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Doing Business in Ireland

CHAPTER 5 Taxation

1-5 Doing Business in Ireland § 5.02

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§ 5.02 The General Scheme of Income Tax

[1] Assessment and Collection

Section 849 Taxes Consolidation Act of 1997 (TCA) provides that "all duties of income tax shall be under the care and management of the Revenue Commissioners." The day-to-day work of administering the tax system is carried on under the supervision of Inspectors of Taxes. Inspectors are appointed by the Minister for Finance but upon appointment they become subject to the orders, instructions and directions of the Revenue Commissioners.

Whereas inspectors issue assessments, negotiate liabilities and contest appeals they do not collect taxes. Collection is the duty of the Collector General and his staff. All demands for taxation payments and legal proceedings for the collection of taxes are made and carried on in the name of the Collector General.

[2] Taxable Income

Charging income with tax by reference to a "source" is fundamental to the income tax system. TCA contains Schedules and Cases that set out those sources. This method has its origins in the earliest income tax statutes. n1

The Schedules run from C to F. Schedules A and B have been repealed.

[a]-- Schedule C Schedule C charges income tax at the standard rate, currently 20%, on persons entrusted with the payment of "public revenue dividends." This term includes dividends, interest and annuities payable out of the public revenue of any government and the revenue of any foreign public authority or institution. There are exemptions in the case of certain Irish securities. n2 The paying agent deducts tax at the standard rate and the recipient receives credit for such deduction. n3

Public revenue dividends must be distinguished from a distribution by an Irish resident company. Schedule F, below, applies to these.

[b]-- Schedule D Section 18, TCA 1997 states that income tax will be charged under Schedule D under the following cases:

Case 1--Tax in respect of-

(a) Any trade...

(b) Profits or gains arising out of lands, tenements and hereditaments in the case of any of the following concerns-

(i) Quarries of stone, slate, limestone or chalk, or quarries or pits of sand, gravel or clay;

(ii) Mines of coal, tin, lead, copper, pyrites, iron and other mines;

(iii) Ironworks, gasworks, salt springs or works, alum mines or works, waterworks, streams of water, canals, inland navigations, docks, drains or levels, fishing, rights of markets and fairs, tolls, railways and other ways, bridges, ferries and other concerns of the like nature having profits from or arising out of any lands, tenements or hereditaments;

Case II--Tax in respect of any profession not contained in any other Schedule;

Case III--Tax in respect of:

(a) Any interest of money, whether yearly or otherwise; any annuity; other annual payment, whether such payment is payable within or outside the State either as a charge on any property of the person paying the same by virtue of any deed or will or otherwise, or as a reservation out of it, or as a personal debt or obligation by virtue of any contract, or whether the same is received and payable half yearly or at any shorter or more distant periods but not including any payment chargeable under Case V of Schedule D;

(b) All discounts;

(c) Profits on securities bearing interest payable out of the public revenue other than such as are charged under Schedule C;

(d) Interest on any securities issued or deemed within the meaning of Section 36 TCA to be issued, under the authority of the Minister for Finance, in cases where such interest is paid without deduction of tax;

(e) Income arising from securities outside the State except such income as is charged under Schedule C; n4

(f) Income arising from possessions outside the State;

Case IV--Tax in respect of any annual profits or gains not falling under any other Case of Schedule D and not charged by virtue of any other Schedule.

Case V--Tax in respect of any rent in respect of any premises or any receipts in respect of any easement. n5

[c]-- Schedule E Section 19 TCA, charges tax under Schedule E in respect of "every public office or employment of profit, and in respect of every annuity, pension, or stipend payable out of the public revenue of the State." It also

charges tax in respect of "any office, employment or pension" which is not to be treated as a foreign source of income. Where such foreign emoluments or pensions become taxable in Ireland, they are taxed under Schedule D, Case III as income from "foreign possessions." n6

[d]-- Schedule F Schedule F taxes distributions from Irish resident corporations with effect from 6 April 1999. The system of dividend witholding tax applies to such distributions. n7

