

# Budget 2011

## FINANCIAL RESOLUTION No. 1

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### *EXCISE*

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### *Mineral Oil Tax*

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(1) THAT for the purposes of the tax charged by virtue of section 95 of the Finance Act 1999 (No. 2 of 1999), that Act be amended, with effect as on and from 8 December 2010,

by substituting the following for Schedule 2 to that Act (as amended by section 64(1)(d) of the Finance Act 2010 (No. 5 of 2010)):

### “SCHEDULE 2

#### RATES OF MINERAL OIL TAX

(With effect as on and from 8 December 2010)

Description of Mineral Oil	Rate of Tax
<i>Light Oil:</i>	
Petrol	€576.22 per 1,000 litres
Aviation gasoline	€576.22 per 1,000 litres
<i>Heavy Oil:</i>	

Used as a propellant	€465.70 per 1,000 litres
Used for air navigation	€465.70 per 1,000 litres
Used for private pleasure navigation	€465.70 per 1,000 litres
Kerosene used other than as a propellant	€38.02 per 1,000 litres
Fuel oil	€60.73 per 1,000 litres
Other heavy oil	€88.66 per 1,000 litres
<i>Liquefied Petroleum Gas:</i>	
Used as a propellant	€88.23 per 1,000 litres
Other liquefied petroleum gas	€24.64 per 1,000 litres
<i>Coal:</i>	
For business use	€4.18 per tonne
For other use	€8.36 per tonne

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(2) It is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act 1927 (No. 7 of 1927).

**FINANCIAL RESOLUTION No. 2**

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***EXCISE***

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*Air Travel Tax*

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(1) THAT section 55(2) of the Finance (No. 2) Act 2008 (No. 25 of 2008) be amended by substituting the following for paragraph (b)—

“(b) Air travel tax shall be charged, levied and paid at the rate of €3 per departure of a passenger on an aircraft from an airport.”.

(2) THAT this Resolution shall have effect as on and from 1 March 2011.

(3) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act 1927 (No. 7 of 1927).

### **FINANCIAL RESOLUTION No. 3**

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#### EXCISE

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#### Vehicle Registration Tax

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(1) THAT, as on and from 1 January 2011-

- (a) the repayment of amounts of vehicle registration tax in respect of the registration of certain new vehicles in accordance with the provisions of section 135BA of the Finance Act 1992 (inserted by section 107 of the Finance Act 2010)), be extended to such vehicles registered on or before 30 June 2011 up to a maximum amount of €1,250, and
- (b) section 135BA of the Finance Act 1992 be amended in subsection (5) by substituting “that person’s spouse or civil partner (within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010)” for “that person’s spouse”.

(2) THAT, with effect as on and from 1 January 2011, the Finance Act 1992 (No. 9 of 1992) is amended by substituting the following for section 135C (as amended by section 108 of the Finance Act 2010 (No. 5 of 2010) with effect from that date):

“135C. - (1) In this section-

‘electric vehicle’ means a vehicle that derives its motive power exclusively from an electric motor;

‘electric motorcycle’ means a motorcycle that derives its motive power exclusively from an electric motor;

‘flexible fuel vehicle’ means a vehicle that derives its motive power from an internal combustion engine that is capable of using a blend of ethanol and petrol, where such blend contains a minimum of 85 per cent ethanol;

‘hybrid electric vehicle’ means a vehicle that derives its motive power from a combination of an electric motor and an internal combustion engine and is capable of being driven on electric propulsion alone for a material part of its normal driving cycle;

‘plug-in hybrid electric vehicle’ means a series production vehicle that derives its motive power from a combination of an electric motor and an internal combustion engine, where the electric motor derives its power from a battery that may be charged from the internal combustion engine and an alternating current (AC) electric mains supply and is capable of being driven on electric propulsion alone for a material part of its normal driving cycle.

(2) (a) Where a person first registers a category A vehicle or a category B vehicle during the period from 1 January 2011 to 31 December 2012

and the Commissioners are satisfied that the vehicle is-

- (a) a series production hybrid electric vehicle, or
- (b) a series production flexible fuel vehicle,

then the Commissioners shall remit or repay to that person an amount equal to the lesser of-

(i) the vehicle registration tax which, apart from this subsection, would be payable in respect of the vehicle in accordance with paragraph (a) or (c) of section 132(3), or

(ii) the amount specified in the Table to this subsection which is referable to the vehicle having regard to its age.

(b) In this subsection 'age', in relation to a vehicle, means the time that has elapsed since the date on which the vehicle first entered into service.

**TABLE**

<u>Age of vehicle</u>	<b>Maximum amount which may be remitted or repaid</b>
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New vehicle, first registration	€1,500
Not a new vehicle but less than 2 years	€1,350
2 years or over but less than 3 years	€1,200
3 years or over but less than 4 years	€1,050
4 years or over but less than 5 years	€900
5 years or over but less than 6 years	€750
6 years or over but less than 7 years	€600
7 years or over but less than 8 years	€450
8 years or over but less than 9 years	€300
9 years or over but less than 10 years	€150
10 years or over	Nil

(3) (a) Where a person first registers a category A vehicle or a category B vehicle during the period from 1 January 2011 to 31 December 2012 and the Commissioners are satisfied that the vehicle is a plug-in hybrid electric vehicle, then the Commissioners shall remit or repay to that person an amount equal to the lesser of-

(i) the vehicle registration tax which, apart from this subsection, would be payable in respect of the vehicle in accordance with paragraph (a) or (c) of section 132(3), or

(ii) the amount specified in the Table to this subsection which is referable to the vehicle having regard to its age.

(b) In this subsection 'age', in relation to a vehicle, means the time that has elapsed since the date on which the vehicle first entered into service.

