May 2029	€758.21	€758.21	€675.98	€675.98	€675.98	€236.79	€302.90	€300.83	€216.23	€152.64	€16.91
10 October 2029	€773.25	€773.25	€693.38	€693.38	€693.38	€236.79	€302.90	€300.83	€216.23	€152.64	€16.91
1 May 2030	€773.25	€773.25	€693.38	€693.38	€693.38	€253.25	€322.93	€318.45	€226.84	€163.25	€18.09

”,

and

(d) by substituting the following schedule for Schedule 2A (amended by *subsection (1)(c)*):

"SCHEDULE 2A

CARBON CHARGE

With effect as on and from:	Light Oil: Rates per 1,000 litres		Heavy Oil: Rates per 1,000 litres						Liquefied Petroleum Gas: Rates per 1,000 litres		Vehicle gas: Rate per megawatt hour at gross calorific value
	Petrol	Aviation gasoline	Used as a propellant	Used for air navigation	Used for private pleasure navigation	Kerosene used other than as a propellant	Fuel oil	Other heavy oil	Used as a propellant	Other liquefied petroleum gas	
1 May 2021	€77.52	€77.52	€89.66	€89.66	€89.66	€84.84	€103.23	€90.81	€54.68	€54.68	€6.06
13 October 2021	€94.87	€94.87	€109.74	€109.74	€109.74	€84.84	€103.23	€90.81	€54.68	€54.68	€6.06
1 May 2022	€94.87	€94.87	€109.74	€109.74	€109.74	€103.83	€126.34	€111.14	€66.93	€66.93	€7.41
12 October 2022	€112.23	€112.23	€129.81	€129.81	€129.81	€103.83	€126.34	€111.14	€66.93	€66.93	€7.41
1 May 2023	€112.23	€112.23	€129.81	€129.81	€129.81	€122.83	€149.45	€131.47	€79.17	€79.17	€8.77
11 October 2023	€129.59	€129.59	€149.89	€149.89	€149.89	€122.83	€149.45	€131.47	€79.17	€79.17	€8.77
1 May 2024	€129.59	€129.59	€149.89	€149.89	€149.89	€141.82	€172.56	€151.81	€91.42	€91.42	€10.13
9 October 2024	€146.94	€146.94	€169.96	€169.96	€169.96	€141.82	€172.56	€151.81	€91.42	€91.42	€10.13
1 May 2025	€146.94	€146.94	€169.96	€169.96	€169.96	€160.81	€195.67	€172.14	€103.66	€103.66	€11.48
8 October 2025	€164.30	€164.30	€190.04	€190.04	€190.04	€160.81	€195.67	€172.14	€103.66	€103.66	€11.48
1 May 2026	€164.30	€164.30	€190.04	€190.04	€190.04	€179.81	€218.79	€192.47	€115.90	€115.90	€12.84
14 October 2026	€181.65	€181.65	€210.11	€210.11	€210.11	€179.81	€218.79	€192.47	€115.90	€115.90	€12.84
1 May 2027	€181.65	€181.65	€210.11	€210.11	€210.11	€198.80	€241.90	€212.80	€128.15	€128.15	€14.20
13 October 2027	€199.01	€199.01	€230.18	€230.18	€230.18	€198.80	€241.90	€212.80	€128.15	€128.15	€14.20
1 May 2028	€199.01	€199.01	€230.18	€230.18	€230.18	€217.80	€265.01	€233.13	€140.39	€140.39	€15.56
11 October 2028	€216.37	€216.37	€250.26	€250.26	€250.26	€217.80	€265.01	€233.13	€140.39	€140.39	€15.56
1 May 2029	€216.37	€216.37	€250.26	€250.26	€250.26	€236.79	€288.12	€253.47	€152.64	€152.64	€16.91
10 October 2029	€231.41	€231.41	€267.66	€267.66	€267.66	€236.79	€288.12	€253.47	€152.64	€152.64	€16.91
1 May 2030	€231.41	€231.41	€267.66	€267.66	€267.66	€253.25	€308.15	€271.09	€163.25	€163.25	€18.09

".

Amendment of section 67 of Finance Act 2010 (natural gas carbon tax)

28. Section 67 of the Finance Act 2010 is amended with effect as on and from 1 May 2021—

(a) by substituting the following subsection for subsection (1):

"(1) Subject to the provisions of this Chapter and any regulations made under it, a duty of excise, to be known as natural gas carbon tax, shall be charged, levied and paid at the rate specified in column (2) of the Table to this subsection with effect as on and from the date specified in column (1) of that Table on all natural gas, other than natural gas subject to mineral oil tax under section 95(1)(b) of the Finance Act 1999, supplied in the State by a supplier.

TABLE

RATE OF NATURAL GAS CARBON TAX

With effect as on and from	Rate of tax per megawatt hour at gross calorific value
(1)	(2)
1 May 2021	€6.06
1 May 2022	€7.41
1 May 2023	€8.77
1 May 2024	€10.13
1 May 2025	€11.48
1 May 2026	€12.84

1 May 2027	€14.20
1 May 2028	€15.56
1 May 2029	€16.91
1 May 2030	€18.09

”,

and

(b) by substituting the following subsection for subsection (3):

“(3) The rate of tax per megawatt hour at gross calorific value for natural gas specified in the Table to subsection (1) is in proportion to the emissions of CO_2 from the combustion of natural gas.”.

Amendment of Chapter 3 of Part 3 of, and Schedule 1 to, Finance Act 2010 (solid fuel carbon tax)

29. The Finance Act 2010 is amended with effect as on and from 1 May 2021—

(a) by substituting the following section for section 78:

“78. (1) Subject to the provisions of this Chapter and any regulations made under it, a duty of excise, to be known as solid fuel carbon tax, shall be charged, levied and paid at the rate specified in column (2) of Schedule 1 with effect as on and from the date specified in column (1) of that Schedule in respect of each description of solid fuel specified in Schedule 1 supplied in the State by a supplier.

(2) The rate of tax per tonne for each description of solid fuel specified in Schedule 1 is in proportion to the emissions of CO_2 from the combustion of the solid fuel concerned.”,

and

(b) by substituting the following schedule for Schedule 1:

“SCHEDULE 1

RATES OF SOLID FUEL CARBON TAX

With effect as on and from (1)	Description of Solid Fuel Rate of Tax per tonne (2)			
	Coal	Peat Briquettes	Milled Peat	Other Peat
1 May 2021	€88.23	€61.42	€30.44	€45.65
1 May 2022	€107.98	€75.17	€37.25	€55.87
1 May 2023	€127.74	€88.93	€44.07	€66.10
1 May 2024	€147.49	€102.68	€50.88	€76.32
1 May 2025	€167.24	€116.43	€57.70	€86.54
1 May 2026	€187.00	€130.18	€64.52	€96.76

1 May 2027	€206.75	€143.94	€71.33	€106.98
1 May 2028	€226.51	€157.69	€78.15	€117.21
1 May 2029	€246.26	€171.44	€84.96	€127.43
1 May 2030	€263.38	€183.36	€90.87	€136.29

".

Amendment of section 104 of Finance Act 2001 (reliefs)

30. (1) Section 104 of the Finance Act 2001 is amended in subsection (1)—

(a) by inserting the following paragraph after paragraph (b):

"(ba) to the armed forces of a State party to the North Atlantic Treaty (signed at Washington on 4 April 1949) in the State, but not the Defence Forces, for the use of those armed forces, for the civilian staff accompanying them or for supplying their messes or canteens;",

and

(b) by inserting the following paragraph after paragraph (ba) (inserted by *paragraph (a)*):

"(bb) to the armed forces of a Member State (other than the Defence Forces) in the State, for the use of those armed forces, for the civilian staff accompanying them or for supplying their messes or canteens, when such forces take part in a defence effort carried out for the implementation of an activity of the European Union under the common security and defence policy as set out in Section 2 of Chapter 2 of Title V of the Treaty on European Union;".

(2) *Paragraph (b)* of *subsection (1)* shall come into operation on 1 July 2022.

Waiver of excise duty on renewal of certain liquor licences, public dancing licences and certificates of registration of clubs

31. (1) Subject to *subsection (3)*, no duty of excise shall be chargeable, leviable or payable under section 43 of the Finance (1909-10) Act 1910 on the renewal, for the period from 1 October 2020 to 30 September 2021, of the following licences for the sale of intoxicating liquor specified in the First Schedule to that Act:

(a) retailers' on-licences;

(b) passenger vessel licences;

(c) railway restaurant car licences;

(d) passenger aircraft licences.

(2) Subject to *subsection (3)*, no duty of excise shall be chargeable, leviable or payable—

(a) under section 171(1) of the Finance Act 2001 on the renewal, for the period from 1 October 2020 to 30 September 2021, of a licence granted under section 2 of the Intoxicating Liquor (National Concert Hall) Act 1983,

(b) under section 105(1) of the Finance Act 2000 on the renewal, for the period from 1 October 2020 to 30 September 2021, of a licence granted under section 62 of the National Cultural Institutions Act 1997,

(c) under section 21(5) of the Intoxicating Liquor Act 2003 on the renewal, for the period from 1 October 2020 to 30 September 2021, of a licence issued under section 21(3) of that Act,

(d) under section 1(7) of the Intoxicating Liquor (Breweries and Distilleries) Act 2018 on the renewal, for the period from 1 October 2020 to 30 September 2021, of a producer's retail licence issued under section 1(2) of that Act authorising the sale of intoxicating liquor in accordance with section 1(6)(a) of that Act, or

(e) under section 1(8) of the Intoxicating Liquor (National Conference Centre) Act 2010 on the renewal, for the period from 1 October 2020 to 30 September 2021, of a licence issued under section 1(2) of that Act.

(3) *Subsections (1)* and *(2)* shall apply to licences referred to in those subsections that expired on 30 September 2020.

(4) No duty of excise shall be chargeable, leviable or payable—

(a) under section 78(2) of the Finance Act 1980 on the renewal, in the year 2020, of a public dancing licence granted under section 2 of the Public Dance Halls Act 1935, or

(b) under section 48(2) of the Finance Act 1989 on the renewal, in the year 2020, of a certificate of registration of a club granted under the Registration of Clubs (Ireland) Act 1904.

Amendment of section 96 of Finance Act 2001 (interpretation (Part 2))

32. Section 96 of the Finance Act 2001 is amended, in subsection (1), in the definition of "registered consignor"—

(a) in paragraph (a)—

(i) by deleting ", other than an authorised warehousekeeper," and

(ii) by deleting "to another Member State",

and

(b) in paragraph (b)—

(i) by deleting ", other than an authorised warehousekeeper," and

(ii) by deleting "from that other Member State".

Amendment of section 132 of Finance Act 1992 (charge of excise duty)

33. (1) Section 132 of the Finance Act 1992 is amended, in subsection (3)—

(a) by substituting the following subparagraph for subparagraph (i) of paragraph (a):

"(i) in respect of the CO_2 emissions of the vehicle—

(I) in case it is a vehicle in respect of which the level of CO_2

emissions measured in the manner referred to in subparagraph (ii) of paragraph (a) of the definition of CO_2 emissions in section 130 is confirmed by reference to any document produced in support of the declaration for registration, by reference to Table 1 to this subsection,

(II) where—

(A) the level of CO_2 emissions cannot be confirmed by reference to the relevant EC type-approval certificate, EC certificate of conformity or vehicle registration certificate issued in another Member State, and

(B) the Commissioners are not satisfied of the level of CO_2 emissions by reference to any other document produced in support of the declaration for registration,

at the rate of an amount equal to the highest percentage specified in Table 1 to this subsection of the value of the vehicle or €740, whichever is the greater, or

(III) in case it is a vehicle in respect of which the level of CO_2 emissions measured in the manner referred to in subparagraph (i) or (iii) of paragraph (a), or paragraph (b), of the definition of CO_2 emissions in section 130 is confirmed by reference to any document produced in support of the declaration for registration and the level of CO_2 emissions measured in the manner referred to in subparagraph (ii) of paragraph (a) of that definition is not so confirmed, by reference to Table 1 to this subsection, subject to the modification that the CO_2 emissions for the vehicle shall be adjusted—

(A) in respect of such a vehicle designed to use heavy oil as a propellant, in accordance with the following formula:

X(1.1405) + 12.858, or

(B) in respect of any other such vehicle, in accordance with the following formula:

X(0.9227) + 34.554,

where X is the level of carbon dioxide emissions for the vehicle measured in the manner referred to in subparagraph (i) or (iii) of paragraph (a), or paragraph (b), as the case may be, of the definition of CO_2 emissions in section 130,

and where, in respect of a vehicle, more than one level of carbon dioxide emissions is measured in the manner referred to in a subparagraph or paragraph of the definition of CO_2 emissions in section 130, the highest level of carbon dioxide emissions measured in that manner shall be the CO_2 emissions for the vehicle for the purpose of clause (I) or (III), as the case may be,

and",

(b) by substituting the following Table for Table 1 to that subsection:

"Table 1

CO_2 Emissions (CO_2 g/km)	Percentage payable of the value of the vehicle
0g/km up to and including 50g/km	7% or €140 whichever is the greater
More than 50g/km up to and including 80g/km	9% or €180 whichever is the greater
More than 80g/km up to and including 85g/km	9.75% or €195 whichever is the greater
More than 85g/km up to and including 90g/km	10.5% or €210 whichever is the greater
More than 90g/km up to and including 95g/km	11.25% or €225 whichever is the greater
More than 95g/km up to and including 100g/km	12% or €240 whichever is the greater
More than 100g/km up to and including 105g/km	12.75% or €255 whichever is the greater
More than 105g/km up to and including 110g/km	13.5% or €270 whichever is the greater
More than 110g/km up to and including 115g/km	14.25% or €285 whichever is the greater
More than 115g/km up to and including 120g/km	15% or €300 whichever is the greater
More than 120g/km up to and including 125g/km	15.75% or €315 whichever is the greater
More than 125g/km up to and including 130g/km	16.5% or €330 whichever is the greater
More than 130g/km up to and including 135g/km	17.25% or €345 whichever is the greater
More than 135g/km up to and including 140g/km	18% or €360 whichever is the greater
More than 140g/km up to and including 145g/km	19.5% or €390 whichever is the greater
More than 145g/km up to and including 150g/km	21% or €420 whichever is the greater
More than 150g/km up to and including 155g/km	23.5% or €470 whichever is the greater
More than 155g/km up to and including 170g/km	26% or €520 whichever is the greater
More than 170g/km up to and including 190g/km	31% or €620 whichever is the greater
More than 190g/km	37% or €740 whichever is the greater

",

and

(c) by substituting the following Table for Table 2 to that subsection:

"Table 2

NO_x emissions (NO_x mg/km or mg/kWh)	Amount payable per mg/km or mg/kWh
The first 0-40 mg/km or mg/kWh, as the case may be	€5
The next 40 mg/km or mg/kWh or part thereof, as the case may be, up to 80 mg/km or mg/kWh, as the case may be	€15
The remainder above 80 mg/km or mg/kWh, as the case may be	€25

".

(2) *Subsection (1)* shall come into operation on 1 January 2021.

Amendment of section 135C of Finance Act 1992 (remission or repayment in respect of vehicle registration tax, etc.)