[3] The Making of Returns

The self-assessment system n8 requires all taxpayers (with some exceptions, principally employees in respect of their employment income) to make a return of income to the Inspector of Taxes irrespective of whether they have received a notice to do so or not. Up until the tax year 2000/2001, the return must be made before 31 January in the year after the end of the year of assessment, i.e. for the year the return had to be filed by 31 January 2002. For the short year of assessment 2001 and subsequent years, returns must be filed by 31 October following the end of the year of assessment, i.e. for the 2002 tax year returns must be filed by 31 October 2003. For companies, the time limit is nine months after the end of the accounting period--this applies to accounting periods ending before 1st January 2003. For accounting periods ending after that date, returns must be delivered nine months after the end of the accounting period but no later than the 21st day of that month. Failure to make the return within the stipulated time gives rise to a restriction from certain reliefs and a penalty equal to:

(a) 5% of the amount of the tax due subject to a maximum penalty of [Euro]12,695 where the return of income is delivered before the expiry of two months after the deadline for returns, or

(b)10% of the amount of the tax due subject to a maximum penalty of [Euro]63,485 where the return of income is not delivered within two months of the deadline. n9 (In the case of new business, delays in making returns are subject to the above penalties from the second return date onwards only.)

Submission of the return by the taxpayer's agent is acceptable and usual. If the taxpayer has a genuine doubt as to whether a particular item should or should not be included in the return, it will be sufficient to deal with the matter by way of covering note to the inspector rather than including it in the return. n10

If the Inspector is not satisfied with a person's return of income, he may require delivery to him of a return of all the assets of the taxpayer (and his spouse) with supporting evidence and formal statements. In certain circumstances there are special powers available to an authorised officer of the Revenue to gain access to information and documents held by financial institutions and other third parties.

The Inspector may demand accounts (including balance sheets) in respect of any trade or profession and he may require inspection of any books, documents, or accounts in the possession of a taxpayer if he is not satisfied with the contents of a return of income. n11

In addition to being required to make returns in relation to their own affairs, there are circumstances in which persons are required to make returns in respect of other persons n12 (some of which are set out below). The dates by which returns must be made are the same as those regarding self-assessment.

Every person who, as an agent, manages premises or receives rents or other payments arising from premises, must return without notice to the best of his belief, details relating to those premises. n13

Every person when required by notice in writing from the Inspector must provide a list, in writing, containing to the best of his belief the name of every lodger or resident in his dwelling-house, and in the case of lodgers and inmates who have other residences, the addresses of such other residences if those lodgers or inmates wish to be assessed there. n14

Every employer is required to furnish on request to the Inspector a list of the names and addresses of all persons employed by him and details of payments made to them. n15 Employers are also obliged automatically to return details of payments made to non-employees in respect of services and payments made to any person ordinarily resident in Ireland in respect of any copyright. n16 Nominees holding securities for others are required to inform the Inspector of the name and address of the beneficial owner or owners and other details in relation to the securities. n17

Every person acting for incapacitated persons or non-residents must make returns of income arising to those persons who are chargeable under the Taxes Acts. The executor or administrator of a deceased person is required to furnish returns of the income of the deceased (including, to the best of their knowledge, income prior to the date of death). n18

In the case of a partnership, returns of income must be made by the "precedent partner," meaning a partner who is resident in Ireland and (a) is first named in the partnership agreement, or (b) if there is no agreement, is named singly or with precedence to the other partners in the usual name of the firm, or (c) is the precedent acting partner, if the person named with precedence is not an acting partner. n19

If a partnership that has income chargeable in Ireland is not resident in Ireland and has no Irish resident partner, the making of returns will be the obligation of any agent, manager or factor of the firm resident in Ireland.

There are penalties for failure to make returns and for returns (and accounts submitted to the inspector) which are incorrect through fraud or negligence. There are also penalties for assisting others in the making of false returns and statements. n20 Serious tax offences may be punishable upon conviction on indictment by fines of up to [Euro]126,970 or imprisonment for a term of five years or both. n21

[4] Assessment and Appeal Procedure

Normally the Inspector will issue an assessment to tax based on the information included in the taxpayer's return of income. However, he may choose not to do so if he is satisfied the correct tax has been paid. If a return is not made or if the Inspector does not accept the information in the return the Inspector will make an estimated assessment. If the Inspector is issuing an assessment he must do so within six years of a full and true return being filed. The Inspector has power to issue revised assessments where appropriate. n22