**TABLE**

<u>Age of vehicle</u>	<b>Maximum amount which may be remitted or repaid</b>
New vehicle, first registration	€2,500
Not a new vehicle but less than 2 years	€2,250
2 years or over but less than 3 years	€2,000
3 years or over but less than 4 years	€1,750
4 years or over but less than 5 years	€1,500
5 years or over but less than 6 years	€1,250
6 years or over but less than 7 years	€1,000
7 years or over but less than 8 years	€750
8 years or over but less than 9 years	€500
9 years or over but less than 10 years	€250
10 years or over	Nil

(4) A category A electric vehicle or a category B electric vehicle first registered during the period 1 January 2011 to 31 December 2012 is exempt from vehicle registration tax where the Commissioners are satisfied that such vehicle is a series production electric vehicle.

(5) An electric motorcycle first registered during the period 1 January 2011 to 31 December 2012 is exempt from vehicle registration tax where the Commissioners are satisfied that such vehicle is a series production electric motorcycle.”.



(3) IT is hereby certified that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act 1927 (No.7 of 1927).

## **FINANCIAL RESOLUTION No. 4**

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### EXCISE

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#### Vehicle Registration Tax

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(1) THAT, as on and from 1 January 2011, section 132 of the Finance Act 1992, be amended by substituting the following for subsection (3)(d):

“ (d) in case it is-

- (i) a category C vehicle, or
  
- (ii) a category N1 vehicle that, at the time of manufacture has less than 4 seats and has a technically permissible maximum laden mass that is greater than 130 per cent of the mass of the vehicle with bodywork in running order,

at the rate of €50.”.

(2) IT is hereby certified that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act 1927 (No.7 of 1927).

## **FINANCIAL RESOLUTION No. 5**

### **INCOME TAX**

(1) THAT section 790A of the Taxes Consolidation Act 1997 (No. 39 of 1997) be amended —

(a) with effect as on and from 1 January 2011, by inserting the following after subsection (3)—

“(4) Notwithstanding subsection (2), for the purposes of subsection (1) the earnings limit for the year of assessment 2011 shall be €115,000.”,

and

(b) as respects the year of assessment 2010, by inserting the following after subsection (4) (inserted by this Resolution)—

“(5) Notwithstanding subsection (2), for the purposes of subsection (1) the earnings limit for the year of assessment 2010 shall be deemed to be €115,000 for the purpose of determining how much of a contribution or qualifying premium, as the case may be, paid by an employee or an individual in the year of assessment 2011, is to be treated by virtue of section 774(8), 776(3), 787(7) or 787C(3), as the case may be, as paid in the year of assessment 2010.”.

(2) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act 1927 (No. 7 of 1927).

## **FINANCIAL RESOLUTION No. 6**

### INCOME TAX

(1) THAT Chapter 2C of Part 30 of the Taxes Consolidation Act 1997 (No. 39 of 1997) be amended -

(a) in section 787O—

(i) in subsection (1) —

(I) in the definition of “maximum tax-relieved pension fund” by substituting “7 December 2005” for “the specified date”,

(II) in the definition of "personal fund threshold"—

(A) by substituting the following for paragraph (a):

“(a) (i) where the individual is an individual to whom the Revenue Commissioners have, before the specified date, issued a certificate in accordance with subsection (5), the amount stated in that certificate as being the individual’s personal fund threshold, and

(ii) in any other case, for the year of assessment 2010, as on and from the specified date, and for the year of assessment 2011, the lower of—

(I) €5,418,085, and

(II) (A) where no benefit crystallisation event in relation to the individual has occurred on or after 7 December 2005 and the individual has

uncrystallised pension rights on the specified date, the amount of the uncrystallised pension rights on the specified date in relation to the individual, where the amount of those rights on that date exceed the standard fund threshold, or

(B) where one or more than one benefit crystallisation event in relation to the individual has occurred on or after 7 December 2005 and the individual has uncrystallised pension rights on the specified date, the aggregate of the amounts crystallised by those benefit crystallisation events and the amount of the uncrystallised pension rights on the specified date in relation to the individual, where the aggregate amount of those crystallised and uncrystallised rights exceed the standard fund threshold, and”,

and

(B) in paragraph (b) by substituting the “year of assessment 2011” for “year of assessment 2006”,

(III) by substituting the following for the definition of "specified date":

“ ‘specified date’ means 7 December 2010;”,

and

(IV) in the definition of "standard fund threshold"—

(A) by substituting the following for paragraph (a):

“(a) for the year of assessment 2010, as on and from the specified date, and for the year of assessment 2011, €2,300,000, and”,

and

(B) in paragraph (b) by substituting the “year of assessment 2011” for “year of assessment 2006”,

and

(ii) by substituting the following for subsection (2)(b):

“(b) Where the administrator of a relevant pension arrangement has, before the specified date, used a valuation factor (in this subsection referred to as the 'first-mentioned factor') other than the relevant valuation factor referred to in paragraph (a), then, in such a case, the first-mentioned factor is the relevant valuation factor for the purposes of this Chapter and Schedule 23B.”,

(b) in section 787P—

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

“(1) An individual’s maximum tax-relieved pension fund shall not exceed—

(a) the standard fund threshold, or

(b) the personal fund threshold, where—

(i) the condition set out in subsection (2) is met and the Revenue Commissioners have issued a certificate in accordance with subsection (5) or a revised certificate in accordance with subsection (6), or

(ii) the Revenue Commissioners have, before the specified date, issued a certificate in accordance with subsection (5).”,

and

(ii) in subsection (5)—

(I) by substituting “Subject to subsection (6), the Revenue Commissioners” for “The Revenue Commissioners”,

(II) by substituting the following for all of the words from "shall, on being satisfied" to the end of the provision:

"shall, within 30 days of receipt of the notification or, as the case may be, the late notification, or such longer time as they may require for the purposes of this subsection, issue a certificate to the individual stating the amount of the personal fund threshold.",

and

(III) by inserting the following after subsection (5):

“(6) Notwithstanding subsection (5), the Revenue Commissioners may at any time withdraw a certificate issued in accordance with that subsection (in this subsection referred to as the 'first-mentioned certificate') and issue a revised certificate if, following the issue of the first-mentioned certificate, the Commissioners are not satisfied that the calculation of the personal fund threshold

contained in the notification referred to in subsection (2) or, as the case may be, the late notification referred to in subsection (4) was correct.",