34. (1) Section 135C of the Finance Act 1992 is amended, in subsection (3), by substituting the following subparagraph for subparagraph (ii) of paragraph (b):

"(ii) in a case in which the open market selling price (within the meaning of section 133) of the vehicle is—

(I) less than or equal to €40,000, €5,000,

(II) greater than €40,000, but less than €50,000, the amount calculated in accordance with the following formula:

$$5000 - \left(\frac{\textit{open market selling price} - €40{,}000}{2}\right), \text{ and}$$

(III) greater than or equal to €50,000, €0.".

(2) *Subsection (1)* shall come into operation on 1 January 2021.

Amendment of Part I of Schedule to Act of 1952

35. (1) In this section "Act of 1952" means the Finance (Excise Duties) (Vehicles) Act 1952.

(2) *Subsection (3)* shall apply as respects licences taken out under section 1 of the Act of 1952 for periods beginning on or after 1 January 2021.

(3) Part I of the Schedule to the Act of 1952 is amended in paragraph 6—

(a) by substituting the following subparagraph for subparagraph (d):

"(d) subject to subparagraphs (f) to (n), any vehicle which is—

(i) a new vehicle which is registered between 1 July 2008 and 31 December 2020 under section 131 of the Finance Act 1992 as a category M1 vehicle, or

(ii) registered outside of the State between 1 July 2008 and 31 December 2020 and which is subsequently registered in the State under section 131 of the Finance Act 1992 on or after 1 January 2021 as a category M1 vehicle,

and which has a CO_2 emissions level measured in the manner referred to in paragraph (a)(i) or (iii) of the definition of 'CO_2 emissions' in section 130 of the Finance Act 1992—

(I)	of 0 grams per kilometre,	€120
(II)	exceeding 0 grams per kilometre but not exceeding 80 grams per kilometre,	€170
(III)	exceeding 80 grams per kilometre but not exceeding 100 grams per kilometre,	€180
(IV)	exceeding 100 grams per kilometre but not exceeding 110 grams per kilometre,	€190
(V)	exceeding 110 grams per kilometre but not exceeding 120 grams per kilometre,	€200
(VI)	exceeding 120 grams per kilometre but not exceeding 130 grams per kilometre,	€270
(VII)	exceeding 130 grams per kilometre but not exceeding 140 grams per kilometre,	€280
(VIII)	exceeding 140 grams per kilometre but not exceeding 155 grams per kilometre,	€400
(IX)	exceeding 155 grams per kilometre but not exceeding 170 grams per kilometre,	€600
(X)	exceeding 170 grams per kilometre but not exceeding 190 grams per kilometre,	€790
(XI)	exceeding 190 grams per kilometre but not exceeding 225 grams per kilometre,	€1,250
(XII)	exceeding 225 grams per kilometre,	€2,400
(XIII)	that—	
	(A) cannot be confirmed by the Revenue Commissioners by reference to the relevant EC type-approval certificate or EC certificate of conformity, and	
	(B) the Revenue Commissioners are not satisfied of by reference to any other document produced in support of the declaration for registration pursuant to section 131 of the Finance Act 1992,	€2,400",

(b) in paragraph (n), by substituting "December 2011," for "December 2011.", and

(c) by inserting the following subparagraph after subparagraph (n):

"(o) any vehicle which is—

(i) a new vehicle which is registered on or after 1 January 2021 under section 131 of the Finance Act 1992 as a category M1

vehicle, or

(ii) registered outside of the State between 1 July 2008 and 31 December 2020 and which is subsequently registered in the State under section 131 of the Finance Act 1992 on or after 1 January 2021 as a category M1 vehicle,

and which has a CO_2 emissions level measured in the manner referred to in paragraph (a)(ii) of the definition of 'CO_2 emissions' in section 130 of the Finance Act 1992—

(I)	of 0 grams per kilometre,	€120
(II)	exceeding 0 grams per kilometre but not exceeding 50 grams per kilometre,	€140
(III)	exceeding 50 grams per kilometre but not exceeding 80 grams per kilometre,	€150
(IV)	exceeding 80 grams per kilometre but not exceeding 90 grams per kilometre,	€160
(V)	exceeding 90 grams per kilometre but not exceeding 100 grams per kilometre,	€170
(VI)	exceeding 100 grams per kilometre but not exceeding 110 grams per kilometre,	€180
(VII)	exceeding 110 grams per kilometre but not exceeding 120 grams per kilometre,	€190
(VIII)	exceeding 120 grams per kilometre but not exceeding 130 grams per kilometre,	€200
(IX)	exceeding 130 grams per kilometre but not exceeding 140 grams per kilometre,	€210
(X)	exceeding 140 grams per kilometre but not exceeding 150 grams per kilometre,	€270
(XI)	exceeding 150 grams per kilometre but not exceeding 160 grams per kilometre,	€280
(XII)	exceeding 160 grams per kilometre but not exceeding 170 grams per kilometre,	€420
(XIII)	exceeding 170 grams per kilometre but not exceeding 190 grams per kilometre,	€600
(XIV)	exceeding 190 grams per kilometre but not exceeding 200 grams per kilometre,	€790
(XV)	exceeding 200 grams per kilometre but not exceeding 225 grams per kilometre,	€1,250
(XVI)	exceeding 225 grams per kilometre,	€2,400
(XVII)	that—	
	(A) cannot be confirmed by the Revenue Commissioners by reference to the relevant EC type-approval certificate or EC certificate of conformity, and	

(B)	the Revenue Commissioners are not satisfied of by reference to any other document produced in support of the declaration for registration pursuant to section 131 of the Finance Act 1992,	€2,400".

Amendment of section 92 of Finance Act 1989

36. (1) Section 92 of the Finance Act 1989 is amended—

(a) in subsection (2)(a), by deleting "including such further medical criteria in relation to disabilities as may be considered necessary,", and

(b) in subsection (5)—

(i) in the definition of "primary medical certification", by substituting "accordingly;" for "accordingly.", and

(ii) by inserting the following definition after the definition of "primary medical certification":

" 'severely and permanently disabled person' means a person who satisfies one or more of the following criteria:

(a) the person is wholly or almost wholly without the use of both legs;

(b) the person is wholly without the use of one of their legs and almost wholly without the use of the other leg such that they are severely restricted as to movement of their lower limbs;

(c) the person has no hands or no arms;

(d) the person has one leg or no legs;

(e) the person is wholly or almost wholly without the use of both hands or arms and wholly or almost wholly without the use of one leg;

(f) the person has the medical condition of dwarfism and has serious difficulties in the movement of their lower limbs.".

(2) This section shall come into operation on 1 January 2021.

PART 3

VALUE-ADDED TAX

Interpretation (*Part 3*)

37. In this Part "Principal Act" means the Value-Added Tax Consolidation Act 2010.

Amendment of section 2 of Principal Act (interpretation - general)

38. Section 2(1) of the Principal Act is amended by substituting the following for the definition of "immovable goods":

" 'immovable goods' has the same meaning as 'immovable property' has in Article 13b (inserted by Council Implementing Regulation 1042/2013 of 7 October 2013[30]) of Council Implementing Regulation 282/2011/EU of 15 March 2011[31];".

Amendment of section 46 of Principal Act (rates of tax)

39. The Principal Act is amended in section 46(1) with effect from 1 November 2020—

(a) in paragraph (c), by substituting "paragraphs (ca) and (cb)" for "paragraph (ca)", and

(b) by inserting the following paragraph after paragraph (ca):

"(cb) during the period from 1 November 2020 to 31 December 2021, 9 per cent in relation to goods or services of a kind specified in paragraphs 3(1), 3(3), 7(b) to (e), 8, 11 and 13(3) of Schedule 3 on which tax would, but for this paragraph, be chargeable in accordance with paragraph (c);".

Amendment of section 86 of Principal Act (special provisions for tax invoiced by flat-rate farmers)

40. Section 86 of the Principal Act is amended in subsection (1) with effect from 1 January 2021 by substituting "5.6 per cent" for "5.4 per cent".

Tax representative

41. The Principal Act is amended—

(a) in section 5(1)(b), by substituting "94(3), 108C and 109A" for "94(3) and 108C",

(b) by inserting the following section after section 109:

"Tax representative

109A.(1) Subject to subsections (2) and (3), the Revenue Commissioners may, where it appears requisite to them to do so for the protection of the revenue, serve on a taxable person a notice in writing requiring the person to appoint a representative (in this section referred to as a 'tax representative') who is established in the Community to be the person who shall be liable for the payment of tax due and payable by the taxable person.

(2) Subsection (1) shall apply where the taxable person is not established in the State and no legal instrument relating to mutual assistance similar in scope to that provided for in Directive 76/308/EEC[32] and Regulation (EC) No 1798/2003[33] exists with the country in which that taxable person is established.

(3) Subsection (1) shall not apply to a taxable person not established

30 OJ No. L284, 26.10.2013, p.1
31 OJ No. L77, 23.3.2011, p.1
32 OJ No. L73, 19.3.1976, p.18
33 OJ No. L264, 15.10.2003, p.1

within the Community who has opted for the special scheme provided for under Section 2 of Chapter 6 of Title XII of the VAT Directive.

(4) A tax representative appointed in accordance with subsection (1) shall be jointly and severally liable with the taxable person referred to in that subsection for the tax due and payable on the taxable supplies of the taxable person and shall be liable to pay that tax as if it were tax due and payable by the tax representative in accordance with Chapter 3 of Part 9.

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

(a) require the taxable person to furnish details of the appointment of the tax representative to the Revenue Commissioners within 21 days of receipt of the notice,

(b) specify the form in which the details referred to in paragraph (a) shall be furnished to the Revenue Commissioners, and

(c) inform the taxable person of the consequences under section 115(8C) of failing to comply with the notice.",

(c) in section 111(1)—

(i) in paragraph (a), by inserting "or 109A(4)" after "section 108C(3)", and

(ii) in subparagraph (i)(I), by inserting "or 109A(4)" after "section 108C(3)",

(d) in section 115—

(i) in subsection (1), by inserting the following paragraph after paragraph (b):

"(c) Paragraph (a) shall not apply to a person, being a tax representative appointed in accordance with section 109A, where—

(i) that person is jointly and severally liable by virtue of section 109A, and

(ii) the penalty which would otherwise arise under paragraph (a) only relates to the tax for which that person is jointly and severally liable by virtue of that section.",

and

(ii) by inserting the following subsection after subsection (8B):

"(8C) A person who fails to comply with a notice served under section 109A(1) shall be liable to a penalty of €4,000.",

and

(e) in section 116, by inserting the following subsection after subsection (1A):

"(1B) This section shall not apply to a person, being a tax representative appointed in accordance with section 109A, where—

(a) that person is jointly and severally liable by virtue of section 109A, and

(b) the penalty which would otherwise arise under this section only relates to tax for which that person is jointly and severally liable by virtue of that section.".

Amendment of section 24, Schedule 1 and Schedule 2 of Principal Act

42. (1) The Principal Act is amended—

(a) in section 24, by inserting the following subsection after subsection (2):

"(2A) The application by the armed forces of a Member State taking part in a defence effort carried out for the implementation of a European Union activity under the European Union common security and defence policy, for the use of those armed forces or for the use of the civilian staff accompanying those armed forces, of goods which those armed forces have not purchased subject to the general rules governing taxation on the domestic market of a Member State shall be treated as an intra-Community acquisition of goods for consideration, where the importation of those goods would not be eligible for the exemption provided for in the provisions implementing Article 143(1)(ga) of the VAT Directive in the Member State on whose domestic market the goods were purchased.",

(b) in Schedule 1, in paragraph 15, by inserting the following subparagraph after subparagraph (2):

"(3) The importation of goods by the armed forces of a Member State other than the State for the use of those forces or the civilian staff accompanying those forces or for supplying their messes or canteens, when such forces take part in a defence effort carried out for the implementation of a European Union activity under the European Union common security and defence policy.",

and

(c) in Schedule 2, in paragraph 5—

(i) by inserting the following subparagraph after subparagraph (1A):

"(1B) The supply of goods or services to a Member State other than the State, where those goods or services are intended for the armed forces of any state which is party to the North Atlantic Treaty, other than the Member State of destination of the goods or services, as the case may be, for the use of those forces, or of the civilian staff accompanying them, or for supplying their messes or canteens, when such forces take part in the common defence effort of the parties to the North Atlantic Treaty.",

and

(ii) by inserting the following subparagraphs after subparagraph (1B) (inserted by *subparagraph (i)*):

"(1C) The supply of goods or services within the State, intended either for the armed forces of a Member State other than the State for

the use of those forces, or the civilian staff accompanying them, or for supplying their messes or canteens, when such forces take part in a defence effort carried out for the implementation of a European Union activity under the European Union common security and defence policy.

(1D) The supply of goods or services to a Member State other than the State, intended for the armed forces of any Member State, other than the Member State of destination of the goods or services, as the case may be, for the use of those forces, or of the civilian staff accompanying them, or for supplying their messes or canteens, when such forces take part in a defence effort carried out for the implementation of a European Union activity under the European Union common security and defence policy.".

(2) This section, other than *subsection (1)(c)(i)*, shall come into operation on 1 July 2022.

Food and drink

43. The Principal Act is amended—

(a) in section 25, by deleting subsection (2),

(b) in Schedule 2, in paragraph 8(1)—

(i) by substituting the following clause for clause (a):

"(a) a supply to which paragraph 3(1) or (3) of Schedule 3 relates,",

(ii) in clause (b), by substituting "to this paragraph," for "to this paragraph, and",

(iii) in clause (c), by substituting "of that table, and" for "of that table.", and

(iv) by inserting the following clause after clause (c):

"(d) a supply to which paragraph 5(1) of Schedule 1 relates.",

and

(c) in Schedule 3—

(i) in paragraph 1(1), by deleting the definition of "in the course of catering", and

(ii) in paragraph 3—

(I) by substituting the following subparagraph for subparagraph (1):

"(1) The supply of restaurant or catering services, excluding—

(a) a supply to which paragraph 5(1) of Schedule 1 relates,

(b) the supply of food and drink that falls within Part A of the food and drink table, and

(c) the supply of food and drink that falls within column (1) of Part E of the food and drink table, but not including juices extracted from fruit.",

and

(II) by deleting subparagraph (2).

Amendment of Schedule 2 (zero-rated goods and services) to, and section 46 (rates of tax) of, Principal Act

44. The Principal Act is amended—

(a) in paragraph 11 of Schedule 2, by inserting the following subparagraph after subparagraph (3):

"(4) (a) The supply of personal protection equipment, thermometers, hand sanitiser, oxygen, medical ventilators and specialist respiratory equipment including respirators for intensive and sub-intensive care and other oxygen therapy apparatus including oxygen tents, when supplied—

(i) to—

(I) the Health Service Executive, for use in the delivery of Covid-19 related health care services, and

(II) hospitals, general practitioners, nursing homes and residential care facilities, for use in the delivery of Covid-19 related health care services to their patients or residents, as the case may be,

and

(ii) subject to such order as may be made under section 46(5), during the period beginning on 9 April 2020 and ending on 30 April 2021.

(b) In this subparagraph, 'Covid-19' has the same meaning as in the Emergency Measures in the Public Interest (Covid-19) Act 2020.",

and

(b) in section 46, by inserting the following subsection after subsection (4):

"(5) (a) Where the European Commission adopts a decision to extend or further extend the period of application of the relief granted by Commission Decision (EU) 2020/491 to a date later than 30 April 2021 or to any later date, as the case may be (in this paragraph referred to as the 'extended period'), the Minister shall by order amend subclause (ii) of paragraph 11(4)(a) of Schedule 2 so as to extend or further extend, as the case may be, the period specified in that subclause for such extended period.