Employees are taxed under the Pay As You Earn ("PAYE") system applicable to Schedule E. Under the PAYE system, tax is deducted at source by employers and accounted for to the Collector. However, in the case of trading and professional income and investment income, the employee is required to comply with the matters dealt with in [3] *supra.*

When an assessment is received, the taxpayer has a period of thirty days from the date of the notice of assessment in which to make an appeal if he is aggrieved by the assessment. n23 The right to appeal against assessments is limited. No appeal can be made against an assessment made on the information contained in the return or on matters agreed between the taxpayer and the Inspector, or against a notice of preliminary tax. If an estimated assessment has been made by the Inspector, the taxpayer has no right of appeal until he has made a return and paid the tax. The appeal, when made, must specify the grounds in detail on which the taxpayer disputes each amount or matter in the assessment, and only those grounds can be relied on at the hearing of the appeal, unless the judge is satisfied that the ground could not reasonably have been stated in the notice of appeal. n24

When a taxpayer has lodged a notice of appeal the Inspector or other officer may refuse the application for appeal where he feels that the taxpayer is not entitled to so appeal, but in doing so he must inform the taxpayer in writing of his reasons for his decision. n25 A taxpayer whose application for appeal has been refused by the Inspector may however appeal, within 15 days, directly to the Appeal Commissioners against the refusal of his application for appeal. The

Appeal Commissioners will then examine the Inspector's reasons for his decision and will then either;

(1) refuse the application for an appeal specifying the reasons for so doing, or

(2) allow the appeal to proceed, or

(3) arrange for a hearing to enable them to decide whether or not to allow the appeal to proceed.

The appeal will be heard and determined by either one or both of the Appeal Commissioners. The appellant may conduct his own case, or may choose to be represented by a solicitor, barrister, accountant, or a member of the Institute of Taxation in Ireland. In presenting his case the appellant may call upon other persons in support of his evidence. The appellant and those called by him may be cross examined by the Inspector of Taxes, who will also present his case in support of the assessment.

The Appeal Commissioners may give their decision immediately at the end of the hearing. Alternatively they may postpone their decision to consider arguments made, or to enable the taxpayer to make a further written submission.

The appeal may be dismissed by the Appeal Commissioners if information they requested from the appellant has not been submitted, precepts issued by them have not been complied with, or the appellant has not satisfactorily answered questions put to him by them. n26

[5] Calculation of Taxable Income

The actual rules for computing income from different sources and their respective basis periods for each year of assessment are discussed in § 5.03 and § 5.04, *infra*. It is sufficient to say here that income under Cases I, II, III, IV and V of Schedule D is assessed on an actual year basis. n27

Here is a brief look at how one arrives at the taxable income of an individual. This is found by aggregating the income under each applicable Schedule or Case and deducting therefrom all charges n28 on income. The result is called the total or statutory income. From the total or statutory income, the amount of certain allowances and reliefs is then deducted. n29 The amount remaining is the taxable income of the individual. It is subjected to tax at graduated rates. The tax thus computed is then reduced by: the tax credits for standard rated tax allowances and reliefs and tax deducted, such as amounts deducted under the PAYE system, double taxation relief, amounts deducted at source, and withholding tax on Irish dividends.

The rates of income tax (Finance Act of 2003) are:

Single person without dependent children or spouse separately assessed: n30

The first [Euro]28,000 of taxable income	--20% (the standard rate)
The remainder	--42% (the higher rate)

Single person with dependent children:

The first [Euro]32,000 of taxable income	--20% (the standard rate)
The remainder	--42% (the higher rate)

Married couple, one spouse with income:

The first [Euro]37,000 of taxable income	--20% (the standard rate)
The remainder	--42% (the higher rate)
Married couple, both spouses with income:	
The first [Euro]56,000 (with an increase of [Euro]19,000 max.) n31 of taxable income	--20% (the standard rate)
The remainder	--42% (the higher rate)

Only individuals are chargeable to the higher rate, *i.e.*, the rate above the standard rate of 20%. Trustees of settlements, unincorporated bodies and non-resident companies liable to income tax are all chargeable at the standard rate only.