(c) in section 787Q(1) by substituting “7 December 2005” for “the specified date”,

(d) in section 787R—

(i) by substituting the following for subsection (2):

“(2) The persons liable for income tax charged under subsection (1) shall be the administrator of the relevant pension arrangement under which the benefit crystallisation event arises and the individual in relation to whom the benefit crystallisation event occurs and their liability shall be joint and several.”,

and

(ii) in subsection (4)—

(I) by deleting “on or after the date of passing of the Finance Act 2006”,

(II) in paragraph (b) by substituting “7 December 2005” for “the specified date”, and

(III) in paragraph (d) by inserting “whether issued before or after the specified date,” after “under section 787P(5),”,

and

(e) in section 787S—



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

“(1) The administrator of a relevant pension arrangement shall, within 3 months of the end of the month in which the benefit crystallisation event giving rise to the chargeable excess occurs, make a return to the Collector-General which shall contain—

- (a) the name and address of the administrator,
- (b) the name, address and PPS Number of the individual in relation to whom the benefit crystallisation event has occurred,
- (c) details of the relevant pension arrangement under which the benefit crystallisation event giving rise to the chargeable excess has occurred,
- (d) the amount of, and the basis of calculation of, the chargeable excess arising in respect of the benefit crystallisation event, and
- (e) details of the tax which the administrator is required to account for in relation to the chargeable excess.”,

(ii) by deleting subsection (2), and

(iii) in subsection (7)(b) by substituting “0.0219 per cent” for “0.0273 per cent”.

(2) THAT Schedule 23B to the Taxes Consolidation Act 1997 (No. 39 of 1997) be amended—

(a) in paragraph 2(d) by substituting “7 December 2005” for “the specified date”,

(b) in paragraph 4 by substituting “7 December 2005” for “the specified date” in each place, and

(c) in paragraph 5 by substituting the following for subparagraph (2):

“(2) The adjustment referred to in subparagraph (1) is the amount crystallised by the previous benefit crystallisation event multiplied by the higher of 1 and the number determined by the formula—

$$\frac{A}{B}$$

where—

A is the standard fund threshold or, as the case may be, the personal fund threshold at the date of the current event, and

B is the standard fund threshold or, as the case may be, the personal fund threshold at the date of the previous benefit crystallisation event,

and where an individual did not have a personal fund threshold at the date of the previous benefit crystallisation event, the standard fund threshold at that date shall be used for B in the formula.”.

(3) THAT this Resolution shall have effect as on and from 7 December 2010.

(4) IT is hereby declared that it is expedient in the public interest that this resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act 1927 (No. 7 of 1927).

**FINANCIAL RESOLUTION No. 7**

**INCOME TAX**

(3) THAT, as respects an amount regarded as a distribution of a specified amount made on or after 31 December 2010, the formula in section 784A(1BA)(c) of the Taxes Consolidation Act 1997 (No. 39 of 1997) for determining the specified amount be amended by substituting “5” for “3”.

(4) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act 1927 (No. 7 of 1927).

## FINANCIAL RESOLUTION No. 8

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### INCOME TAX

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(2) THAT the Taxes Consolidation Act 1997 (No. 39 of 1997) be amended by substituting the following for section 790AA:

“Taxation of lump sums in excess of the tax free amount. 790AA (1) (a) In this section—

‘administrator’, in relation to a relevant pension arrangement, means the person or persons having the management of the arrangement, and in particular, but without prejudice to the generality of the foregoing, references to the administrator of a relevant pension arrangement include—

- (i) an administrator within the meaning of section 770(1),
- (ii) a person mentioned in section 784, lawfully carrying on the business of granting annuities on human life, including the appointed person mentioned in section 784(4A)(ii), and
- (iii) a PRSA administrator within the meaning of section 787A(1);

‘excess lump sum’ shall be construed in accordance with paragraph (e);

‘relevant pension arrangement’ means any one or more of the following—

- (i) 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,

- (ii) 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,
- (iii) a PRSA contract, within the meaning of section 787A, in respect of a PRSA product, within the meaning of that section,
- (iv) a qualifying overseas pension plan within the meaning of Chapter 2B,
- (v) a public service pension scheme within the meaning of section 1 of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 (No. 7 of 2004),
- (vi) a statutory scheme, within the meaning of section 770(1), other than a public service pension scheme referred to in paragraph (v);

‘specified date’ means 1 January 2011;

‘standard chargeable amount’ means the amount equivalent to the amount determined by the formula—

( SFT ) - TFA

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where—

SFT is €2,300,000, and

TFA is the tax free amount;

‘standard rate’ means the standard rate of tax in force at the time the lump sum is paid;

‘tax free amount’ means €200,000;

‘tax year’ means a year of assessment within the meaning of the Tax Acts.

- (b) (i) For the purposes of this section, a reference to a lump sum is a reference to a lump sum that is paid to an individual under the rules of a relevant pension arrangement by means of commutation of part of a pension or of part of an annuity or otherwise.
- (ii) Without prejudice to the generality of subparagraph (i), the reference in that subparagraph to the commutation of part of a pension or of part of an annuity, shall, in a case where an individual opts in accordance with section 772(3A) or, as the case may be, section 784(2A), be construed as a reference to the commutation of part of the pension or, as the case may be, part of the annuity which would, but for the exercise of that option, be payable to the individual.
- (c) For the purposes of this section, references to a lump sum that is paid to an individual include references to a lump sum that is obtained by, given to, or made available to, an individual

and references to a lump sum which was, or has, or had been paid to an individual shall be construed accordingly.