(b) An order under paragraph (a) may, if so expressed, have retrospective effect.

(c) An order under paragraph (a) shall be laid before Dáil Éireann as soon as may be after it has been made and, if a resolution annulling the order is passed by Dáil Éireann within the next 21 days on which Dáil Éireann has sat after the order is laid before it, the order

shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(d) In this subsection—

'Commission Decision (EU) 2020/491' means Commission Decision (EU) 2020/491 of 3 April 2020[34] on relief from import duties and VAT exemption on importation granted for goods needed to combat the effects of the Covid-19 outbreak during 2020, as amended by Commission Decision (EU) 2020/1101 of 23 July 2020[35] and Commission Decision (EU) 2020/1573 of 28 October 2020[36];

'Covid-19' has the same meaning as in the Emergency Measures in the Public Interest (Covid-19) Act 2020.".

Amendment of section 120 and Schedules 1 and 3 to Principal Act (accommodation)

45. The Principal Act is amended—

(a) in section 120(15), by substituting the following for paragraph (a):

"(a) the circumstances, terms and conditions under which (for the purposes of paragraph 11 of Schedule 3)—

(i) a letting of immovable goods constitutes a letting in the guest sector or holiday sector, or

(ii) accommodation constitutes guest accommodation or holiday accommodation,",

(b) in Part 2 of Schedule 1, in paragraph 11, by substituting "supplies" for "letting hotel or holiday accommodation", and

(c) in Part 2 of Schedule 3, by substituting the following for paragraph 11:

"11. Subject to regulations, if any—

(a) letting immovable goods (other than in the course of the provision of facilities of a kind specified in paragraph 12), where those goods consist of a room in a hotel or guesthouse, or

(b) the provision of holiday or guest accommodation in—

(i) a hotel,

(ii) a guesthouse,

(iii) all or part of a house,

(iv) all or part of an apartment, or

(v) another establishment,

including the letting of a place in a caravan park or camping site.".

34 OJ No. L103, 3.4.2020, p.1
35 OJ No. L241, 27.7.2020, p.36
36 OJ No. L359, 29.10.2020, p.8

Amendment of Schedules 2 and 3 to Principal Act

46. The Principal Act is amended—

(a) in Schedule 2—

(i) in Part 1—

(I) in paragraph 4, by inserting the following subparagraph after subparagraph (2):

"(2A) The supply of services, other than those referred to in subparagraph (2), to meet the direct needs of—

(a) sea-going vessels to which subparagraph (2)(a) relates or their cargoes, or

(b) aircraft to which subparagraph (2)(b) relates or their cargoes.",

and

(II) in paragraph 6(2), by substituting the following clause for clause (d):

"(d) services of the kind referred to in—

(i) paragraph 4(2) (Supply, hiring, repair, maintenance, etc. of sea-going vessels or aircraft), or

(ii) paragraph 4(2A) (To meet the direct needs of sea-going vessels or aircraft, or of their cargoes);",

and

(ii) in Part 2, with effect from 1 January 2022, by deleting paragraph 13(4),

and

(b) in Part 2 of Schedule 3—

(i) with effect from 1 January 2021, by inserting the following paragraph after paragraph 5:

"5A. Menstrual cups, menstrual pants and menstrual sponges.'',

and

(ii) in paragraph 8, by substituting the following subparagraph for subparagraph (3):

"(3) Admission to fairgrounds or amusement parks, but excluding any part of the fee for such admission which relates to goods or services other than such admission.".

PART 4

STAMP DUTIES

Interpretation (*Part 4*)

47. In this Part, "Principal Act" means the Stamp Duties Consolidation Act 1999.

Amendment of section 31C of Principal Act (shares deriving value from immovable property situated in the State)

48. Section 31C of the Principal Act is amended by inserting the following subsection after subsection (7):

"(7A) Where an agreement (within the meaning of section 31D) is chargeable to stamp duty under section 31D and would, but for that section, be treated as a conveyance or transfer on sale for the purposes of subsection (5) (in accordance with subsection (7)), the agreement shall be so treated and not be chargeable to stamp duty under section 31D.".

Amendment of section 81C of Principal Act (further farm consolidation relief)

49. (1) Section 81C of the Principal Act is amended—

(a) in subsection (1)(a), in the definition of "relevant period", by substituting "31 December 2022" for "31 December 2020", and

(b) in subsection (12), by substituting "31 December 2022" for "31 December 2020".

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

Amendment of section 83D of Principal Act (repayment of stamp duty where land used for residential purposes)

50. Section 83D of the Principal Act is amended—

(a) in subsections (3)(c)(i) and (5)(a) by substituting "30 months" for "2 years",

(b) by substituting the following subsection for subsection (4):

"(4) Where the land is acquired for the purpose of constructing a single dwelling unit—

(a) subsection (3)(c)(ii) shall not apply, and

(b) where a declaration of intention to opt out of statutory certification has been submitted in accordance with article 9(5) of the Regulations of 1997 and included on the public register in accordance with paragraph (10) of article 20F of those Regulations, the dwelling unit specified in a commencement notice shall, for the purposes of this section, be treated as completed when a completion certificate is issued under subsection (13) or (14) of

section 9D of the Electricity Regulation Act 1999 not later than 30 months after the date of sending by a building control authority, in accordance with article 10(2) or 20A(3)(b), as the case may be, of the Regulations of 1997, of an acknowledgment in relation to that commencement notice.",

and

(c) in subsection (18) by substituting "31 December 2022" for "31 December 2021".

Insurance regulations – stamp duty

51. The Principal Act is amended—

(a) in section 103(1), in the definition of "appropriate person"—

(i) by deleting paragraphs (e) and (f),

(ii) in paragraph (j), by substituting "for themselves," for "for themselves;", and

(iii) by inserting the following paragraph after paragraph (j):

"(k) an insurance undertaking (within the meaning of the European Union (Insurance and Reinsurance) Regulations 2015 (S.I. No. 485 of 2015));",

(b) in section 124B(1), in paragraph (b) of the definition of "insurer", by substituting "the holder of an authorisation to carry on insurance of a class listed in Schedule 2 to the European Union (Insurance and Reinsurance) Regulations 2015 (S.I. No. 485 of 2015)" for "the holder of an authorisation within the meaning of the European Communities (Life Assurance) Framework Regulations 1994 (S.I. No. 360 of 1994)",

(c) in section 125(1)—

(i) in the definition of "assessable amount", by substituting "a leading insurer (as that term is used in the European Union (Insurance and Reinsurance) Regulations 2015 (S.I. No. 485 of 2015))" for "a leading insurer (within the meaning of the European Communities (Co-insurance) Regulations, 1983 (S.I. No. 65 of 1983))", and

(ii) in the definition of "insurer", by substituting "the holder of an authorisation to carry on insurance of a class listed in Schedule 1 to the European Union (Insurance and Reinsurance) Regulations 2015 (S.I. No. 485 of 2015)" for "the holder of an authorisation within the meaning of the European Communities (Non-Life Insurance) Framework Regulations, 1994 (S.I. No. 359 of 1994)",

and

(d) in section 125B(1), by substituting the following for the definition of "insurer":

" 'insurer' means the holder of an authorisation to carry on insurance of a class listed in Schedule 2 to the European Union (Insurance and Reinsurance) Regulations 2015 (S.I. No. 485 of 2015)".

Amendment of section 126AA of Principal Act (further levy on certain financial institutions)

52. (1) Section 126AA(6) of the Principal Act is amended by substituting "308 per cent" for "170 per cent".

(2) *Subsection (1)* shall apply in relation to a statement to be delivered in accordance with section 126AA(2) of the Principal Act for the year 2021.

Amendment of Schedule 1 to Principal Act (stamp duties on instruments)

53. Schedule 1 to the Principal Act is amended, in the Heading "CONVEYANCE or TRANSFER on sale of any property other than stocks or marketable securities or a policy of insurance or a policy of life insurance", in paragraph (5)(a)(ii), by substituting "1 January 2024" for "1 January 2021".

PART 5

CAPITAL ACQUISITIONS TAX

Interpretation (*Part 5*)

54. In this Part "Principal Act" means the Capital Acquisitions Tax Consolidation Act 2003.

Amendment of section 46 of Principal Act (delivery of returns)

55. Section 46 of the Principal Act is amended in subsection (4)—

(a) by substituting "aggregate," for "aggregate, or" in paragraph (a), and

(b) by inserting the following paragraph after paragraph (a):

"(aa) the gift comprises or includes—

(i) agricultural property within the meaning of section 89(1), or

(ii) relevant business property within the meaning of section 93(1),

or".

Amendments of Principal Act in relation to 4-year time limit on enquiries, assessments and repayments

56. The Principal Act is amended—

(a) in section 46 in subsection (7A) by substituting the following paragraphs for paragraphs (a) and (b):

"(a) subject to paragraphs (b) and (c), 31 December in the year in which the relevant return is received by the Commissioners,

(b) in the case of inheritances referred to in sections 15(1) and 20(1), the date on which the relevant return is received by the Commissioners, or

(c) if later than the date referred to in paragraph (a), where the matter of such conditions being satisfied is relevant to the assessment of the tax concerned, the latest date on which all of the conditions for a relief or exemption were required to be satisfied.",

(b) in section 49—

(i) in subsection (6A) by substituting the following paragraph for paragraph (a):

"(a) For the purposes of subsection (6) an assessment, a correcting assessment or an additional assessment made in connection with, or in relation to, a relevant return may not be made after the expiry of 4 years from—

(i) 31 December in the year in which the relevant return is received by the Commissioners, or

(ii) in the case of inheritances referred to in sections 15(1) and 20(1), the date on which the relevant return is received by the Commissioners.",

and

(ii) by substituting the following subsection for subsection (6B):

"(6B) Notwithstanding subsection (6A), an assessment, a correcting assessment or an additional assessment may be made by the Commissioners at any time—

(a) where they have reasonable grounds for believing that any form of fraud or neglect (within the meaning given in section 46(7B)(b)) has been committed by, or on behalf of any accountable person in connection with, or in relation to, any relevant return (within the meaning given in subsection (6A)) which is the subject of assessment, or

(b) to take account of any fact or matter arising by reason of an event occurring after a relevant return is received by the Commissioners.",

and

(c) in section 57(3) by substituting the following paragraph for paragraph (a):

"(a) 31 December in the year in which that tax was due to be paid in accordance with section 46(2A), or".

PART 6

MISCELLANEOUS

Interpretation (*Part 6*)

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

Amendment of Principal Act (appeals to Appeals Commissioners)

58. (1) The Principal Act is amended, in Part 40A—

(a) in section 949AP, in subsection (1), by substituting "Subject to section 949AX, the Appeal Commissioners' determination" for "the Appeal Commissioners' determination",

(b) in section 949AV, by substituting the following subsection for subsection (1):

"(1) Subject to subsections (4) and (5) (in the case of a direction given under section 949T(1)), the Appeal Commissioners may dismiss an appeal where a party has failed to comply, to the Appeal Commissioners' satisfaction, with a direction given by them under—

(a) subsection (1) of section 949E, in relation to the matter referred to in paragraph (2)(a) of that section,

(b) section 949Q(1),

(c) section 949S(1), or

(d) section 949T(1).",

and

(c) by inserting the following Chapter after Chapter 7:

"Chapter 8

Appeal Commissioner vacating office before completion of appeal

Appeal Commissioner vacating office: prior to determination

949AW. Where, in relation to an appeal—

(a) a hearing has commenced but is not completed, or

(b) a hearing has been completed but a determination has not been made,

by the one or more Appeal Commissioners who presided over the hearing (and the omission to complete or do the foregoing thing is due to one or more Appeal Commissioners having vacated, in whatever circumstances, office), the appeal shall, as one or more other Appeal Commissioners decide, either—

(i) be reheard by one or more other Appeal Commissioners as if the first hearing had not commenced or been completed, as the case may be, or

(ii) instead of being reheard, be adjudicated on by one or more other Appeal Commissioners in accordance with section 949U.

Appeal Commissioner vacating office: prior to completion and signing of case stated

949AX.(1)Where—

(a) in relation to an appeal, a determination has been made,

(b) a notice has been issued in relation to that determination under section 949AP(2), and

(c) any of the steps in the stating and signing of a case for the opinion of the High Court on the determination remain to be taken (and the omission to take those steps is due to one or more of the Appeal Commissioners who presided over the hearing concerned having vacated, in whatever circumstances, office),

one or more other Appeal Commissioners shall serve a notice on each of the parties to the appeal requesting the party to state to the one or more other Appeal Commissioners, within a period specified in the notice, whether the party wishes—

(i) the appeal to be reheard by the one or more other Appeal Commissioners,

(ii) the appeal to be adjudicated on by the one or more other Appeal Commissioners in accordance with section 949U, or

(iii) the remaining steps in the stating and signing of a case for the opinion of the High Court on the determination, as specified in section 949AQ, to be taken.

(2) Where both of the parties state to the one or more other Appeal Commissioners, within the period specified in the notice served under subsection (1)—

(a) that they wish the appeal to be reheard by the one or more other Appeal Commissioners, the appeal shall be reheard by the one or more other Appeal Commissioners and no further steps shall be taken in relation to the case stated concerned under section 949AQ,

(b) that they wish the appeal to be adjudicated on by the one or more other Appeal Commissioners in accordance with section 949U, the appeal shall be so adjudicated on and no further steps shall be taken in relation to the case stated concerned under section 949AQ, or

(c) that they wish the remaining steps in the stating and signing of a case for the opinion of the High Court on the determination, as specified in section 949AQ, to be taken, the remaining steps may be taken in relation to the case stated under that section by the one or more other Appeal Commissioners and the parties and that section shall apply accordingly.

(3) If the service of a notice under subsection (1) does not result in a statement that falls within subsection (2)(a), (b) or (c), the remaining steps in the stating and signing of a case for the opinion of the High Court on the determination, as specified in section 949AQ, may be taken in relation to the case stated under that section by the one or more other Appeal Commissioners and the parties and that section shall apply accordingly.

(4) Subsection (5) applies to a case stated sent to the High Court in

circumstances in which, by virtue of this section, a case stated may be completed and signed by one or more Appeal Commissioners other than the one or more Appeal Commissioners who heard the appeal, the subject of the case stated, and the reference in subsection (5) to the relevant circumstances is a reference to both—

(a) the fact of the second-mentioned one or more Appeal Commissioners in this subsection having vacated, in whatever circumstances, office, and

(b) the fact of the case stated having been completed and signed by the first-mentioned one or more Appeal Commissioners in this subsection.

(5) If, on or after the sending to it of a case stated to which this subsection applies, the High Court is of the opinion that having regard to—

(a) the particular issues arising in the case stated, or

(b) the likelihood of there being exercised by it the powers under section 949AR(1)(b) or (2) in relation to the case stated,

the proceeding by it to deal, or further deal, with the case stated would not, by reason of the relevant circumstances, be consistent with the due administration of justice, it shall decline to deal, or further deal, with the case stated and may make an order directing that the appeal, the subject of the case stated, be reheard by the Appeal Commissioners or such other order as it deems just.".