[6] Payment Dates

In the case of emoluments of employments chargeable under Schedule E, tax is deducted at source under the PAYE system. In the case of the profits of trades and professions and in the case of other income, the payment date is the 31 of October in the year of assessment.

In addition to the obligation on the taxpayer to make an unsolicited return of income, the taxpayer must pay the tax he believes to be due (called preliminary tax) whether or not any demand for payment is issued by the Revenue. For individuals the date of payment is the 31 October in the year of assessment. For companies, the date of payment was, up until 1 January 2002, six months from the end of the company's accounting period. With effect from 1 January 2002, a company must make its preliminary tax payment one month before the end of its accounting period but no later than the 28th day of the month in which the first day falls for accounting periods ending on or before 1st July 2003 and no later than 21st of that month for accounting periods ending ending on or after 2nd July 2003. The second instalment is due within 6 months following the end of the accounting period (but no later than the 28th day of that month for accounting periods ending on or before 1st July 2003 and no later than 21st of that month for accounting periods ending in or after 2nd July 2003. This new regime is being introduced over a five year transition period. To avoid interest for accounting periods ending in 2003, preliminary tax equal to 36% of the final liability must be paid on a day 31 days prior to the end of the accounting period, but no later than the 21st day of the month in which that day falls with a further 54% of the final liability being due 6 months after the end of the accounting period but no later than 21st day of that month. For 2002 the earliest that preliminary tax will be due is 28 June 2002. If the taxpayer fails to make the payment the Inspector may issue a notice of the tax the Inspector considers appropriate and that amount becomes due by the taxpayer. If the amount of preliminary tax exceeds the actual liability for the year, the excess is refunded with tax free interest. If the amount of preliminary tax is less than either 90% of the tax found to be due and payable for the current year of assessment or 100% of the tax found to be due and payable for the preceding year of assessment. Interest will be charged on the difference between the tax paid and the amount of the actual liability. n32

The rate of interest on overdue tax is 1% per month or part of a month from 1 April 1998 to 31st August 2002 and 0.0322% per day of part of a day from 1 September 2002 onwards.

The balance of income tax due (tax assessed and actually due less preliminary tax already paid) must be paid by 31 October in the second following year of assessment. n33

[7] Exempt Persons and Exempt Income

The Taxes Acts confer certain exemptions. They do so in three ways:

-- Exemptions may be conferred on certain persons in respect of particular income or the entire of their income,

-- Exemption may be granted in respect of particular income but limited to non-residents, or

-- Particular income may be exempt irrespective of the personality or status of its recipient.

These are discussed in turn.

[a] Exempt Persons or Bodies

[i] *Writers', Composers' and Artists' Exemption* n34

[ii] *Relief on Retirement for Certain Income of Certain Sportspersons* n35

[iii]-- *Charity* Charity is defined in Section 208 TCA as "any body of persons or trust established for charitable purposes only." Charities are entitled to wide exemption from income tax and corporation tax.

The term "charitable purposes" is not defined. Its meaning must be sought in the many cases in which the United Kingdom and Irish courts have had to decide whether a trust was void for perpetuity or uncertainty, or valid for charitable purposes. n36 The starting point in their deliberation is often Lord Macnaughten's summary in *Commissioners of Income Tax v. Pemsel*. n37 " 'Charity' in its legal sense comprises four principal divisions: trusts for the relief of poverty, trusts for the advancement of education, trusts for the advancement of religion, and trusts for other purposes beneficial to the community not falling under any of the preceding heads."

The exemption granted to charities extends to:

(a) Rents chargeable under case V of Schedule D, n38

(b) Interest annuities or dividends chargeable under Schedule C, n39

(c) Yearly interest chargeable under Schedule D, n40

(d) Dividends or other distributions chargeable under Schedule F, n41 and

(e) Profits of a trade chargeable under Schedule D, n42 provided that the trade is exercised in the course of the actual carrying out of a primary purpose of the charity, n43 or the work in connection with the trade is mainly carried on by beneficiaries of the charity. n44

In each of the above cases the exemption is granted on condition that the income is applied for charitable purposes only. n45 Therefore, charities may not accumulate income indefinitely and yet retain their exempt status. Obviously a measure of retention is necessary in the interests of prudent financial management, but it would not be acceptable to accumulate the income of several years. The measure of retention would have to be looked at in the context of particular cases.