- (d) For the purposes of this section—
- (i) a lump sum (in this subsection referred to as the 'first-mentioned lump sum') shall be treated as paid before another lump sum (in this subsection referred to as the 'second-mentioned lump sum') if the first-mentioned lump sum is paid before the second-mentioned lump sum on the same day, and
  - (ii) a lump sum shall not be treated as paid at the same time as one or more than one other lump sum and, where but for this subsection they would be so treated, the individual to whom the lump sums are paid shall decide on the order in which they are to be deemed to be paid.
- (e) For the purposes of this section the excess lump sum, if any, in respect of a lump sum that is paid to an individual on or after the specified date (in this paragraph referred to as the 'current lump sum') shall be—
- (i) where no other lump sum has been paid to the individual on or after 7 December 2005, the amount by which the current lump sum exceeds the tax free amount, and
  - (ii) where before the current lump sum was paid, one or more lump sums had been paid to the individual on or after 7 December 2005 (in this section referred to as the 'earlier lump sums'), then—
    - (I) where the amount of the earlier lump sums is less than the tax free amount, the amount by which the aggregate of the amounts of the earlier lump sums and the current lump sum exceeds the tax free amount, and
    - (II) where the amount of the earlier lump sums is equal to or greater than the tax free amount, the amount of the current lump sum.
- (2) Where a lump sum is paid to an individual on or after the specified date, the excess lump sum shall be regarded as income of

the individual in the tax year in which the lump sum is paid and shall be chargeable to income tax in accordance with subsection (3).

(3) Subject to subsection (4)(b)—

(a) where the excess lump sum arises in accordance with subsection (1)(e)(i), (1)(e)(ii)(I) or (1)(e)(ii)(II) (insofar as the amount of the earlier lump sums referred to in subsection (1)(e)(ii)(II) is equal to the tax free amount), then—

(i) so much of the excess lump sum as does not exceed the standard chargeable amount shall be charged to income tax under Case IV of Schedule D at the standard rate, and

(ii) so much of the excess lump sum, if any, as exceeds the standard chargeable amount shall be regarded as a payment to the individual of emoluments to which Schedule E applies.

(b) Where the excess lump sum arises in accordance with subsection (1)(e)(ii)(II) (insofar as the amount of the earlier lump sums referred to in that subsection is greater than the tax free amount), then—

(i) where the amount by which the earlier lump sums is greater than the tax free amount (in this paragraph referred to as the 'first mentioned amount') is less than the standard chargeable amount—

(I) so much of the excess lump sum, as does not exceed an amount equivalent to the difference between the standard chargeable amount and the first mentioned amount shall be charged to income tax under Case IV of Schedule D at the standard rate, and

(II) so much of the excess lump sum, if any, as exceeds an amount equivalent to the difference between the standard chargeable amount and the first mentioned amount, shall be regarded as a payment to the individual of emoluments to which Schedule E applies,

and

(ii) in any other case, the excess lump sum shall be regarded as a payment to the individual of



emoluments to which Schedule E applies.

(4) (a) The administrator of a relevant pension arrangement shall deduct tax from an excess lump sum payment in accordance with this section and remit such tax to the Collector-General.

(b) In so far as any part of an excess lump sum—

(i) is to be regarded as income of the individual for a tax year and charged to income tax at the standard rate in accordance with subsection (3)(a)(i) or (3)(b)(i)(I)—

(I) such income—

(A) shall not be reckoned in computing total income for the purposes of the Tax Acts, and

(B) shall be computed without regard to any amount deductible from or deductible in computing income for the purposes of the Tax Acts,

(II) the charging of that income in such manner shall be without any relief or reduction specified in the Table to section 458 or any other deduction from that income, and

(III) section 188 shall not apply as regards income so charged,

or

(ii) is to be regarded by virtue of this section as a payment to the individual of emoluments to which Schedule E applies—

(I) the provisions of Chapter 4 of Part 42 shall apply to any such amount, and

(II) the administrator of the relevant pension arrangement under which the lump sum is paid shall deduct tax from the payment at the higher rate for the tax year in which the payment is made unless the administrator has received from the Revenue Commissioners a certificate of tax credits and standard rate cut-off point or a tax

deduction card for that year in respect of the individual.

(5) Subsection (2) of section 787G shall apply in respect of any income tax, being income tax deducted from an excess lump sum by virtue of subsection (3) of this section, by an administrator of a relevant pension arrangement of a kind described in paragraph (iii) of the definition of 'relevant pension arrangement' in subsection (1)(a) of this section, as it applies to income tax referred to in subsection (2) of section 787G.

(6) Where a lump sum is paid to an individual, on or after the specified date, under the rules of a relevant pension arrangement of a kind described in paragraph (iv) of the definition of 'relevant pension arrangement' in subsection (1)(a), the excess lump sum, if any, shall be charged to tax under Case IV of Schedule D for the tax year in which the lump sum is paid to that individual at the rate or rates determined in accordance with subsection (3).

(7) This section shall not apply to a lump sum that is paid to –

(a) a widow or widower,

(b) a civil partner (within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010),

(c) children,

(d) dependants, or

(e) personal representatives,

of a deceased individual.

(8) Section 781 shall have effect notwithstanding the provisions of this section.”.

(2) IT is hereby declared that it is expedient in the public interest that this resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act 1927 (No. 7 of 1927).

## FINANCIAL RESOLUTION No. 9

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### INCOME TAX

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(1) THAT, as respects any payment to which section 123 of the Taxes Consolidation Act 1997 (No. 39 of 1997) applies (in this Resolution referred to as the “lump sum”) made on or after 1 January 2011 –

(a) notwithstanding the provisions of section 201 of, and Schedule 3 to, that Act, income tax shall be charged by virtue of section 123 of that Act on the amount of the lump sum which exceeds the lesser of either –

(i) that part of the lump sum which, apart from this Resolution, would be exempt from income tax by virtue of section 201 of, and Schedule 3 to, that Act, including any deduction in computing the charge to income tax under paragraph 6 of that Schedule, and

(ii) €200,000,

(b) the amount of €200,000 referred to in *subparagraph (a)* of this paragraph shall be reduced by an amount equal to the aggregate amounts exempted from income tax, including any deduction in computing the charge to income tax under paragraph 6 of Schedule 3 to that Act, in respect of all payments to which section 123 of that Act applied which were paid before or at the same time as the payment of the lump sum,

(c) the amount determined in accordance with *subparagraphs (a)* and *(b)* of this paragraph shall be determined without regard to subsections (1A) and (2) of section 201 of that Act, and

(d) where 2 or more payments in respect of which tax is chargeable by virtue of section 123 of that Act are made to or in respect of the same person in

respect of the same office or employment, or in respect of different offices or employments, for the purposes of this Resolution this paragraph shall apply as if those payments were a single payment of an amount equal to that aggregate amount and the provisions of *subparagraph (a)* of this paragraph shall apply to that amount accordingly.