(2) The Principal Act is amended, in section 959AF—

(a) in subsection (1), by substituting "Subject to subsection (1A), a person aggrieved" for "A person aggrieved", and

(b) by inserting the following subsection after subsection (1):

"(1A) No appeal lies against an assessment or an amended assessment where the sole matter on which the person, on whom the assessment or amended assessment, as the case may be, was made, is aggrieved relates to a surcharge imposed under section 1084(2), other than where that person's ground for the appeal relates to—

(a) a matter referred to in section 1084(1)(b), or

(b) the date on which the return of income for a chargeable period was delivered.".

Mandatory disclosure of certain transactions

59. The Principal Act is amended—

(a) in Part 33—

(i) in section 817O—

(I) in subsection (1)(b), by substituting "section 817E(a), 817E(b), 817F, 817G or 817H(1), as the case may be," for "section 817E, 817F, 817G or

817H(1),", and

(II) in subsection (2), by substituting the following definition for the definition of "relevant day":

" 'relevant day' means the first day after the end of the period specified in section 817E(a), 817E(b), 817F, 817G or 817H(1), as the case may be, during which the obligation imposed on a person by section 817E(a), 817E(b), 817F, 817G or 817H(1), as the case may be, shall be discharged.",

(ii) in section 817RA(1), by inserting the following definition:

" 'the Acts' means—

(a) Parts 18C and 18D,

(b) the Stamp Duties Consolidation Act 1999 and the enactments amending or extending that Act,

(c) the Capital Acquisitions Tax Consolidation Act 2003 and the enactments amending or extending that Act,

(d) the Capital Gains Tax Acts,

(e) the Tax Acts, and

(f) any instruments made under any of the enactments referred to in paragraphs (a) to (e);",

(iii) in section 817RB, by substituting the following subsection for subsection (2):

"(2) The reference in subsection (1) to 'taxes' shall not include, nor be construed as including, a reference to any of the following:

(a) value-added tax, customs duties, or excise duties covered by other legislation of the European Union on administrative cooperation between Member States;

(b) compulsory social security contributions payable to a Member State or a subdivision of a Member State or to social security institutions established under public law;

(c) fees, such as for certificates and other documents issued by public authorities;

(d) dues of a contractual nature, such as consideration for public utilities.",

(iv) in section 817RC—

(I) by inserting the following subsection after subsection (6):

"(6A) An intermediary shall be exempt from making a return to the Revenue Commissioners under this section if the intermediary has received, in writing, from any other intermediary involved in the same reportable cross-border arrangement—

(a) confirmation that such other intermediary has provided the

specified information to the competent authority of another Member State,

(b) a copy of the specified information provided to the competent authority referred to in paragraph (a), and

(c) the reference number assigned to the arrangement by the competent authority referred to in paragraph (a).",

and

(II) by substituting the following subsection for subsection (10):

"(10) Where subsection (9)(b) applies, the intermediary concerned shall, without delay, notify the relevant taxpayer of the obligations imposed on that relevant taxpayer under this Chapter.",

(v) in section 817RD—

(I) by substituting the following subsection for subsection (5):

"(5) A relevant taxpayer shall be exempt from making a return to the Revenue Commissioners under this section if the relevant taxpayer has received, in writing, from an intermediary or any other relevant taxpayer involved in the same reportable cross-border arrangement, as the case may be—

(a) confirmation that such intermediary or such other relevant taxpayer, as the case may be, has provided the specified information to the Revenue Commissioners in a return made under this Chapter, and

(b) the reference number assigned to the arrangement by the Revenue Commissioners.",

and

(II) by substituting the following subsection for subsection (8):

"(8) Any person who obtains or seeks to obtain a tax advantage from a reportable cross-border arrangement shall be a chargeable person for the purposes of Part 41A where such tax advantage is in respect of a tax, duty, levy or charge which is placed under the care and management of the Revenue Commissioners in accordance with the Acts.",

and

(vi) by inserting the following section after section 817RH:

"Specified arrangements

817RI.(1) For the purposes of this section, 'specified arrangement' means an arrangement that is within one of the classes of arrangements specified in Schedule 34.

(2) A specified arrangement which—

(a) would, but for the operation of this section, contain the hallmark

described in paragraph (3) of category A of the hallmarks,

(b) satisfies the main benefit test referred to in Annex IV of the Directive, and

(c) meets the conditions specified in subsection (3),

shall be deemed not to contain the hallmark described in paragraph (3) of category A of the hallmarks.

(3) The conditions referred to in subsection (2) are that—

(a) the tax advantage arises solely by virtue of the arrangement being within one of the classes of arrangements specified in Schedule 34, and

(b) the specified arrangement is not a tax avoidance transaction within the meaning of section 811C.",

and

(b) by inserting the following Schedule after Schedule 33:

"SCHEDULE 34

Section 817RI

SPECIFIED ARRANGEMENTS REFERRED TO IN SECTION 817RI

The classes of arrangements referred to in section 817RI are as follows:

1. A salary sacrifice arrangement approved under section 118B.

2. The occupation of woodlands as provided for by section 232.

3. The disposal by an individual of woodland as provided for by section 564.

4. A retirement benefits scheme within the meaning of section 771, for the time being approved by the Revenue Commissioners for the purposes of Chapter 1 of Part 30.

5. An annuity contract or a trust scheme, or part of a Trust Scheme, for the time being approved by the Revenue Commissioners under section 784.

6. A PRSA contract (within the meaning of section 787A) in respect of a PRSA product (within the meaning of that section).

7. A qualifying overseas pension plan within the meaning of Chapter 2B of Part 30.

8. A profit sharing scheme approved by the Revenue Commissioners under Part 2 of Schedule 11.

9. An employee share ownership trust approved by the Revenue Commissioners under paragraph 2 of Schedule 12.

10. A savings-related share option scheme approved by the Revenue Commissioners under paragraph 2 of Schedule 12A.

11. A certified contractual savings scheme certified by the Revenue Commissioners under Schedule 12B.

12. A share option scheme approved by the Revenue Commissioners under paragraph 2 of Schedule 12C.".

Insurance regulations

60. The Principal Act is amended—

(a) in section 470(1), in the definition of "authorised insurer", by substituting the following for paragraph (b)(i):

"(i) any undertaking standing authorised under—

(I) the European Communities (Non-Life Insurance) Framework Regulations 1994 (S.I. No. 359 of 1994), or

(II) the European Union (Insurance and Reinsurance) Regulations 2015 (S.I. No. 485 of 2015), in respect of insurance of a class listed in Schedule 2 to those Regulations,

or",

(b) in section 588(1), in the definition of "assurance company" by substituting the following for paragraph (b):

"(b) a person that holds an authorisation—

(i) within the meaning of the European Communities (Life Assurance) Framework Regulations 1994 (S.I. No. 360 of 1994), or

(ii) under the European Union (Insurance and Reinsurance) Regulations 2015 (S.I. No. 485 of 2015), in respect of insurance of a class listed in Schedule 2 to those Regulations;",

(c) in section 594(1)(c)(i), in the definition of "assurance company", by substituting the following for clause (II):

"(II) a person that holds an authorisation—

(A) within the meaning of the European Communities (Life Assurance) Framework Regulations 1994 (S.I. No. 360 of 1994), or

(B) under the European Union (Insurance and Reinsurance) Regulations 2015 (S.I. No. 485 of 2015), in respect of insurance of a class listed in Schedule 2 to those Regulations;",

(d) in section 706(1), in the definition of "assurance company", by substituting the following for paragraph (b):

"(b) a person that holds an authorisation—

(i) within the meaning of the European Communities (Life

Assurance) Framework Regulations 1994 (S.I. No. 360 of 1994), or

(ii) under the European Union (Insurance and Reinsurance) Regulations 2015 (S.I. No. 485 of 2015), in respect of insurance of a class listed in Schedule 2 to those Regulations;",

(e) in section 730D(2A)(b)(i)(II), by substituting the following for subclause (A):

"(A) the assurance company which commenced the life policy underwrites the business from the State on a freedom of services basis under Regulation 50 of the European Communities (Life Assurance) Framework Regulations 1994 (S.I. No. 360 of 1994), Regulations 154 to 163 of the European Union (Insurance and Reinsurance) Regulations 2015 (S.I. No. 485 of 2015) or other equivalent arrangement in an EEA state, and",

(f) in section 784A(1)(a), in paragraph (j) of the definition of "qualifying fund manager"—

(i) by substituting the following for subparagraph (i):

"(i) an authorisation under the European Union (Insurance and Reinsurance) Regulations 2015 (S.I. No. 485 of 2015), in respect of insurance of a class listed in Schedule 2 to those Regulations, or",

(ii) in subparagraph (ii), by substituting "in a Member State of the European Union (other than the State), Iceland, Liechtenstein or Norway in accordance with Article 14 of Directive 2009/138/EC[37]" for "in a Member State other than the State in accordance with Article 6 of Directive No. 79/267/EEC", and

(iii) by deleting subparagraph (iii),

(g) in section 891B(1), in the definition of "assurance company", by substituting the following for paragraph (b):

"(b) a person that holds an authorisation—

(i) within the meaning of the European Communities (Life Assurance) Framework Regulations 1994 (S.I. No. 360 of 1994), or

(ii) under the European Union (Insurance and Reinsurance) Regulations 2015 (S.I. No. 485 of 2015), in respect of insurance of a class listed in Schedule 2 to those Regulations;",

and

(h) in section 902B(1), in the definition of "assurance company", by substituting the following for paragraph (b):

"(b) a person that holds an authorisation—

(i) within the meaning of the European Communities (Life

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Assurance) Framework Regulations 1994 (S.I. No. 360 of 1994), or

(ii) under the European Union (Insurance and Reinsurance) Regulations 2015 (S.I. No. 485 of 2015), in respect of insurance of a class listed in Schedule 2 to those Regulations;".

Returns of certain payment card transactions by payment card providers

61. Part 38 of the Principal Act is amended by inserting the following section after section 891D:

"Returns of certain payment card transactions by payment card providers

891DA. (1) In this section—

'the Acts' has the same meaning as in section 851A;

'authorised officer' means an officer of the Revenue Commissioners authorised by them in writing to exercise the powers conferred by this section;

'cross-border payment card transaction' means a payment card transaction where the payee is located in a place other than the State;

'EEA Agreement' means the Agreement on the European Economic Area signed at Oporto on 2 May 1992 as adjusted by all subsequent amendments to that Agreement;

'EEA state' means a state which is a contracting party to the EEA Agreement;

'payee', in relation to a cross-border payment card transaction, means the person accepting the payment concerned;

'payment card' means any card which is issued by a payment card provider pursuant to an agreement or arrangement which provides for—

(a) one or more issuers of such cards,

(b) a network of persons unrelated to each other, and to the issuer, who agree to accept such cards as payment, and

(c) standards and mechanisms for settling the transactions between the issuers of such cards and the persons who agree to accept such cards as payment,

and the acceptance as payment of any account number or other indicators associated with a payment card shall be treated for the purposes of this section in the same manner as accepting such card payment as payment;

'payment card provider' means—

(a) a person who—

(i) is a holder of a licence granted under section 9 of the Central

Bank Act 1971 or an authorisation granted under section 9A of that Act, or

(ii) holds a licence or other similar authorisation under the law of an EEA state, other than the State, which corresponds to a licence granted under section 9 of the Central Bank Act 1971,

(b) a payment institution (within the meaning of Regulation 18 of the European Union (Payment Services) Regulations 2018 (S.I. No. 6 of 2018)) which has been authorised by the Central Bank of Ireland to carry on the business of a payment institution, or

(c) the Post Office Savings Bank;

'payment card transaction' means any transaction in which a relevant payment card is accepted as payment where the relevant payment card is not physically presented to the payee;

'relevant payment card' means a payment card which is issued to a person whose postal address for the purpose of the issue of the card is in the State;

'tax' has the same meaning as in section 851B;

'TIN' has the same meaning as in section 891G.

(2) For the purposes of enabling the identification of payees who may have an obligation to pay or remit tax under the Acts and determining and ensuring compliance by payees with any obligations imposed on them by the Acts in relation to—

(a) the payment or remittance of taxes, interest or penalties required to be paid or remitted under the Acts, and

(b) the delivery of any returns to be made under the Acts,

the Revenue Commissioners, with the consent of the Minister for Finance, may by regulations provide that a payment card provider be required to make to the Revenue Commissioners, in relation to cross-border payment card transactions, a return of such information as may be specified in the regulations.

(3) Without prejudice to the generality of subsection (2), regulations made under this section may, in particular, include provision for—

(a) in respect of a return required to be made under the regulations—

(i) the period in respect of which the return is to be made,

(ii) the date by which the return is to be made, and

(iii) the manner in which the return is to be made,

(b) the following details in respect of payees to be included in the return:

(i) the name or business name of each payee;

(ii) the address or email address of each payee;

(iii) the TIN of each payee;

(iv) the International Bank Account Number, or equivalent, of each payee;

(v) the Bank Identifier Code, or equivalent identifier, of each payee;

(vi) such other details as the Revenue Commissioners consider necessary and appropriate for the purposes of determining the identity of each payee,

(c) the following details in respect of payments made pursuant to cross-border payment card transactions to be included in the return:

(i) the date and time of each payment;

(ii) the amount of each payment and the currency in which each payment was made,

(d) subject to subsection (4), the class or classes of payees in respect of whom the information specified in the regulations is to be included in the return, and

(e) subject to subsection (5), the class or classes of payment card providers required to make a return.

(4) (a) Subject to paragraph (b) and for the purposes of subsection (3)(d), the Revenue Commissioners, having regard to the purposes specified in subsection (2), shall specify in the regulations made under this section the class or classes of payees by reference to the number and aggregate value of cross-border payment card transactions associated with relevant payment cards issued by a payment card provider.

(b) The class or classes of payees specified in accordance with paragraph (a) in regulations made under this section shall not include any payee who meets either of the following conditions:

(i) during the period specified in regulations made under this section in respect of which a return is required to be made, the payee accepts payment pursuant to less than 100 cross-border payment card transactions associated with relevant payment cards issued by the payment card provider who is making the return;

(ii) the aggregate value of the cross-border payment card transactions in respect of which the payee accepts payment associated with relevant payment cards issued by the payment card provider who is making the return is less than €10,000.

(c) Where the period specified in regulations made under this section in respect of which a return is required to be made is less than 12 months, the number of payment card transactions specified in paragraph (b)(i) and the aggregate value of payment card

transactions specified in paragraph (b)(ii) shall be reduced *pro rata*.

(5) For the purposes of subsection (3)(e), the Revenue Commissioners, having regard to the purposes specified in subsection (2), shall specify in the regulations made under this section the class or classes of payment card providers by reference to the number of relevant payment cards issued by a payment card provider and the aggregate value of payment card transactions associated with those relevant payment cards.

(6) Subject to subsection (7), an authorised officer may at all reasonable times enter any premises or place of business of a payment card provider for the purposes of—

(a) determining whether—

(i) information included in a return made by the payment card provider under regulations made under this section was correct and complete, or

(ii) information not included in such a return was correctly not so included,

or,

(b) examining the procedures put in place by that payment card provider for the purposes of ensuring compliance with that provider's obligations under this section or regulations made under this section.

(7) An authorised officer shall not, other than with the consent of the occupier, enter a private dwelling without a warrant issued under subsection (8) authorising the entry.