Persons intending to establish trusts, organizations or companies for charitable purposes should submit draft deeds, constitutions or memoranda of association to the Revenue Commissioners for advance agreement of their contents.

[iv]-- ***Bodies for the Promotion of Human Rights*** A body having consultative status with the United Nations Organization or the Council of Europe, and which has as its sole or main object the promotion of the Universal Declaration of Human Rights or the implementation of the European Convention for the Protection of Human Rights and Fundamental Freedoms or both, and which is precluded by its constitution from distributing its profits to its members will enjoy the same exemptions as a charity. n46

[v]-- ***Hospitals*** Many hospitals qualify as charities and enjoy the exemptions. n47

[vi]-- ***Other Minor Exemptions*** Other minor exemptions of resident persons include an exemption for small friendly societies, n48 that part of the income of trade unions applicable by way of provident benefit for members, n49 income derived from certain thalidomide injury settlements, n50 income of bodies established to promote sport, n51 income arising as payments made to permanently and totally incapacitated individuals n52 and income paid under the Haemophilia HIV Trust to haemophiliacs. n53

[b]-- Exemptions for Non-Residents The benefits accorded to non-residents under double taxation agreements in respect of income arising in the State are discussed below. n54 Also of benefit to non-residents is the power of the Minister for Finance to designate the income and capital of government and similar loan stock beneficially held by non-residents as being free of taxation. A wide range of government and similar loan stock is issued on these terms.

[c]-- Exempt Income The exemptions of major commercial significance are discussed below. n55

Total exemption for income tax and capital gains tax is accorded to three of the methods of savings available through the Post Office. These are the National Instalment Savings Scheme, and Savings Bonds and Savings Certificates.

Other minor personal exemptions include a wide range of wound and disability pensions and gratuities, military gratuities and demobilisation pay, deferred military pay, payments to relatives and dependents of the Rising of 1916, and payments to veterans and their dependents; n56 children's allowances, n57 redundancy payments; n58 and income from certain scholarships and bursaries. n59 In addition to the above exemptions, no income tax is chargeable if the total income of a taxpayer does not exceed certain statutory limits. n60

[8] Allowances and Reliefs

Reliefs of commercial significance are described below. n61 Here we note the other personal allowances and reliefs of importance to individuals. Certain of these allowances and reliefs are deductible from the total income of a taxpayer from all sources before arriving at taxable income. The majority, however, are allowed as tax credits at the standard rate of tax. The rates stated are those currently in force in respect of the year of assessment 2002 (Finance Act of 2002).

[a] Fixed Tax Credits.

Married couple n62	--3,040
Single person	--1,520
Widowed n63 person, with dependent children	--1,520
Widowed person, without dependent children n64	--1,820
Widow n65 bereaved in the year of assessment	--3,040
Single parent allowances-(additional): n66	--1,520
Home Carers allowance n67	--770

Age (over 65) allowance:	
single or widowed	--205
married couple	--410
Employee Allowance n68	--660
Incapacitated child n69	--500
Blind allowance: n70	
single	--800
married (both blind)	--1,600
Dependant relative	
allowance n71	--60
Medical insurance	
(previous yr.'s amount)	--at source
Certain fees to	
private colleges	--Subject to maximum of [Euro]3,175, at 20%l

[b]-- Other Personal Allowances Other personal allowances include a deduction from Schedule D Case V income of up to [Euro]7,618 of rent from the leasing of farm land by incapacitated farmers, or individuals aged 55 or more; a credit of [Euro]254 for a single person, [Euro]508 for a widowed person and [Euro]508 for a married couple in respect of rent paid for a private residence, for individuals aged 55 or more the allowance is up to [Euro]508 for a single person, [Euro]1,016 for a widowed person, and [Euro]1,016 for a married couple in respect of rent paid for a private residence; relief given in respect of premiums paid pursuant to approved permanent health benefit schemes; relief insofar as not met by insurance for certain hospital and medical fees; a deduction in respect of premiums paid under annuity contracts; relief in respect of tuition fees paid to private third level colleges; relief in respect of local authority service charges paid on time and relief in respect of covenants made in favour of incapacitated persons, persons over the age of 65, universities or colleges for the purposes of research or the teaching of the Natural Sciences, or in favour of bodies established for the promotion of human rights, an allowance of [Euro]6,350 for seafarers. Relief is available for investment in certain qualifying new business ventures under the Business Expansion Scheme 9BES). The maximum investment by an individual which can qualify for tax relief is [Euro]31,750 in any one tax year. The current deadline for relief is 31 December 2003.