(2) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act 1927 (No.7 of 1927).

## **FINANCIAL RESOLUTION No. 10**

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### INCOME TAX

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(2) THAT section 15 of the Taxes Consolidation Act 1997 (No. 39 of 1997) be amended in the following manner for the year of assessment 2011 and each subsequent year of assessment :

- a. by substituting “€23,800” for “€27,400” in subsection (3),
- b. by substituting “€32,800” for “€36,400” in column 1 of Part 1 of the Table to that section,
- c. by substituting “€36,800” for “€40,400” in column 1 of Part 2 of the Table to that section, and
- d. by substituting “€41,800” for “€45,400” in column 1 of Part 3 of the Table to that section.

(2) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act 1927 (No.7 of 1927).

## FINANCIAL RESOLUTION No. 11

### INCOME TAX

(3) THAT the Taxes Consolidation Act 1997 (No. 39 of 1997) be amended in the following manner for the year of assessment 2011 and each subsequent year of assessment :

(a) where an individual is entitled to a tax credit under a provision of the Taxes Consolidation Act 1997 mentioned in *column (1)* of the Table to this Resolution the amount of the tax credit shall, instead of being the amount specified in *column (2)* of the Table, be the amount of the tax credit specified in *column (3)* of the Table opposite the mention of the amount in *column (2)*.

TABLE

Statutory Provision  (1)	Existing tax credit  (2)	Tax credit for the year 2011 and subsequent years  (3)
Section 461 (basic personal tax credit)		
(married person)	€3,660	€3,300
(widowed person bereaved in year of assessment)	€3,660	€3,300
(single person)	€1,830	€1,650
Section 461A (additional tax credit for certain widowed persons)	€600	€540

Section 462 (one-parent family tax credit)	€1,830	€1,650
Section 463 (widowed parent tax credit)		
(1 <sup>st</sup> year)	€4,000	€3,600
(2 <sup>nd</sup> year)	€3,500	€3,150
(3 <sup>rd</sup> year)	€3,000	€2,700
(4 <sup>th</sup> year)	€2,500	€2,250
(5 <sup>th</sup> year)	€2,000	€1,800
Section 464 (age tax credit)		
(married person)	€650	€490
(single person)	€325	€245
Section 465 (incapacitated child tax credit)	€3,660	€3,300
Section 466 (dependant relative credit)	€80	€70
Section 466A (home carer tax credit)	€900	€810
Section 468 (blind person's tax credit)		
(blind person)	€1,830	€1,650
(both spouses blind)	€3,660	€3,300

Section 472 (employee tax credit)	€1,830	€1,650
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(b) in section 461, by substituting “€3,300” for “€3,660”, in both places where it occurs, and “€1,650” for “€1,830”,

(c) in section 461A, by substituting “€540” for “€600”,

(d) in section 462, in subsection (2), by substituting the following for “€1,830” and all the words following that amount to the end of that subsection :

“€1,650, but this section shall not apply for any year of assessment –

- (i) in the case of a husband or a wife where the wife is living with her husband,
- (ii) in the case of civil partners (within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010) who are living together, or
- (iii) in the case of cohabitants (within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010).”,

(e) in section 463(2) –

- (i) in subparagraph (i), by substituting “€3,600” for “€4,000”,
  - (ii) in subparagraph (ii), by substituting “€3,150” for “€3,500”,
  - (iii) in subparagraph (iii), by substituting “€2,700” for “€3,000”,
  - (iv) in subparagraph (iv), by substituting “€2,250” for “€2,500”,
  - (v) in subparagraph (iv), by substituting “€1,800” for “€2,000”,
- and



- (vi) by substituting “cohabitants (within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010)” for “a man and woman living together as man and wife”,
- (f) in section 464, by substituting “€490” and “€245”, respectively, for “€650” and “€325”,
- (g) in section 465, by substituting “€3,300” for “€3,660” in subsection (1),
- (h) in section 466, by substituting “€70” for “€80” in subsection (2),
- (i) in section 466A, by substituting “€810” for “€900” in subsection (2),
- (j) in section 468, by substituting “€1,650” and “€3,300”, respectively, for “€1,830” and “€3,660” in subsection (2), and
- (k) in section 472, by substituting “€1,650” for “€1,830”, in both places where it occurs, in subsection (4).

(2) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act 1927 (No.7 of 1927).

**FINANCIAL RESOLUTION No. 12**

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INCOME TAX

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(4) THAT section 188 of the Taxes Consolidation Act 1997 (No. 39 of 1997), in relation to income tax age exemption and associated marginal relief, be amended for the year of assessment 2011 and each subsequent year of assessment by substituting “€36,000” for “€40,000” and “€18,000” for “€20,000” in subsection (2).

(2) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act 1927 (No.7 of 1927).

## **FINANCIAL RESOLUTION No. 13**

### **UNIVERSAL SOCIAL CHARGE**

(1) THAT-

(a) in this Resolution-

“aggregate income for the tax year”, in relation to an individual and a tax year, means the aggregate of the individual’s-

(i) relevant emoluments in the tax year, including relevant emoluments that are paid in whole or in part for a tax year other than the tax year during which the payment is made, and

(ii) relevant income for the tax year;

“Collector-General” means the Collector-General appointed under section 851 of the Principal Act;

“employee” and “employer” have the same meanings as in section 983 of the Principal Act;

“excluded emoluments” means emoluments which have been gifted to the Minister for Finance under section 483 of the Principal Act;

“income tax month” means a calendar month;

“PAYE Regulations” means the Income Tax (Employments) (Consolidated) Regulations 2001 (S.I. No. 559 of 2001);

“Principal Act” means the Taxes Consolidation Act 1997 (No. 39 of 1997);