(8) A judge of the District Court, if satisfied on the sworn evidence of an authorised officer that—

(a) there are reasonable grounds for suspecting that any information or records, as the authorised officer may reasonably require for the purposes of his or her functions under this section, is or are held on any premises or part of any premises, and

(b) an authorised officer, in the performance of his or her functions under this section has been prevented from entering the premises or any part thereof,

may issue a warrant authorising the authorised officer, accompanied if necessary by other persons, at any time or times within 30 days from the date of issue of the warrant and on production if so requested of the warrant, to enter, if need be by reasonable force, the premises or part of the premises concerned and perform all or any of the functions conferred on the authorised officer under this section.

(9) (a) Section 898O shall apply to—

(i) a failure by a payment card provider to deliver a return required

to be made under regulations made under this section, and to each and every such failure, and

(ii) the making of an incorrect or incomplete return,

as it applies to a failure to deliver a return or to the making of an incorrect or incomplete return referred to in section 898O.

(b) A payment card provider who does not comply with—

(i) the requirements of an authorised officer in the exercise or performance of the officer's powers or duties under this section, or

(ii) any requirement imposed on the payment card provider by this section or regulations made under this section,

shall be liable to a penalty of €1,265.

(10) Section 4 of the Post Office Savings Bank Act 1861 shall not apply to the disclosure of information required to be included in a return made under regulations made under this section and, accordingly, this section shall apply to information to which, but for this subsection, the said section 4 would apply.

(11) Every regulation made under this section shall be laid before Dáil Éireann as soon as may be after it is made and, if a resolution annulling the regulation is passed by Dáil Éireann within the next 21 days on which Dáil Éireann has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.".

Amendments consequential on migration of shares to EU central securities depository

62. (1) The Principal Act is amended—

(a) in section 172A(1)(a) by inserting the following definition after the definition of "recipient ID code":

" 'recognised qualifying intermediary', in relation to a relevant distribution, has the meaning assigned to it by section 172FA;",

(b) by inserting the following section after section 172F:

"Recognised qualifying intermediaries

172FA.(1) For the purposes of this Chapter, a person shall be a recognised qualifying intermediary if the person is—

(a) a qualifying intermediary that is also a recognised clearing system, within the meaning of section 246A(2)(a), or

(b) a qualifying intermediary that is also a person who is wholly owned by a recognised clearing system, within the meaning of section 246A(2)(a).

(2) A recognised qualifying intermediary may receive relevant

distributions without the deduction of dividend withholding tax and pay those relevant distributions without the deduction of dividend withholding tax to another recognised qualifying intermediary or to an authorised withholding agent so long as the recognised qualifying intermediary has obtained a notice in writing from the authorised withholding agent or the other recognised qualifying intermediary, that it is an authorised withholding agent or a recognised qualifying intermediary, as the case may be, in relation to those distributions.",

(c) in section 172G(1) by inserting ", either directly or through one or more than one recognised qualifying intermediary," after "makes a relevant distribution",

(d) in section 172H—

(i) by substituting the following subsection for subsection (1):

"(1) An authorised withholding agent which is to receive, on behalf of other persons, any relevant distributions to be made to it by any company resident in the State, either directly or through one or more than one recognised qualifying intermediary, shall notify that company or that recognised qualifying intermediary, as the case may be, by way of notice in writing, that it is an authorised withholding agent in relation to those distributions.",

(ii) in subsection (2) by inserting "either directly or through one or more than one recognised qualifying intermediary," after "the State", and

(iii) in subsection (3) by inserting "or the recognised qualifying intermediary, as the case may be," after "notified the company",

and

(e) in section 172LA—

(i) by substituting the following subsection for subsection (1):

"(1) In this section—

'proper owner' means the person beneficially entitled to a relevant distribution as a result of the specified event;

'recorded owner' means the person beneficially entitled to a relevant distribution before the specified event;

'stockbroker' means a member firm of the Irish Stock Exchange plc trading as Euronext Dublin or of a recognised stock exchange in another territory.",

(ii) in subsection (2)—

(I) by substituting the following paragraph for paragraph (a):

"(a) a company resident in the State has made a relevant distribution, either directly or indirectly through an intermediary, to a recorded owner on the basis of the information on the share register of the company, or on the basis of a securities account in the name of the

recorded owner held by an intermediary, at a particular date,",

(II) in paragraph (b) by substituting "the proper owner" for "another person (in this section referred to as the 'proper owner')", and

(III) by substituting the following paragraph for paragraph (c):

"(c) a person (in this section referred to as an 'accountable person'), being the relevant stockbroker or intermediary who has acted for the recorded owner in the specified event, is obliged to pay the relevant distribution to the proper owner or to an intermediary holding securities on behalf of the proper owner, which action is in this section referred to as the 'settlement of the market claim'.",

(iii) in subsection (3)—

(I) in paragraph (b) by inserting "or intermediary" after "relevant stockbroker", and

(II) in paragraph (c) by inserting "or intermediary" after "relevant stockbroker",

and

(iv) in subsection (4) by inserting "or intermediary" after "relevant stockbroker".

(2) The Principal Act is amended in Chapter 2 of Part 19 by inserting the following section after section 545:

"Share disposals and central securities depositories

545A.(1) The migration of shares under the Migration of Participating Securities Act 2019 shall not be treated as a disposal of those shares for the purposes of the Capital Gains Tax Acts.

(2) Subsection (3) applies in relation to shares held by a central securities depository (within the meaning of Regulation 909/2014 of the European Parliament and of the Council of 23 July 2014[38]) whose rules require holders of interests in such shares to hold those interests by way of a co-ownership interest in a fungible pool of underlying shares.

(3) Where this subsection applies and a person disposes of a co-ownership interest referred to in subsection (2), the asset deemed to have been disposed of for the purposes of the Capital Gains Tax Acts shall be the person's interest in the underlying shares.

(4) References to—

(a) shares quoted on a stock exchange in sections 29(1A)(b) and 980(2)(d) and (e), and

(b) shares in a company in the definition of 'relevant assets' in section 29A(1)(a),

shall be deemed to include references to a co-ownership interest referred to in subsection (2).".

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(3) The Principal Act is amended in section 743 by inserting the following subsection after subsection (1):

"(1A) For the purposes of subsection (1), rights in the nature of co-ownership do not include an arrangement in the nature of a co-ownership that arises solely from the following, that is to say—

(a) rules of a central securities depository (within the meaning of Regulation 909/2014 of the European Parliament and of the Council of 23 July 2014[39]), and

(b) which rules require holders of interests in securities, held by the depository, to hold those interests by way of a co-ownership interest in a fungible pool of underlying securities.".

(4) The Capital Acquisitions Tax Consolidation Act 2003 is amended—

(a) in section 6 by inserting the following subsection after subsection (2):

"(2A) (a) For the purposes of subsections (1)(c) and (2)(d), any property comprising shares in—

(i) a company formed and registered under the Companies Act 2014 or an existing company within the meaning of that Act,

(ii) a body corporate referred to in subsection (1) of section 1312 of the Companies Act 2014 (other than a body that is referred to in subsection (2) of that section as an 'excluded body'),

(iii) an Irish collective asset-management vehicle, or

(iv) a society registered under the Industrial and Provident Societies Acts 1893 to 2014,

shall be deemed to be situate in the State.

(b) In this subsection 'shares' includes any legal or equitable interest or right in, or in relation to, a share, whether such interest or right is directly or indirectly held, and, without prejudice to the generality of the foregoing, shall be deemed to include—

(i) a share which represents ownership of an underlying share and which can be traded independently of the underlying share, and

(ii) in the case of shares held by a central securities depository (within the meaning of Regulation 909/2014 of the European Parliament and of the Council of 23 July 2014[40]) whose rules require holders of interests in such shares to hold those interests by way of a co-ownership interest in a fungible pool of underlying shares, that co-ownership interest.",

(b) in section 11 by inserting the following subsection after subsection (2):

"(2A) (a) For the purposes of subsections (1)(b) and (2)(c), any property comprising shares in—

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40 OJ No. L257, 28.8.2014, p.1

(i) a company formed and registered under the Companies Act 2014 or an existing company within the meaning of that Act,

(ii) a body corporate referred to in subsection (1) of section 1312 of the Companies Act 2014 (other than a body that is referred to in subsection (2) of that section as an 'excluded body'),

(iii) an Irish collective asset-management vehicle, or

(iv) a society registered under the Industrial and Provident Societies Acts 1893 to 2014,

shall be deemed to be situate in the State.

(b) In this subsection 'shares' includes any legal or equitable interest or right in, or in relation to, a share, whether such interest or right is directly or indirectly held, and, without prejudice to the generality of the foregoing, shall be deemed to include—

(i) a share which represents ownership of an underlying share and which can be traded independently of the underlying share, and

(ii) in the case of shares held by a central securities depository (within the meaning of Regulation 909/2014 of the European Parliament and of the Council of 23 July 2014[41]) whose rules require holders of interests in such shares to hold those interests by way of a co-ownership interest in a fungible pool of underlying shares, that co-ownership interest.",

and

(c) in section 75 by inserting the following subsection after subsection (1):

"(1A) For the avoidance of doubt, the definition of 'collective investment scheme' in subsection (1) does not include a central securities depository (within the meaning of Regulation 909/2014 of the European Parliament and of the Council of 23 July 2014[42]) whose rules require holders of interests in securities, held by the depository, to hold those interests by way of a co-ownership interest in a fungible pool of underlying securities.".

(5) The Stamp Duties Consolidation Act 1999 is amended in Part 6 by constituting sections 68 to 78 as Chapter 1 of that Part and inserting the following Chapter after that Chapter:

"CHAPTER 2

Special provisions relating to dematerialised securities

Interpretation (Chapter 2)

78A. (1) In this Chapter—

'central securities depository' or 'CSD' has the same meaning as in the CSD Regulation;

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42 OJ No. L257, 28.8.2014, p.1

'CSD Regulation' means Regulation 909/2014 of the European Parliament and of the Council of 23 July 2014[43] on improving securities settlement in the European Union and on central securities depositories and amending Directives 98/26/EC and 2014/65/EU and Regulation (EU) No. 236/2012;

'dematerialised securities' means securities in respect of which physical certificates or documents of title indicating ownership have been eliminated such that the securities exist only as accounting or book entry records;

'depository receipt' means a security which represents ownership of an underlying security and which can be traded independently of the underlying security;

'immobilisation' means the act of concentrating the location of securities in, or on behalf of, a CSD in a way that enables subsequent transfers of interests in those securities to be made by book entry;

'interest in securities' means—

(a) any legal or equitable interest or right in, or in relation to, a security,

(b) a depository receipt,

(c) an indirect interest or right in, or in relation to, underlying securities arising from the immobilisation or dematerialisation of the securities, or

(d) without prejudice to the generality of paragraph (c), an interest or right in, or in relation to, securities which are held in, or on behalf of, a CSD, the rules of which require holders of interests or rights in, or in relation to, securities to hold those interests or rights by way of a co-ownership interest in a fungible pool of underlying securities;

'relevant system' means a securities settlement system that is operated by a CSD;

'securities' means any stocks or marketable securities;

'securities settlement system' means a formal arrangement with common rules and standardised arrangements for the execution of transfer orders by electronic means;

'third country CSD' means a CSD located outside the European Union that would come within the CSD Regulation if it were located in the European Union;

'transfer order' means a properly authenticated instruction to transfer an interest in securities.

(2) A reference to a CSD in this Chapter includes a reference to a third country CSD.

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(3) This Chapter applies solely to the transfer of interests in dematerialised securities.

Transfer of interest in securities through relevant system

78B. (1) Where a transfer order effects a transfer of an interest in securities through a relevant system, the transfer order shall, for all purposes of this Act, be deemed to be an executed instrument of conveyance or transfer of such securities, the date of execution of which shall be deemed to be the date of execution of the transfer order.

(2) A transfer order that effects a transfer of an interest in securities outside a relevant system shall be deemed to be a transfer order effecting such a transfer through a relevant system and subsection (1) shall apply accordingly.

(3) Where a transfer of an interest in securities is effected by a transfer order relating to a single netted settlement of two or more contracts for the transfer of interests in the same type of securities, each individual contract constituting the single netted settlement shall be deemed to be a transfer order and subsection (1) shall apply accordingly.

Relief for intermediaries and clearing houses

78C. In relation to a transfer order or a deemed transfer order referred to in section 78B—

(a) the exemption from stamp duty under section 75(3) in relation to a recognised intermediary (within the meaning of subsection (1) of that section) in respect of certain instruments of transfer shall also apply in respect of the transfer order or deemed transfer order and section 75 shall apply accordingly, and

(b) the exemption from stamp duty under section 75A(2) in relation to a recognised clearing house (within the meaning of subsection (1) of that section) in respect of certain instruments of transfer shall also apply in respect of the transfer order or deemed transfer order and section 75A shall apply accordingly.

Duty charged

78D. (1) Where a transfer order, or a deemed transfer order, is, by virtue of section 78B, chargeable with stamp duty under or by reference to the heading 'CONVEYANCE or TRANSFER on sale of any stocks or marketable securities' in Schedule 1, duty shall be charged under that heading at the rate of one per cent of the consideration for the transfer to which the transfer order, or deemed transfer order, gives effect.

(2) Notwithstanding subsection (1)—

(a) where a transfer operates as a voluntary disposition *inter vivos*, the reference in that subsection to the consideration for the transfer shall, in relation to the duty to be charged, be construed as a reference to the value of the interest transferred, and

(b) where the calculation results in an amount that is not a multiple of

one cent, the amount so calculated shall be rounded to the nearest cent, and any half of a cent shall be rounded up to the next whole cent.

Payment of duty

78E. (1) Subject to subsection (2), any duty charged by virtue of section 78B shall be due and payable on, and shall be paid to the Commissioners on, the date on which the transfer order, or deemed transfer order is executed.

(2) Notwithstanding subsection (1), the Commissioners may enter into an agreement with a CSD, or other party, in such form and on such terms and conditions as they think fit, in relation to the payment of stamp duty and where such an agreement is in force, any duty paid in accordance with the agreement shall be deemed to have been paid to the Commissioners on the date on which it became due and payable.

(3) Notwithstanding section 2(3), the transfer order, or deemed transfer order, that is charged to stamp duty by virtue of section 78B shall not be required to be stamped and, accordingly, sections 4, 6, 8, 11, 14, 20, 127 and 129(1) shall not apply.

(4) For the purposes of subsections (3) and (4) of section 2, the transfer order, or deemed transfer order, that is charged to stamp duty by virtue of section 78B shall be deemed to be duly stamped with the proper stamp duty when such duty, and any interest relating to such duty, is paid to the Commissioners.

(5) Where duty that is due and payable on the date on which the transfer order, or deemed transfer order, is executed is paid after that date, interest shall be charged on that duty, calculated in accordance with section 159D from the date on which the transfer order, or deemed transfer order, is executed to the date of payment of the unpaid duty.

Assessments and appeals

78F. (1) If, at any time and for any reason, it appears that no or insufficient duty has been paid to the Commissioners, they shall make an assessment of such amount of duty or additional duty as, to the best of their knowledge, information and belief, ought to be charged, levied and paid and the accountable person shall be liable for the payment of the duty so assessed.

(2) If, at any time and for any reason, it appears that an assessment is incorrect, the Commissioners shall make such other assessment as they consider appropriate and this other assessment shall be substituted for the first-mentioned assessment.

(3) An accountable person aggrieved by an assessment made on that person under this section may appeal the assessment to the Appeal Commissioners, in accordance with section 949I of the Taxes Consolidation Act 1997, within the period of 30 days after the date of the notice of assessment.