A similar scheme in respect of investment in the production of films was introduced (Section 481 TCA). Relief is available in respect of investment in films which are certified as'qualifying' for the scheme by the Minister for Arts, Culture and the Gaeltacht. The maximum investment by an individual which can qualify for tax relief is [Euro]25,400 in any one tax year. The current deadline for relief under the scheme is 5th April 2005.

[9] Charges on Income

"Charges" is the term used to refer to annual payments such as interest, annuities, payments under deeds of covenant and similar payments. Eligible charges are deducted in arriving at "total income," *i.e.*, income before deduction of the allowances and reliefs. n72

Relief may be obtained in respect of interest paid on loans for use in carrying on a trade; loans for investment in or improvement of properties which are let for rent; loans for the purpose of paying inheritance tax; loans for the purpose

of acquiring an interest in or making loans to certain companies n73 or partnerships; loans to companies to make investments in or grant loans to certain other companies; and loans used by an individual solely for the purpose of defraying money employed in the purchase or improvement of his sole or main residence, or that of a former or separated spouse, or dependant relative. In the latter case the maximum amount deductible in respect of interest is [Euro]2,540 in the case of a single person and [Euro]5,080 in the case of a widowed person or a married couple taxed jointly. n74 These limits apply to mortgages taken out prior to 6 April 1998. For mortgages taken out after that date, the limits are [Euro]4,000 for a single person and [Euro]8,000 for a widowed person or a married couple taxed jointly. From 1 January 2002, tax relief on mortgage interest payments is granted at source for residences situated in the State.

FOOTNOTES:

(n1)Footnote 1. *See* § 5.01[1], *supra.*

(n2)Footnote 2. Taxes Consolidation Act 1997 Section 36 provides that interest on Irish Government Stocks, issued under the authority of the Minister for Finance, is excluded from the charge under Schedule C. Certain other securities are similarly exempt. These include securities issued by Aer Lingus, Agricultural Credit Corporation, the Electricity Supply Board, Coras Iompar Eireann (the State Transport Company), Radio Telefis Eireann, Industrial Credit Corporation PLC, Aer Rianta, Bord Telecom, Irish Telecommunications Inv. plc, Bord Gais, and stocks and other securities issued in the State by various bodies of the European communities. The recipients are taxed under Schedule D, Case III, *infra.*

(n3)Footnote 3. For more on schedule C, see § 5.04 *infra.*

(n4)Footnote 4. *See* n. 2, *supra.*

(n5)Footnote 5. For more on schedule D, Cases I and II, see § 5.03; for Cases III, IV and V, *see* § 5.04 *infra.*

(n6)Footnote 6. *See* § 5.04 *infra.*

(n7)Footnote 7. *See* § 5.05 *infra.*

(n8)Footnote 8. Part 41 TCA.

(n9)Footnote 9. Section 1084 TCA.

(n10)Footnote 10. Part 41 TCA.

(n11)Footnote 11. TCA § 900.

(n12)Footnote 12. Chapter 3 Part 38 TCA.

(n13)Footnote 13. Section 888 TCA.

(n14)Footnote 14. Section 888 TCA.

(n15)Footnote 15. Section 897 TCA includes details of any remuneration in the form of the use of a car or a "preferential loan" to an employee.

(n16)Footnote 16. Section 889 TCA.

(n17)Footnote 17. Section 892 TCA.

(n18)Footnote 18. Section 1048 TCA.

(n19)Footnote 19. Section 880 TCA.

(n20)Footnote 20. *See* Part 47 TCA.

(n21)Footnote 21. Part 47 TCA.

(n22)Footnote 22. Section 956 TCA.