“relevant emoluments” and “relevant income” shall be construed in accordance with paragraphs (a) and (b), respectively, of the Table to paragraph (2) of this Resolution;

“similar type payments” means payments which are of a similar character to social welfare payments but which are made by –

(i) the Health Service Executive,

(ii) the Department of Community, Rural and Gaeltacht Affairs,

(iii) the Department of Enterprise, Trade and Innovation,

(iv) the Department of Education and Science,

(v) the Department of Agriculture, Fisheries and Food, or

(vi) An Foras Áiseanna Saothair, in respect of schemes mentioned in clauses (I), (II) and (III) of section 472A(1)(b)(i) of the Principal Act,

“social welfare payments” means payments made under the Social Welfare Acts;

“tax year” means a year of assessment within the meaning of the Tax Acts;

“universal social charge” has the meaning assigned to it by paragraph (2) of this Resolution,

and

(b) other words and expressions used in this Resolution have, except where otherwise provided or where the context otherwise requires, the same meaning as in the Tax Acts.

(2) THAT, with effect from 1 January 2011, there shall be charged, levied and paid, in accordance with the provisions of this Resolution, a tax to be known as "universal social charge" in respect of the income specified in paragraphs (a) and (b) of the Table to this paragraph.

#### **TABLE**

(a) The income described in this paragraph (in this Resolution referred to as “relevant emoluments”) is emoluments to which Chapter 4 of Part 42 of the Principal Act applies or is applied, including-

(i) any allowable contributions referred to in Regulations 41 and 42 of the PAYE Regulations,

(ii) the initial market value (within the meaning of section 510(2) of the

Principal Act) of any shares, excluded from the charge to income tax by virtue of section 510(4) of that Act, appropriated in accordance with Chapter 1 of Part 17 of that Act,

(iii) the market value (determined in accordance with section 548 of the Principal Act) of the right referred to in section 519A(1) or 519D(1) of that Act, and

(iv) any gain exempted from income tax by virtue of section 519B(3) or 519D(3) of the Principal Act,

but not including –

(I) social welfare payments and similar type payments,

(II) excluded emoluments,

(III) expenses, in respect of which an employee may be entitled to relief from income tax, which fall within Regulation 10(3) of the PAYE Regulations,

(IV) any amount in respect of which relief is due under section 201(5)(a) of the Principal Act and paragraphs 6 and 8 of Schedule 3 to that Act,

(V) emoluments of an individual who is resident in a territory with which arrangements have been made under subsection (1)(a)(i) or (1B)(a)(ii) of section 826 of the Principal Act in relation to affording relief from double taxation, where those emoluments are the subject of a notification issued under section 984(1) of that Act.

(b) The income described in this paragraph (in this Resolution referred to as “relevant income”) is income, without regard to any amount deductible from or deductible in computing total income, from all sources as estimated in accordance with the Tax Acts, other than-

(i) relevant emoluments,

(ii) any emoluments, payments, expenses or other amounts

referred to in clauses (I) to (V) of paragraph (a) of

this Table,

(iii) any gains, income or payments to which any of the following provisions apply:

(I) Chapter 4 of Part 8 of the Principal Act;

(II) Chapter 5 of Part 8 of the Principal Act;

(III) Chapter 5 of Part 26 of the Principal Act;

(IV) Chapter 6 of Part 26 of the Principal Act;

(V) Chapter 1A of Part 27 of the Principal Act;

(VI) Chapter 4 of Part 27 of the Principal Act,

(iv) where section 825A of the Principal Act applies in respect of an individual for a tax year, an amount equal to the difference between-

(I) the individual's total income for the tax year had that section not applied for that year, and

(II) the amount of total income which if charged to income tax for the year would have given an amount of income tax payable equal to that which would be payable by virtue of the operation of that section,

(v) where section 1025 of the Principal Act applies in respect of an individual, the amount of any deduction for any payment to which that section applies, made by an individual pursuant to a maintenance arrangement (within the meaning of that section) relating to the marriage for the benefit of the other party to the marriage, unless section 1026 of that Act applies in respect of such payment,

- (vi) where an individual is entitled to an allowance under section 284(1) of the Principal Act, other than where such an allowance is made on a lessor and an allowance made on an individual who is not an active partner (within the meaning of section 409A of that Act), an amount equal to the amount of that allowance,
- (vii) where an individual is entitled to an allowance under subsection (3) of section 272 of the Principal Act of an amount determined in accordance with paragraph (a), (b), (c)(iii), (da), (db), (e) or (g) of that subsection, other than where such an allowance is made on a lessor of an industrial building or structure and an allowance made on an individual who is not an active partner (within the meaning of section 409A of that Act), an amount equal to the amount of that allowance, and
- (viii) where an individual is entitled to an allowance under subsection (2) of section 658 of the Principal Act of an amount determined in accordance with paragraph (b) of that subsection, or an allowance under section 659(2)(a) of that Act determined in accordance with subsection (3A), (3AA) (3B) or (3BA) of that section, other than where such an allowance is made on an individual who is not an active partner (within the meaning of section 409A of that Act), an amount equal to the amount of that allowance,

and as if sections 140, 141, 142, 143, 195, 232, 234 and 664 of the Principal Act were never enacted and without regard to any deduction -

- (A) in respect of double rent allowance under section 324(2), 333(2), 345(3) or 354(3) of the Principal Act,
- (B) under section 372AP of the Principal Act, in computing the amount of a surplus or deficiency in respect of rent from any premises,
- (C) under section 372AU of the Principal Act, in computing

the amount of a surplus or deficiency in respect of rent from any premises,

(D) under section 847A of the Principal Act, in respect of a relevant donation (within the meaning of that section), or

(E) under section 848A of the Principal Act, in respect of a relevant donation (within the meaning of that section).

(3) THAT universal social charge shall not be payable for a tax year by an individual who proves to the satisfaction of the Revenue Commissioners that his or her aggregate income for the tax year does not exceed €4,004.