(4) In default of an appeal, in accordance with subsection (3), being made by an accountable person to whom a notice of assessment has been issued, the assessment made on the person is final and conclusive.

Overpayment and repayment of duty

78G. (1) Where, on a claim in accordance with subsection (2), it is proved to the satisfaction of the Commissioners that there has been an overpayment of duty in relation to a charge to duty by virtue of section 78B, the overpayment shall be repaid.

(2) A claim for repayment shall be made in such form and manner as may be decided by the Commissioners.

(3) A claim for repayment shall be made within the period of 4 years from the date of execution of the transfer order or deemed transfer order giving rise to the claim.

Obligations and penalties

78H. (1) Where a transfer order, or a deemed transfer order, effects a transfer of an interest in securities, a CSD, a transferee or a person acting on a transferee's behalf in relation to the transfer of the interest in securities, as the case may be, shall—

(a) retain evidence in legible written form, or readily convertible into such a form, in sufficient detail to establish the amount of duty, if any, with which the transfer order or deemed transfer order was chargeable,

(b) retain the evidence referred to in paragraph (a) for a period of 6 years from the date on which the transfer order or deemed transfer order was executed, and

(c) make any such evidence available to the Commissioners on request.

(2) A CSD, a transferee or a person acting on a transferee's behalf in relation to the transfer of the interest in securities, as the case may be, who fails to comply with subsection (1) shall be liable to a penalty of €1,265.

American depositary receipts

78I. Nothing in this Chapter shall preclude the operation of section 90 in relation to the exemption from the charge to stamp duty for American depositary receipts within the meaning of that section.

Migration of securities

78J. Stamp duty shall not be chargeable on the migration of securities under the Migration of Participating Securities Act 2019.".

(6) This section shall come into operation on such day as the Minister for Finance may appoint by order.

Amendment of Part 7 of Emergency Measures in the Public Interest (Covid-19) Act 2020

63. (1) Section 28 of the Emergency Measures in the Public Interest (Covid-19) Act 2020 is

amended—

(a) in subsection (12), by deleting paragraph (b), and

(b) by inserting the following subsection after subsection (12):

"(12A) A person aggrieved by an assessment or an amended assessment to relevant tax made on that person may appeal the assessment or amended assessment, as the case may be, to the Appeal Commissioners, in accordance with section 949I of the Act, within the period of 30 days after the date of the notice of assessment or the amended assessment, as may be appropriate.".

(2) Section 28A (inserted by section 2(2) of the Financial Provisions (Covid-19) (No. 2) Act 2020) of the Emergency Measures in the Public Interest (Covid-19) Act 2020 is amended—

(a) in subsection (5)(a), by substituting "Department of Business, Enterprise and Innovation" for "Department of Business, Jobs and Innovation", and

(b) in subsection (6)(b), by substituting "subsection (3)" for "subsection (2)".

(3) Section 28B (inserted by the Financial Provisions (Covid-19) (No. 2) Act 2020) of the Emergency Measures in the Public Interest (Covid-19) Act 2020 is amended—

(a) in subsection (1)—

(i) by inserting the following definition after the definition of "Minister":

" 'proprietary director', in relation to a company, has the same meaning as it has in section 472 of the Act;",

(ii) by substituting the following for the definition of "qualifying employee":

" 'qualifying employee', in relation to an employer, means, subject to subsections (1A) and (1B)—

(a) an individual, who, in relation to the employer is or was a specified employee for the purposes of section 28, or

(b) any other individual who is on the payroll of the employer at any time in the qualifying period and receives in that period a payment of emoluments from the employer, but does not include—

(i) in the case where the employer is a company, any individual who is a proprietary director of the company, and

(ii) any individual who is connected with the employer,

other than in a case in which that individual had been on the payroll of the employer at any time in the period from 1 July 2019 to 30 June 2020 and had received in that period a payment of emoluments from the employer and the employer has submitted to the Revenue Commissioners in that period a notification of the payment of the emoluments in accordance with Regulation 10 of the Regulations,

and, for the purposes of this definition, the question of whether an

individual is connected with any other person shall be determined in accordance with section 10 of the Act as it applies for the purposes of the Capital Gains Tax Acts;",

and

(iii) in the definition of "wage subsidy payment", by substituting "subsections (7), (8) and (21)(aa) and (c)" for "subsections (7), (8) and (21)(c)",

(b) by inserting the following subsections after subsection (1):

"(1A) Where, apart from this subsection, an individual who is a proprietary director of two or more companies would be a qualifying employee in relation to those two or more companies, then the following provisions of this subsection shall have effect:

(a) the individual may give a notification to one, and one only, of those companies that he or she has elected to be treated as a qualifying employee in relation to that company;

(b) on the receipt of the notification referred to in paragraph (a), the company concerned shall be entitled to treat the individual concerned as its qualifying employee, and no other company of which the individual concerned is a proprietary director shall be entitled to treat the individual as its qualifying employee;

(c) unless and until the individual gives to a company referred to in paragraph (a) the notification there referred to, no company of which the individual is a proprietary director shall be entitled to treat the individual as its qualifying employee.

(1B) Where, in accordance with subsection (1A)(a), an individual elects to be treated as a qualifying employee in relation to a company, that election—

(a) shall be deemed to have come into effect as on and from the date of the first notification first-mentioned in subsection (7) for that individual by the company, and

(b) shall be irrevocable.",

(c) in subsection (2)—

(i) by substituting "this section shall apply to an employer for the period 1 July 2020 to 31 December 2020 (in this subsection referred to as 'the specified period'), where" for "this section shall apply to an employer where", and

(ii) in paragraph (a)(i)(I), by substituting "there will occur in the specified period" for "there will occur in the period from 1 July 2020 to December 2020 (in this subsection referred to as 'the specified period')",

(d) by inserting the following subsection after subsection (2):

"(2A) Subject to subsections (4) and (5), this section shall apply to an employer for the period from 1 January 2021 to the date on which the qualifying period expires where—

(a) (i) in accordance with guidelines published by the Revenue Commissioners under subsection (20)(a), the employer demonstrates to the satisfaction of the Revenue Commissioners that, by reason of Covid-19 and the disruption that is being caused thereby to commerce—

(I) there will occur in the period from 1 January 2021 to 30 June 2021 (in this subsection referred to as 'the second specified period') at least a 30 per cent reduction, or such other percentage reduction as the Minister may specify in an order made by him or her under subsection (21)(b), in either the turnover of the employer's business or in the customer orders being received by the employer by reference to the period from 1 January 2019 to 30 June 2019 (in this subsection referred to as 'the second corresponding period'),

(II) in the case where the business of the employer has not operated for the whole of the second corresponding period but the commencement of that business's operation occurred no later than 1 May 2019, there will occur in the part of the second specified period, which corresponds to the part of the second corresponding period in which the business has operated, at least a 30 per cent reduction, or such other percentage reduction as the Minister may specify in an order made by him or her under subsection (21)(b), in either the turnover of the employer's business or in the customer orders being received by the employer by reference to that part of the second corresponding period, or

(III) in the case where the commencement of the operation of the employer's business occurred after 1 May 2019, the nature of the business is such that the turnover of the employer's business or the customer orders being received by the employer in the second specified period will be at least—

(A) 30 per cent, or

(B) such other percentage as the Minister may specify in an order made by him or her under subsection (21)(b),

less than what that turnover or those customer orders, as the case may be, would otherwise have been had there been no disruption caused to the business by reason of Covid-19,

or

(ii) the employer's name is entered in the register established and maintained under section 58C of the Child Care Act 1991,

and

(b) the employer satisfies the conditions specified in subsection (3).",

(e) in subsection (3) by substituting "subsection (2)(b) or (2A)(b)" for "subsection

(2)(b)",

(f) in subsection (5)—

(i) by substituting "by virtue of subsection (2) (apart from paragraph (a)(ii) thereof) or (2A) (apart from paragraph (a)(ii) thereof)" for "by virtue of subsection (2) (apart from paragraph (a)(ii) thereof)", and

(ii) in paragraph (b), by substituting "subsection (2)(a)(i) or (2A)(a)(i), as may be appropriate" for "subsection (2)(a)(i)",

(g) in subsection (7)—

(i) by substituting "subsections (8), (9) and (12A)" for "subsections (8) and (9)", and

(ii) by substituting the following paragraph for paragraph (d):

"(d) a payment or an aggregate payment required under this subsection to be made by the Revenue Commissioners to the employer in relation to a qualifying employee or qualifying employees shall be made by the Revenue Commissioners as soon as may be practicable after the date of the notification by the employer of the payment of emoluments to the qualifying employee or the qualifying employees concerned;",

(h) in subsection (8)—

(i) by substituting "subsections (9), (21)(aa) and (21)(c)" for "subsections (9) and (21)(c)", and

(ii) by substituting the following paragraphs for paragraphs (a) and (b):

"(a) in the case where the employer pays the qualifying employee gross pay of at least €151.50 per week but not more than €202.99 per week, the sum of—

(i) €151.50 per contribution week, or

(ii) where the date of the payment of the emoluments by the employer to the qualifying employee is in the period beginning on 20 October 2020 and ending on 31 January 2021, €203 per contribution week,

and

(b) in the case where the employer pays the qualifying employee gross pay of not less than €203 per week but not more than €1,462 per week, the sum of—

(i) €203 per contribution week, or

(ii) where the date of the payment of the emoluments by the employer to the qualifying employee is in the period beginning on 20 October 2020 and ending on 31 January 2021—

(I) €250 per contribution week, where the gross pay so paid to the qualifying employee is not more than €299.99 per week,

(II) €300 per contribution week, where the gross pay so paid to the qualifying employee is not more than €399.99 per week, or

(III) €350 per contribution week, where the gross pay so paid to the qualifying employee is at least €400.00 per week,",

(i) by inserting the following subsection after subsection (12):

"(12A) Where, apart from this subsection, a payment or an aggregate payment would be required to be made by the Revenue Commissioners to an employer under subsection (7), the Revenue Commissioners may, instead of making the payment or the aggregate payment, set the amount of that payment or any part of that payment against any amount that is required to be refunded by the employer to the Revenue Commissioners in accordance with subsection (11).",

(j) in subsection (14)—

(i) by deleting paragraph (b), and

(ii) by inserting the following subsection after subsection (14):

"(14A) A person aggrieved by an assessment or an amended assessment to relevant tax made on that person may appeal the assessment or amended assessment, as the case may be, to the Appeal Commissioners, in accordance with section 949I of the Act, within the period of 30 days after the date of the notice of assessment or the amended assessment, as may be appropriate.",

(k) in subsection (17)—

(i) in paragraph (a), by substituting "subsection (2) or (2A)" for "subsection (2)", and

(ii) in paragraph (b), by substituting "subsection (2) or (2A)" for "subsection (2)",

(l) in subsection (20)(a), by substituting "subsection (2) or (2A)" for "subsection (2)",

(m) in subsection (21)—

(i) by inserting the following paragraph after (a):

"(aa) make an order that any day referred to in paragraphs (a)(ii) and (b)(ii) of subsection (8) as the day on which the period there referred to shall begin on, or end on, shall be such other day as the Minister considers appropriate and specifies in the order,",

(ii) in paragraph (b)—

(I) by substituting "subsection (2)(a)(i) or (2A)(a)(i)" for "subsection (2)(a)(i)", and

(II) by substituting "section 28A(3)" for "section 28A(2)",

and

(iii) in paragraph (c), by substituting "section 28A(3)" for "section 28A(2)",

and

(n) in subsection (22) by substituting "(a), (aa), (b) or (c)" for "(a), (b) or (c)".

(4) *Subsection (1)* shall be deemed to have come into operation on 27 March 2020.

(5) *Subsection (2)* shall be deemed to have come into operation on 20 October 2020.

(6) *Subsection (3)* (apart from *paragraphs (i)* and *(g)(i)* thereof) shall be deemed to have come into operation—

(a) as respects *paragraph (j)* thereof, on 1 August 2020,

(b) as respects *paragraphs (a)* (apart from *subparagraph (iii)* thereof) and *(b)* thereof, on 1 September 2020,

(c) as respects *paragraphs (a)(iii)*, *(h)*, *(m)* (apart from *subparagraph (ii)(I)* thereof) and *(n)* thereof, on 20 October 2020,

(d) as respects *paragraph (g)(ii)* thereof, on 1 November 2020, and

(e) as respects *paragraphs (c)*, *(d)*, *(e)*, *(f)*, *(k)*, *(l)* and *(m)(ii)(I)* thereof, on 1 January 2021.

Amendment of Emergency Measures in the Public Interest (Covid-19) Act 2020

64. The Emergency Measures in the Public Interest (Covid-19) Act 2020 is amended by inserting the following section after section 28B:

"Covid-19: special warehousing and interest (relevant tax due under section 28(9))

28C. (1) In this section—

'the Acts' means—

(a) Parts 18C and 18D,

(b) the Stamp Duties Consolidation Act 1999 and the enactments amending or extending that Act,

(c) the Capital Acquisitions Tax Consolidation Act 2003 and the enactments amending or extending that Act,

(d) the Value-Added Tax Consolidation Act 2010 and the enactments amending or extending that Act,

(e) the Finance (Local Property Tax) Act 2012 and the enactments amending or extending that Act,

(f) the Customs Act 2015 and the enactments amending or extending that Act,

(g) the Capital Gains Tax Acts,

(h) the Tax Acts,

(i) the statutes relating to the duties of excise and to the management

of those duties,

(j) this Act, and

(k) any instruments made under any of the enactments referred to in paragraphs (a) to (j);

'Covid-19 relevant tax' means relevant tax, as referred to in subsection (10) of section 28, due and payable during Period 1 in accordance with that subsection;

'Period 1', in relation to an employer, means the period—

(a) beginning on 26 March 2020, and

(b) ending on the last day of the taxable period next following the taxable period in which the recommencement date falls;

'Period 2', in relation to an employer, means the period—

(a) beginning on the day next following the last day of Period 1, and

(b) ending on—

(i) the day that is the earlier of—

(I) the day that is 12 months from the day first-mentioned in paragraph (a), and

(II) 31 December 2022,

or

(ii) where the Minister makes an order for the purposes of this subparagraph, the day that is the earlier of—

(I) the day specified in the order, and

(II) 31 December 2022;

'Period 3', in relation to an employer, means the period—

(a) beginning on the day next following the last day of Period 2, and

(b) ending on the day on which the employer has discharged the employer's liability in respect of Covid-19 relevant tax in full;

'recommencement date', in relation to an employer, means the later of—

(a) the day on which the employer's business ceased to be subject to restrictions provided for in regulations made under sections 5 and 31A of the Health Act 1947, and

(b) where it is demonstrated to the satisfaction of the Revenue Commissioners that the business did not recommence on the day referred to in paragraph (a), the day on which the business recommenced after it ceased to be subject to the restrictions referred to in that paragraph;

'taxable period' has the same meaning as it has in the Value-Added Tax Consolidation Act 2010.

(2) This section shall apply to an employer—

(a) who, as a consequence of the effect on the employer's business of Covid-19 is unable to pay all or part of the employer's liability in respect of Covid-19 relevant tax,

(b) who complies with the requirements under Chapter 4 of Part 42 of the Taxes Consolidation Act 1997 and this Part, and

(c) either—

(i) the employer's tax affairs are administered by the Personal Division or Business Division of the Office of the Revenue Commissioners, or

(ii) the employer has formed the view that the employer is unable to pay all or part of the employer's liability in respect of Covid-19 relevant tax and has notified the Revenue Commissioners that the employer has formed such a view.