(n23)Footnote 23. Section 957 TCA.

(n24)Footnote 24. Section 957 TCA.

(n25)Footnote 25. Section 933 TCA.

(n26)Footnote 26. *Id.* § 933 TCA.

(n27)Footnote 27. Section 65 TCA, Sections 70, 74 and 75 TCA.

(n28)Footnote 28. *See* § 5.02[9], *infra.*

(n29)Footnote 29. *See* § 5.02[8], *infra.*

(n30)Footnote 30. Where a spouse opts to be separately assessed, the rates of tax are those applicable to a single person, but the allowances (§ 5.02[8] *infra*) may be split between the spouses. A spouse may elect to be assessed as a single person and receive the single persons allowances. Special provisions apply to separated spouses; §1026 TCA.

(n31)Footnote 31. In the case of married couples with two incomes, the standard rate band available to one spouse will not be greater than that available to a one income married couple, i.e. [Euro]37,000.

(n32)Footnote 32. Part 41 TCA.

(n33)Footnote 33. Part 41 TCA.

(n34)Footnote 34. *See* § 5.06[10] *infra.*

(n35)Footnote 35. *See* § 5.06[11].

(n36)Footnote 36. *See* Wylie, Irish Land Law, (London 1975) (with 1981 Supplement) at 9.088 *et seq;* Brady, *Religion and the Law of Charities in Ireland*, (Dublin 1976); Delany, *Law Relating to Charities in Ireland* (Dublin 1962).

(n37)Footnote 37. [1891] A. C. 531 at 583.

(n38)Footnote 38. Section 207-208 TCA.

(n39)Footnote 39. Section 207-208 TCA.

(n40)Footnote 40. Section 207-208 TCA.

(n41)Footnote 41. Section 207-208 TCA.

(n42)Footnote 42. Section 207-208 TCA.

(n43)Footnote 43. Section 207-208 TCA.

(n44)Footnote 44. Section 207-208 TCA.

(n45)Footnote 45. Section 207-208 TCA.

(n46)Footnote 46. *See* § 5.02[7][a][ii], *supra.*

(n47)Footnote 47. *Id.*

(n48)Footnote 48. Section 211 TCA.

(n49)Footnote 49. Section 213 TCA.

(n50)Footnote 50. Section 192 TCA.

(n51)Footnote 51. Section 235 TCA.

(n52)Footnote 52. Section 189 TCA.

(n53)Footnote 53. Section 190 TCA.

(n54)Footnote 54. *See* § 5.12, *infra.*

(n55)Footnote 55. *See* § 5.06, *infra.*

(n56)Footnote 56. For details of these exemptions, see § 204 TCA.

(n57)Footnote 57. *See* ch. 7, and § 194 TCA.

(n58)Footnote 58. *See* ch. 6, and § 203 TCA.

(n59)Footnote 59. Section 193 TCA.

(n60)Footnote 60. Section 187 TCA.

(n61)Footnote 61. *See* § 5.06, *infra.*

(n62)Footnote 62. In respect of joint assessment on a return made by the assessable spouse. For this, and separate assessment of spouses, see § 1018 TCA.

(n63)Footnote 63. "Widow" includes a widower.

(n64)Footnote 64. "Widow" includes a widower.

(n65)Footnote 65. *Id.* There are additional allowances to a widowed person with a dependent child.

(n66)Footnote 66. *See* § 462 TCA.

(n67)Footnote 67. Section 466A TCA.

(n68)Footnote 68. This allowance is granted to persons whose total income includes emoluments subject to Pay as You Earn (PAYE), *i.e.*, persons in employment. *See* § 472 TCA.

(n69)Footnote 69. Section 465 TCA.

(n70)Footnote 70. Section 468 TCA.

(n71)Footnote 71. An allowance in respect of the taxpayer's widowed mother or mother in law living with him and maintained by him; likewise in respect of other incapacitated or infirm relatives. § 466 TCA.

(n72)Footnote 72. *See* § 5.02[2], *supra*.

(n73)Footnote 73. TCA requires the loan to be for bona fide commercial purposes and abolishes relief in respect of quoted companies.

(n74)Footnote 74. Sections 244-255 TCA.