(4) THAT for the tax year 2011, and for each subsequent tax year, an individual shall be charged to universal social charge on his or her aggregate income for the tax year –

(a) at the rate specified in the second column of the Table to this paragraph corresponding to the part of aggregate income specified in the first column of that Table where the individual is aged under 70 years, and

(b) at the rate specified in the third column of the Table to this paragraph corresponding to the part of aggregate income specified in the first column of that Table where the individual is aged 70 years or over at any time during the tax year.

**TABLE**

<b>Part of aggregate income</b>	<b>Rate of universal social charge Individuals aged under 70 years</b>	<b>Rate of universal social charge Individuals aged 70 years or over</b>
The first €10,036	2%	2%
The next €5,980	4%	4%
The remainder	7%	4%



(5) THAT -

- (a) an employer shall be liable in the first instance to pay universal social charge due in respect of any payment of relevant emoluments,
- (b) as respects any payment of relevant emoluments made to or on behalf of an employee on or after 1 January 2011, universal social charge shall be deducted from such emoluments by the employer at any or all of the following rates:

- (i) 2 per cent where the amount of the relevant emoluments does not exceed €193, in the case where the period in respect of which the payment is being made is a week, or a corresponding amount where the period is greater or less than a week;

- (ii) 4 per cent on the amount of the excess:

- (I) where the amount of the relevant emoluments exceeds €193, but does not exceed €308, or

- (II) where, in the case of an employee who is aged 70 years or over at any time during the tax year, the amount of the relevant emoluments exceeds €193,

in the case where the period in respect of which the payment is being made is a week, or a corresponding amount where the period is greater or less than a week;

- (iii) 7 per cent on the amount of the excess where the amount of the relevant emoluments exceeds €308, in the case where the period in respect of which payment is being made is a week, or a corresponding amount where the period is greater or less than a week,

and notwithstanding that the relevant emoluments are in whole or in part for some tax year other than that during which the payment is made,

- (c) the provisions of Part 4 of the PAYE Regulations, with any necessary modifications, shall apply to universal social charge in respect of relevant emoluments and universal social charge payable by an employee shall only be recoverable from him or her by his or her employer by deduction in accordance with those provisions,
- (d) within 14 days of the end of every income tax month the employer shall remit to the Collector-General the total of all amounts of universal social charge which the employer was liable to deduct from relevant emoluments paid by the employer during that income tax month,
- (e) the Collector-General may, in writing, and unless the employer objects, authorise the employer to remit to the Collector-General, within 14 days from the end of such longer period (if any) but not exceeding one year, as may be so authorised, the total of all amounts of universal social charge which the employer was liable to deduct from relevant emoluments paid by the employer during that longer period,
- (f) where a remittance referred to in subparagraph (d) of this paragraph is made by such electronic means (within the meaning of section 917EA of the Principal Act) as are approved by the Revenue Commissioners, that subparagraph shall apply and have effect as if “within 23 days of the end of every income tax month” were substituted for “within 14 days of the end of every income tax month” but, where that remittance is not made within that period of 23 days, subparagraph (d) shall apply and have effect without regard to the provisions of this subparagraph, and
- (g) on payment of universal social charge, the Collector-General may send, make available or cause to be made available to the employer concerned a receipt in respect of the payment.

(6) THAT -

- (a) an employer shall, in the case of an employee to whom he or she makes a payment of relevant emoluments, give to the employee, on the cessation of the period of employment to which the payment of universal social charge in respect of the employee relates, a certificate showing —

- (i) the total universal social charge as respects the employee which the employer was liable to remit for the tax year in which the cessation occurs up to and including the date of cessation,
- (ii) the dates of commencement (where applicable) and cessation within that year of the employment of the individual,
- (iii) the rate of universal social charge payable as respects the employee, and
- (iv) the total relevant emoluments paid to the employee in that year up to and including the date of cessation, and

and

- (b) the certificate specified in subparagraph (a) of this paragraph shall be in such form as may be provided or approved of by the Revenue Commissioners.

(7) THAT an employer shall record the following particulars in respect of each employee to whom payment of relevant emoluments has been made in a tax year—

- (a) the amount of each payment of relevant emoluments,
- (b) the amount of universal social charge deducted from each such payment,
- (c) the total amount of universal social charge which the employer is liable to remit in respect of each such payment, and
- (d) the dates of commencement and cessation within the tax year of the employment of the individual, where applicable.

(8) THAT the records specified in paragraph (7) of this Resolution shall be in a form approved of by the Revenue Commissioners and shall be retained by an employer for 6 years after the end of the tax year to which they refer.

(9) THAT sections 989, 990, 990A, and 991 of the Principal Act shall apply to universal social charge payable on relevant emoluments as they apply to income tax.

(10) THAT, where universal social charge is payable for the tax year 2011 in respect of aggregate income of an individual for that year, section 958 of the Principal Act shall apply and have effect as if, in accordance with this Resolution, universal social charge was payable for the tax year 2010.

(11) THAT universal social charge is under the care and management of the Revenue Commissioners and Part 37 of the Principal Act shall apply to universal social charge as it applies to income tax.

(12) THAT repayments of income levy (within the meaning of section 531A of the Principal Act) paid for the tax years 2009 and 2010 shall, to the extent that insufficient income levy has been paid in 2011 or a later year, be made out of universal social charge.

(13) THAT –

- (a) where any income levy (within the meaning of section 531A of the Principal Act), in relation to an employee, remains unpaid for the tax year 2009 or 2010 and is not otherwise recovered (in this subparagraph referred to as the “underpayment”), the employer shall be treated, on receipt of a notice from an inspector of taxes or other officer of the Revenue Commissioners to the effect that this paragraph applies, as making a payment of relevant emoluments (within the meaning of paragraph (1) of this Resolution) to the employee in the tax year 2011 of an amount equal to the amount referred to in subparagraph (b) of this paragraph (in this paragraph referred to as “notional emoluments”),
- (b) the amount of the notional emoluments shall be an amount which would produce an amount of universal social charge equal to the amount of the underpayment and which amount shall be set out in the notice issued under subparagraph (a) of this paragraph,
- (c) where an employer is treated as making a payment of notional emoluments in the tax year 2011, the amount of the notional emoluments for the tax year shall be apportioned over the tax year to each week, in a case where relevant emoluments are paid weekly, or such corresponding period where relevant emoluments are paid for a period either greater or less than a week,
- (d) the employer shall deduct universal social charge in accordance with this Resolution by reference to the part of the notional emoluments for the tax year apportioned to each such week or a corresponding amount where the period is greater or less than a week and, for the

purposes of determining the amount of universal social charge to be deducted in accordance with this subparagraph, the part of the notional emoluments so apportioned shall be treated as the highest portion of the employee's relevant emoluments (within the meaning of paragraph (1) of this Resolution) for that week or other period.