(3) For the purposes of subsection (2)(c)(i), an employer's tax affairs shall be treated as being administered by the Personal Division or Business Division of the Office of the Revenue Commissioners where the most recent correspondence received by the employer from that Office indicates that to be the case.

(4) An officer authorised under section 990 of the Taxes Consolidation Act 1997 may make such enquiries as he or she considers necessary to satisfy himself or herself as to whether an employer is unable to pay the employer's liability in respect of Covid-19 relevant tax.

(5) Where this section applies to an employer, section 28(13) shall not apply to the employer's liability in respect of Covid-19 relevant tax.

(6) Where—

(a) this section applies to an employer, and

(b) the employer complies with the employer's obligations under the Acts,

no interest shall be due and payable by the employer in relation to the employer's liability in respect of Covid-19 relevant tax during Period 1 and Period 2.

(7) Where—

(a) this section applies to an employer,

(b) the employer complies with the employer's obligations under the Acts,

(c) the employer has, prior to Period 3, entered into an agreement with the Collector-General to pay the employer's liability in respect of

Covid-19 relevant tax, together with interest under this subsection, and

(d) the employer complies with the obligations of the employer under the agreement referred to in paragraph (c),

from the first day of Period 3 simple interest shall be paid by the employer to the Revenue Commissioners in relation to any amount of the Covid-19 relevant tax remaining unpaid and such interest shall be calculated from that day until payment of the amount for any day or part of a day during which that amount remains unpaid, at a rate of 0.0082 per cent.

(8) Where an employer—

(a) during Period 1 or Period 2, fails to comply with an obligation referred to in subsection (6)(b),

(b) on the first day of Period 3, has not entered into an agreement referred to in subsection (7)(c), or

(c) during Period 3, fails to comply with an obligation referred to in subsection (7)(b) or (d),

simple interest shall be paid by the employer to the Revenue Commissioners in relation to the employer's liability in respect of Covid-19 relevant tax from—

(i) in a case in which paragraph (a) or (c) applies, the date on which the event resulting in failure to comply with the obligation concerned occurred, and

(ii) in a case in which paragraph (b) applies, the first day of Period 3,

and such interest shall be calculated from that day until payment of the amount for any day or part of a day during which that amount remains unpaid, at a rate of 0.0219 per cent.

(9) Where an employer has complied with the requirements under Chapter 4 of Part 42 of the Taxes Consolidation Act 1997 and this Part, the failure of the employer to pay Covid-19 relevant tax shall not, for the purpose of section 1094 or 1095 of the Taxes Consolidation Act 1997, be treated as a failure to comply with the obligations imposed on the employer by the Acts (within the meaning of section 1094 or 1095, as the case may be).

(10) Section 960E(2) of the Taxes Consolidation Act 1997 shall not apply in respect of Covid-19 relevant tax where the employer concerned complies with the employer's requirements under Chapter 4 of Part 42 of the Taxes Consolidation Act 1997 and this Part.

(11) (a) The Minister may, in order to mitigate the adverse economic consequences resulting, or likely to result, from the spread of Covid-19, by order specify a day for the purpose of subparagraph (ii) of paragraph (b) of the definition of 'Period 2' in subsection

(1).

(b) The Minister shall not specify in an order under paragraph (a) a day that falls after 31 December 2022.

(c) An order under this subsection shall be laid before Dáil Éireann as soon as may be after it has been made and, if a resolution annulling the order is passed by Dáil Éireann within the next 21 days on which Dáil Éireann has sat after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.".

Covid-19: special warehousing and interest provisions (income tax)

65. The Principal Act is amended by inserting the following section after section 1080A:

"Covid-19: special warehousing and interest provisions (income tax)

1080B.(1) In this section—

'the Acts' has the same meaning as it has in section 1080A;

'Covid-19' has the same meaning as it has in the Emergency Measures in the Public Interest (Covid-19) Act 2020;

'Covid-19 income tax' means, subject to subsection (15), the following that a relevant person is required to pay during Period 1:

(a) an amount of tax which a relevant person is required to pay in accordance with section 959AN for income tax purposes;

(b) income tax payable by a relevant person for a tax year;

'Period 1', in relation to a relevant person, means, subject to subsection (6), the period—

(a) beginning on the date on which—

(i) preliminary tax appropriate to the tax year 2020 for income tax purposes, and

(ii) income tax appropriate to the tax year 2019,

are due and payable, and

(b) ending on—

(i) the date referred to in paragraph (a), or

(ii) where, as a consequence of the effect on the relevant person's income of Covid-19, the relevant person is unable to pay all or part of the relevant person's Covid-19 income tax appropriate to the tax year 2021 and has made a declaration under subsection (6), 31 October 2021 or where the relevant person's return is filed electronically, such later date for electronic filing of his or her return of income for the tax year 2020 as the Collector-General may announce;

'Period 2', in relation to a relevant person, means the period—

(a) beginning on the day next following the last day of Period 1, and

(b) ending on the day that is 12 months from the day first-mentioned in paragraph (a);

'Period 3', in relation to a relevant person, means the period—

(a) beginning on the day next following the last day of Period 2, and

(b) ending on the day on which the relevant person has discharged the Covid-19 income tax in full;

'relevant person' means a person who is—

(a) required to file a return by virtue of Chapter 1 of Part 38, or

(b) a chargeable person for income tax for the purposes of Part 41A.

(2) This section shall apply to a relevant person—

(a) who, as a consequence of the effect on the relevant person's income of Covid-19 is unable to pay all or part of the relevant person's Covid-19 income tax, and

(b) who complies with the requirements to file returns under Chapter 1 of Part 38 or Chapter 3 of Part 41A, as applicable.

(3) For the purposes of subsection (2)(a), a relevant person shall be deemed unable to pay all or part of the relevant person's Covid-19 income tax where the relevant person makes a declaration, in accordance with subsection (5), to the Collector-General that—

(a) the relevant person estimates that the relevant person's total income for 2020 will be less than 75 per cent of the relevant person's total income for 2019, and

(b) the decrease in total income referred to in paragraph (a) is a consequence of the effect on the relevant person's income of restrictions provided for in regulations made under sections 5 and 31A of the Health Act 1947.

(4) Where a relevant person was not a relevant person for the tax year 2019, for the purposes of subsection (2)(a) the relevant person shall be deemed unable to pay all or part of the relevant person's Covid-19 income tax where the relevant person has—

(a) formed the view that, as a consequence of the effect on the relevant person's income of restrictions provided for in regulations made under sections 5 and 31A of the Health Act 1947, the relevant person is unable to pay the relevant person's Covid-19 income tax in 2020, and

(b) made a declaration, in accordance with subsection (5), to the Collector-General that the relevant person has formed such a view.

(5) A relevant person shall make a declaration under subsection (3) or (4),

as the case may be—

(a) when filing the relevant person's return of income for the tax year 2019, and

(b) no later than 31 October 2020 or, where such return is filed electronically, such later date for electronic filing of the relevant person's return of income for the tax year 2019 as the Collector-General may announce.

(6) Where—

(a) a relevant person has formed the view that—

(i) the relevant person's total income for 2021 will be less than 75 per cent of the relevant person's total income for 2019,

(ii) the decrease in total income referred to in subparagraph (i) will arise as a consequence of the effect on the relevant person's income of restrictions provided for in regulations made under sections 5 and 31A of the Health Act 1947, and

(iii) as a consequence of the decrease in total income referred to in subparagraph (i), the relevant person will be unable to pay preliminary tax appropriate to the tax year 2021 and income tax payable for the tax year 2020,

or

(b) in a case in which a relevant person was not a relevant person for 2019, the relevant person has formed a view that, as a consequence of the effect on the relevant person's income of restrictions provided for in regulations made under sections 5 and 31A of the Health Act 1947, the relevant person is unable to pay preliminary tax appropriate to the tax year 2021 and income tax payable for the tax year 2020,

the relevant person may make a declaration, in accordance with subsection (7), to the Collector-General that the relevant person has formed such a view.

(7) A relevant person shall make a declaration under subsection (6)—

(a) when filing the relevant person's return of income for the tax year 2020, and

(b) no later than 31 October 2021 or, where such return is filed electronically, such later date for electronic filing of the relevant person's return of income for the tax year 2020 as the Collector-General may announce.

(8) A Revenue officer may make such enquiries as he or she considers necessary to satisfy himself or herself as to whether—

(a) a relevant person's total income for 2020 or 2021, as the case may be, is less than 75 per cent of the relevant person's total income for

2019, or

(b) where a relevant person was not a relevant person for 2019, the relevant person is unable to pay the relevant person's Covid-19 income tax in 2020 or 2021, as the case may be.

(9) Where this section applies to a relevant person, section 1080 shall not apply to the relevant person's Covid-19 income tax.

(10) Where—

(a) this section applies to a relevant person, and

(b) the relevant person complies with the relevant person's obligations under the Acts,

no interest shall be due and payable by the relevant person in respect of the relevant person's Covid-19 income tax during Period 1 and Period 2.

(11) Where—

(a) this section applies to a relevant person,

(b) the relevant person complies with the relevant person's obligations under the Acts,

(c) the relevant person has, prior to Period 3, entered into an agreement with the Collector-General to pay the relevant person's Covid-19 income tax, together with interest under this subsection, and

(d) the relevant person complies with the obligations of the relevant person under the agreement referred to in paragraph (c),

from the first day of Period 3, simple interest shall be paid by the relevant person to the Revenue Commissioners on any amount of the Covid-19 income tax remaining unpaid and such interest shall be calculated from that day until payment of the amount for any day or part of a day during which that amount remains unpaid at a rate of 0.0082 per cent.

(12) Where a relevant person—

(a) during Period 1 or Period 2, fails to comply with an obligation referred to in subsection (10)(b),

(b) on the first day of Period 3, has not entered into an agreement referred to in subsection (11)(c), or

(c) during Period 3, fails to comply with an obligation referred to in subsection (11)(b) or (d),

simple interest shall be paid by the relevant person to the Revenue Commissioners on any amount of the Covid-19 income tax remaining unpaid on—

(i) in a case in which paragraph (a) or (c) applies, the date on which the event resulting in failure to comply with the obligation

concerned occurred, and

(ii) in a case in which paragraph (b) applies, the first day of Period 3,

and such interest shall be calculated from that day until payment of the amount for any day or part of a day during which that amount remains unpaid, at a rate of 0.0219 per cent.

(13) Where—

(a) a declaration is made by a relevant person under subsection (3) and it subsequently transpires that the relevant person's total income for 2020 is greater than or equal to 75 per cent of the relevant person's total income for 2019, or

(b) a declaration is made by a relevant person under subsection (4) and it subsequently transpires the relevant person's income for 2020 was not affected by restrictions provided for in regulations made under sections 5 and 31A of the Health Act 1947,

then—

(i) income tax payable by the relevant person for 2020 shall be deemed to be due and payable on 31 October 2020, and

(ii) interest shall be paid by the relevant person to the Revenue Commissioners on any amount of the Covid-19 income tax remaining unpaid on 31 October 2020 and such interest shall be calculated from that day until payment of the amount for any day or part of a day during which that amount remains unpaid, at a rate of 0.0219 per cent.

(14) Where a declaration is made by a relevant person under subsection (6)—

(a) in respect of the matter described in paragraph (a) of that subsection and it subsequently transpires that the relevant person's total income for 2021 is greater than or equal to 75 per cent of the relevant person's total income for 2019, or

(b) in respect of the matter described in paragraph (b) of that subsection and it subsequently transpires the relevant person's income for 2021 was not affected by restrictions provided for in regulations made under sections 5 and 31A of the Health Act 1947,

then—

(i) income tax payable by the relevant person for 2021 shall be deemed to be due and payable on 31 October 2021, and

(ii) interest shall be paid by the relevant person to the Revenue Commissioners on any amount of the Covid-19 income tax remaining unpaid on 31 October 2021 and such interest shall be calculated from that day until payment of the amount for any day or part of a day during which that amount remains unpaid, at a rate of 0.0219 per cent.

(15) Where, in accordance with section 959AO(3), the income tax payable by a relevant person in respect of the 2019 tax year is deemed to have been due and payable on 31 October 2019, that income tax shall not be Covid-19 income tax.

(16) Where this section applies to a relevant person, section 959AO(3) shall not apply in respect of that person's Covid-19 income tax.

(17) Where a relevant person has complied with the requirements to file returns under Chapter 1 of Part 38 or Chapter 3 of Part 41A, as applicable, the failure of the relevant person to pay Covid-19 income tax shall not, for the purpose of section 1094 or 1095, be treated as a failure to comply with the obligations imposed on the relevant person by the Acts (within the meaning of section 1094 or 1095, as the case may be).

(18) Section 960E(2) shall not apply in respect of Covid-19 income tax where the relevant person concerned complies with the relevant person's requirements to file returns under Chapter 1 of Part 38 or Chapter 3 of Part 41A, as applicable.".

Amendment of section 991B of Principal Act (Covid-19: special warehousing and interest provisions)

66. Section 991B of the Principal Act is amended—

(a) by substituting the following for subsection (8):

"(8) Where—

(a) this section applies to an employer,

(b) the employer complies with the employer's obligations under the Acts,

(c) the employer has, prior to Period 3, entered into an agreement with the Collector-General to pay the employer's Covid-19 liabilities, together with interest under this subsection, and

(d) the employer complies with the obligations of the employer under the agreement referred to in paragraph (c),

from the first day of Period 3, simple interest shall be paid by the employer to the Revenue Commissioners on any amount of the Covid-19 liabilities remaining unpaid and such interest shall be calculated from that day until payment of the amount for any day or part of a day during which that amount remains unpaid, at a rate of 0.0082 per cent.",

(b) by deleting subsection (9),

(c) by substituting the following for subsection (10):

"(10) Where an employer—

(a) during Period 1 or Period 2, fails to comply with an obligation

referred to in subsection (7)(b),

(b) on the first day of Period 3, has not entered into an agreement referred to in subsection (8)(c), or

(c) during Period 3, fails to comply with an obligation referred to in subsection (8)(b) or (d),

simple interest shall be paid by the employer to the Revenue Commissioners on any amount of the Covid-19 liabilities remaining unpaid on—

(i) in a case in which paragraph (a) or (c) applies, the date on which the event resulting in failure to comply with the obligation concerned occurred, and

(ii) in a case in which paragraph (b) applies, the first day of Period 3,

and such interest shall be calculated from that day until payment of the amount for any day or part of a day during which that amount remains unpaid, at a rate of 0.0274 per cent.”,

and

(d) by deleting subsection (11).

Amendment of section 114B of Value-Added Tax Consolidation Act 2010 (Covid-19: special warehousing and interest provisions)

67. Section 114B of the Value-Added Tax Consolidation Act 2010 is amended—

(a) by substituting the following for subsection (8):

“(8) Where—

(a) this section applies to an accountable person,

(b) the accountable person complies with the accountable person’s obligations under the Acts,

(c) the accountable person has, prior to Period 3, entered into an agreement with the Collector-General to pay the accountable person’s Covid-19 liabilities, together with interest under this subsection, and

(d) the accountable person complies with the obligations of the accountable person under the agreement referred to in paragraph (c),

from the first day of Period 3, simple interest shall be paid by the accountable person to the Revenue Commissioners on any amount of the Covid-19 liabilities remaining unpaid and such interest shall be calculated from that day until payment of the amount for any day or part of a day during which that amount remains unpaid, at a rate of 0.0082 per cent.”,

(b) by deleting subsection (9),

(c) by substituting the following for subsection (10):

"(10) Where an accountable person—

(a) during Period 1 or Period 2, fails to comply with an obligation referred to in subsection (7)(b),

(b) on the first day of Period 3, has not entered into an agreement referred to in subsection (8)(c), or

(c) during Period 3, fails to comply with an obligation referred to in subsection (8)(b) or (d),

simple interest shall be paid by the accountable person to the Revenue Commissioners on any amount of the Covid-19 liabilities remaining unpaid on—

(i) in a case in which paragraph (a) or (c) applies, the date on which the event resulting in failure to comply with the obligation concerned occurred, and

(ii) in a case in which paragraph (b) applies, the first day of Period 3,

and such interest shall be calculated from that day until payment of the amount for any day or part of a day during which that amount remains unpaid, at a rate of 0.0274 per cent.",

and

(d) by deleting subsection (11).

Amendment of section 17C of Social Welfare Consolidation Act 2005 (Covid-19: special warehousing and interest provisions for contributions)

68. Section 17C of the Social Welfare Consolidation Act 2005 is amended—

(a) by substituting the following for subsection (8):

"(8) Where—

(a) this section applies to an employer,

(b) the employer complies with the employer's obligations under section 17A,

(c) the employer has, prior to Period 3, entered into an agreement with the Collector-General to pay the employer's Covid-19 liabilities, together with interest under this subsection, and

(d) the employer complies with the obligations of the employer under the agreement referred to in paragraph (c),

from the first day of Period 3, simple interest shall be paid by the employer to the Collector-General on any amount of the Covid-19 liabilities remaining unpaid and such interest shall be calculated from that day until payment of the amount for any day or part of a day during which that amount remains unpaid, at a rate of 0.0082 per cent.",

(b) by deleting subsection (9),

(c) by substituting the following for subsection (10):

"(10) Where an employer—

(a) during Period 1 or Period 2, fails to comply with an obligation referred to in subsection (7)(b),

(b) on the first day of Period 3, has not entered into an agreement referred to in subsection (8)(c), or

(c) during Period 3, fails to comply with an obligation referred to in subsection (8)(b) or (d),

simple interest shall be paid by the employer to the Collector-General on any amount of the Covid-19 liabilities remaining unpaid on—

(i) in a case in which paragraph (a) or (c) applies, the date on which the event resulting in failure to comply with the obligation concerned occurred, and

(ii) in a case in which paragraph (b) applies, the first day of Period 3,

and such interest shall be calculated from that day until payment of the amount for any day or part of a day during which that amount remains unpaid, at a rate of 0.0274 per cent.",

and

(d) by deleting subsection (11).

Repayment or refund of payment made in excess of liability to tax assessed by taxpayer

69. Chapter 1B of Part 42 of the Principal Act is amended by inserting the following section after section 960G:

"Repayment or refund of payment made in excess of liability to tax assessed by taxpayer

960GA. Notwithstanding any provision of the Acts that relates to interest on the repayment or refund of tax, where a person—

(a) appeals against an assessment under Part 40A or applies to the High Court under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986) for judicial review of a decision of the Appeal Commissioners in relation to an assessment,

(b) makes a payment of tax to the Revenue Commissioners or to the Collector-General directly, by deduction or by offset under section 960H and identifies, as the liability to tax against which he or she wishes the payment to be set, a liability that is the subject of an assessment referred to in paragraph (a) (in this section referred to as the 'disputed assessment'), and

(c) is entitled to a repayment or refund of tax under any provision of the Acts pursuant to—

(i) a settlement by agreement under section 949V in relation to the disputed assessment,

(ii) the determination of the Appeal Commissioners under section 949AK in relation to the disputed assessment, where no appeal against that determination is made or, where such an appeal is made, the determination of the Appeal Commissioners is affirmed in whole or in part, or

(iii) in any other case, the final determination by a court of legal proceedings instituted in respect of the disputed assessment,

interest shall not be payable on the repayment or refund of tax referred to in paragraph (c), in so far as that repayment or refund relates to a payment made under paragraph (b) that is in excess of the amount of the assessment to tax made by the person.".

Amendment of section 1001 of Principal Act (liability to tax, etc. of holder of fixed charge on book debts of company)

70. Section 1001 of the Principal Act is amended—

(a) by substituting the following for subsection (3):

"(3) This section shall not apply unless the holder of the fixed charge has been notified in writing by the Revenue Commissioners that a company has failed to pay a relevant amount for which it is liable and that by virtue of this section the holder of the fixed charge—

(a) may become liable for payment of any relevant amount which the company subsequently fails to pay, and

(b) where subsection (3A) does not apply, has become liable for the payment of the relevant amount which the company has failed to pay.",

(b) by inserting the following subsection after subsection (3):

"(3A) Where—

(a) within 21 days of the creation of the fixed charge, or

(b) in a case in which the fixed charge has been transferred (whether before or after the coming into operation of section 72 of the Finance Act 2019) on or before whichever is the later of—

(i) 31 January 2020, and

(ii) the date that is 21 days from the date of transfer of the fixed charge,

the holder of the fixed charge furnishes in writing to the Revenue Commissioners the following details in relation to the charge:

(I) the name of the company on whose book debts the charge has been created;

(II) the registration number of the company as issued by the Companies Registration Office to that company;

(III) the tax registration number of the company as issued by the Revenue Commissioners to that company;

(IV) the date the fixed charge was created or transferred, as the case may be;

(V) the name and address of the holder of the fixed charge,

then this section shall not apply to any relevant amount which the company was liable to pay before the date on which the holder is notified in writing by the Revenue Commissioners in accordance with subsection (3).",

and

(c) by substituting the following for subsection (4):

"(4) The amount or aggregate amount which a person shall be liable to pay in relation to a company in accordance with this section shall not exceed the amount or aggregate amount—

(a) which the person has, while the fixed charge on book debts in relation to the company is in existence, received directly or indirectly from that company in payment or in part payment of any debts due by the company to the person, or

(b) which the holder of the fixed charge received from the company after the date on which the holder is notified in writing by the Revenue Commissioners in accordance with subsection (3).".

Amendment of section 1077E of Principal Act (penalty for deliberately or carelessly making incorrect returns, etc.)

71. Section 1077E of the Principal Act is amended in subsection (1) in the definition of "period" by substituting ", an accounting period, a return period as defined in section 530 or an income tax month as defined in section 983" for "or accounting period or a return period, as defined in section 530".

Amendment of Part 3 of Schedule 26A to Principal Act (approval of body as eligible charity)

72. Part 3 of Schedule 26A to the Principal Act is amended by inserting the following paragraph after paragraph 3:

"3A. Where one or more than one body (each of which is referred to in this paragraph as a 'restructured or amalgamated body') has been the subject of any process of re-organisation (whether under Part 9 of the Companies Act 2014 or otherwise) such that the body or bodies has or have become amalgamated with another body (referred to in this paragraph as the 'successor body') and—

(a) each restructured or amalgamated body has held an authorisation

for not less than 2 years prior to the date of the initiation of the process of re-organisation, and

(b) the winding up and distribution of all of the assets of each restructured or amalgamated body has been completed,

then the successor body shall be deemed to comply with paragraph 3(c).".

Amendment of section 908E of Principal Act (order to produce documents or provide information)

73. Section 908E(1) of the Principal Act is amended, in paragraph (a) of the definition of "relevant offence", by the substitution of "section 14 of the Customs Act 2015" for "section 186 of the Customs Consolidation Act 1876".

Miscellaneous technical amendments in relation to tax

74. The enactments specified in the *Schedule*—

(a) are amended to the extent and in the manner specified in *paragraphs 1* to *5* of that Schedule, and

(b) apply and come into operation in accordance with *paragraph 6* of that Schedule.

Care and management of taxes and duties

75. All taxes and duties imposed by this Act are placed under the care and management of the Revenue Commissioners.

Short title, construction and commencement

76. (1) This Act may be cited as the Finance Act 2020.

(2) *Part 1* shall be construed together with—

(a) in so far as it relates to income tax, the Income Tax Acts,

(b) in so far as it relates to universal social charge, Part 18D of the Principal Act,

(c) in so far as it relates to corporation tax, the Corporation Tax Acts, and

(d) in so far as it relates to capital gains tax, the Capital Gains Tax Acts.

(3) *Part 2*, in so far as it relates to duties of excise, shall be construed together with the statutes which relate to those duties and to the management of those duties.

(4) *Part 3* shall be construed together with the Value-Added Tax Acts.

(5) *Part 4* shall be construed together with the Stamp Duties Consolidation Act 1999 and the enactments amending or extending that Act.

(6) *Part 5* shall be construed together with the Capital Acquisitions Tax Consolidation Act 2003 and the enactments amending or extending that Act.

(7) *Part 6* in so far as it relates to—

(a) income tax, shall be construed together with the Income Tax Acts,

(b) universal social charge, shall be construed together with Part 18D of the Principal Act,

(c) corporation tax, shall be construed together with the Corporation Tax Acts,

(d) capital gains tax, shall be construed together with the Capital Gains Tax Acts,

(e) customs, shall be construed together with the Customs Acts,

(f) duties of excise, shall be construed together with the statutes which relate to duties of excise and the management of those duties,

(g) value-added tax, shall be construed together with the Value-Added Tax Acts,

(h) stamp duty, shall be construed together with the Stamp Duties Consolidation Act 1999 and the enactments amending or extending that Act,

(i) domicile levy, shall be construed together with Part 18C of the Principal Act,

(j) gift tax or inheritance tax, shall be construed together with the Capital Acquisitions Tax Consolidation Act 2003 and the enactments amending or extending that Act, and

(k) the temporary wage subsidy or the wage subsidy payment that is provided for by Part 7 of the next-mentioned Act, shall be construed together with Part 7 of the Emergency Measures in the Public Interest (Covid-19) Act 2020 and the enactments amending or extending that Act.

(8) Except where otherwise expressly provided for in *Part 1*, that Part shall come into operation on 1 January 2021.

(9) Except where otherwise expressly provided for, where a provision of this Act is to come into operation on the making of an order by the Minister for Finance, that provision shall come into operation on such day or days as the Minister for Finance shall appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

SCHEDULE

Section 74

MISCELLANEOUS TECHNICAL AMENDMENTS IN RELATION TO TAX

1. The Taxes Consolidation Act 1997 is amended—

(a) in section 128B(13), by substituting "section 959I" for "section 951",

(b) in section 128F—

(i) in subsection (1), in paragraph (c)(i)(I) of the definition of "qualifying company", by substituting "the Euronext Growth market operated by the Irish Stock Exchange plc trading as Euronext Dublin" for "the Enterprise Securities Market of the Irish Stock Exchange", and

(ii) in subsection (2A)(a)(iii)(I), by substituting "the Euronext Growth market operated by the Irish Stock Exchange plc trading as Euronext Dublin" for "the Enterprise Securities Market of the Irish Stock Exchange",

(c) in section 172A(1)(a), in the definition of "ISI Number", by substituting "the Irish Stock Exchange plc trading as Euronext Dublin" for "the Irish Stock Exchange Limited",

(d) in section 172E(4)(c), by substituting "the Irish Stock Exchange plc trading as Euronext Dublin" for "the Irish Stock Exchange Limited",

(e) in section 172G(4)(c), by substituting "the Irish Stock Exchange plc trading as Euronext Dublin" for "the Irish Stock Exchange Limited",

(f) in section 284(2)(ac)(i)—

(i) by substituting "Part 41A" for "Part 41", and

(ii) by substituting "section 959I" for "section 951",

(g) in section 489, in paragraph (a) of the definition of "unlisted", by substituting "the Euronext Growth market operated by the Irish Stock Exchange plc trading as Euronext Dublin" for "the Enterprise Securities Market of the Irish Stock Exchange",

(h) in section 498(1), by substituting "section 508J(1)" for "section 598J(1)",

(i) in section 753B(1)—

(i) in paragraph (a)(I)(A), by substituting "distribution" for "interest", and

(ii) in paragraph (b)(I)(A), by substituting "interest" for "distribution",

and

(j) in Schedule 25B, by deleting the entries at Reference Numbers 2, 6, 8, 9, 10, 11, 45 and 48 and the matters set out opposite those reference numbers.

2. The Stamp Duties Consolidation Act 1999 is amended—

(a) in section 75—

(i) in subsection (1), in paragraph (a) of the definition of "member firm", by substituting "the Irish Stock Exchange plc trading as Euronext Dublin"

for "the Irish Stock Exchange Limited", and

(ii) in subsection (3)(c)(ii), by substituting "the Irish Stock Exchange plc trading as Euronext Dublin" for "the Irish Stock Exchange Limited",

and

(b) in subsection 86A—

(i) in subsection (1), by substituting "the Euronext Growth market operated by the Irish Stock Exchange plc trading as Euronext Dublin" for "the Enterprise Securities Market operated by the Irish Stock Exchange Limited", and

(ii) in subsection (2)—

(I) by substituting "the Euronext Growth market operated by the Irish Stock Exchange plc trading as Euronext Dublin" for "the Enterprise Securities Market", and

(II) by substituting "the Irish Stock Exchange plc trading as Euronext Dublin" for "the Irish Stock Exchange Limited".

3. The Capital Acquisitions Tax Consolidation Act 2003 is amended in section 86(2A) by substituting "subsection (4A)" for "subsection (2)".

4. The Value-Added Tax Consolidation Act 2010 is amended in section 114B (inserted by section 4 of the Financial Provisions (Covid-19) (No. 2) Act 2020), in subsection (2), by substituting "collection of the liabilities" for "liabilities".

5. The Emergency Measures in the Public Interest (Covid-19) Act 2020 is amended in section 28B(10)(b) (inserted by section 2(2) of the Financial Provisions (Covid-19) (No. 2) Act 2020)—

(a) by substituting "1 January 2021" for "1 January 2020", and

(b) by substituting "31 March 2021" for "31 March 2020".

6. (a) Subject to *subparagraph (b)*, this Schedule shall have effect on and from the date of the passing of this Act.

(b) *Paragraph 5* shall be deemed to have come into operation on and from 1 July 2020.

An Bille Airgeadais, 2020

BILLE

(mar a ritheadh ag Dáil Éireann)

dá ngairtear

Acht do dhéanamh socrú maidir le forchur, aisghairm, loghadh, athrú agus rialáil cánachais, dleachtanna stampa agus dleachtanna a bhaineann le mál agus do dhéanamh socrú breise thairis sin i dtaobh airgeadais lena n-áirítear rialáil custam; do leasú Chuid 7 den Acht um Bearta Éigeandála ar mhaithe le Leas an Phobail (Covid-19), 2020 agus do dhéanamh socrú thairis sin maidir le tacaí d'earnálacha áirithe den gheilleagar; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Ritheadh ag Dáil Éireann,
3 *Nollaig,* 2020

Finance Bill 2020

BILL

(as passed by Dáil Éireann)

entitled

An Act to provide for the imposition, repeal, remission, alteration and regulation of taxation, of stamp duties and of duties relating to excise and otherwise to make further provision in connection with finance including the regulation of customs; to amend Part 7 of the Emergency Measures in the Public Interest (Covid-19) Act 2020 and otherwise make provision for supports to certain sectors of the economy; and to provide for related matters.

Passed by Dáil Éireann,
3*rd December,* 2020

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