(14) THAT, where any income levy (within the meaning of section 531A of the Principal Act) or universal social charge, as the case may be, remains unpaid after the end of a tax year, the amount of tax credits (within the meaning of the PAYE Regulations) and the standard rate cut-off point (within that meaning) appropriate to an employee for any subsequent tax year may be adjusted as necessary by an inspector of taxes or other officer of the Revenue Commissioners to collect unpaid universal social charge or income levy which is not otherwise recovered.

(15) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act (No. 7 of 1927).

## **FINANCIAL RESOLUTION No. 14**

### **INCOME LEVY**

(1) THAT the tax known as income levy imposed by section 531B (inserted by section 2 of the Finance (No. 2) Act 2008) of the Taxes Consolidation Act 1997 (No. 39 of 1997) shall cease to be charged with effect as on and from 1 January 2011.

(2) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act (No. 7 of 1927).

## FINANCIAL RESOLUTION No. 15

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### STAMP DUTIES

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(1) THAT for the purposes of stamp duty charged by virtue of the Stamp Duties Consolidation Act 1999 (No. 31 of 1999) –

(a) the following sections of that Act shall cease to have effect–

(i) section 83A (inserted by the Finance Act 2001 (No. 7 of 2001)),

(ii) section 91A (inserted by the Finance Act 2004 (No. 8 of 2004)),

(iii) section 92, and

(iv) section 92B (inserted by the Finance (No. 2) Act 2000 (No. 19 of 2000)),

and

(b) Schedule 1 to that Act be amended –

(i) under 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.” –

(I) by substituting the following for paragraphs (1) and (2):

“(1) Where the amount or value of the 1 per cent of the first consideration for the sale is wholly or €1,000,000 of the partly attributable to residential consideration and 2 per property and the instrument contains a cent of the balance of the statement certifying that the consideration thereafter consideration for the sale is, as the case but where the calculation may be – results in an amount

(a) wholly attributable to residential which is not a multiple of property, or €1 the amount so

(b) partly attributable to residential calculated shall, if less

property, than €1, be rounded up to  
and that the transaction effected by that €1 and, if more than €1,  
instrument does not form part of a be rounded down to the  
larger transaction or of a series of nearest €.”,  
transactions in respect of which, had  
there been a larger transaction or a  
series of transactions, the amount or  
value, or the aggregate amount or  
value, of the consideration (other than  
the consideration for the sale concerned  
which is wholly or partly attributable to  
residential property) would have been  
wholly or partly attributable to  
residential property:

for the consideration which is  
attributable to residential property

(II) in paragraph (3) –

(A) by substituting “paragraph (1) does” for “paragraphs (1) and (2)  
do”,

(B) by substituting “paragraph (1)” for “paragraph (2)” in each place,  
and

(C) by substituting “shall, if less than €1, be rounded up to €1 and, if  
more than €1, be rounded down to the nearest €.” for “shall be  
rounded down to the nearest €.”,

(III) in paragraph (4) –

(A) by substituting “2 per cent” for “9 per cent”, and



(B) by substituting “shall, if less than €1, be rounded up to €1 and, if more than €1, be rounded down to the nearest €.” for “shall be rounded down to the nearest €.”,

and

(IV) in paragraph (15) by substituting “Where paragraphs (7) to (13) apply” for “Where”,

and

(ii) under the Heading “LEASE.” –

(I) by substituting the following for clauses (i) and (ii) of paragraph (3)(a):

“(i) the amount or value of such 1 per cent of the first consideration for the lease is wholly or €1,000,000 of the partly attributable to residential property consideration and 2 per cent of the balance of the instrument contains a statement certifying that the consideration (other than rent) for the lease is, as the case may be – but where the calculation results in an amount

(I) wholly attributable to residential property, or which is not a multiple of €1 the amount so

(II) partly attributable to residential property, calculated shall, if less than €1, be rounded up to

and that the transaction effected by that instrument does not form part of a larger transaction or of a series of transactions nearest €.”,

in respect of which, had there been a larger transaction or a series of transactions, the amount or value, or the aggregate amount or value, of the consideration (other than the

consideration for the lease concerned which is wholly or partly attributable to residential property and other than rent) would have been wholly or partly attributable to residential property:

for the consideration which is attributable to residential property

(II) in clause (iii) –

(A) by substituting “clause (i) does” for “clauses (i) and (ii) do”, and

(B) by substituting “clause (i)” for “clause (ii)” in each place,

and

(III) in clause (iv) –

(A) by substituting “2 per cent” for “9 per cent”, and

(B) by substituting “shall, if less than €1, be rounded up to €1 and, if more than €1, be rounded down to the nearest €.” for “shall be rounded down to the nearest €.”.

(2) THAT, subject to paragraph (3) of this Resolution, paragraph (1) of this Resolution shall have effect as respects instruments executed on or after 8 December 2010.

(3) Paragraph (1) of this Resolution shall not apply as respects any instrument executed before 1 July 2011 where –

(a) the effect of the application of that paragraph would be to increase the duty otherwise chargeable on the instrument, and

(b) the instrument contains a statement, in such form as the Revenue Commissioners may specify, certifying that the instrument was executed solely in pursuance of a binding contract entered into before 8 December 2010.

(4) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act 1927 (No. 7 of 1927).

## FINANCIAL RESOLUTION NO. 16

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### INCOME TAX

---

(1) THAT, as respects any payment or crediting of relevant interest (within the meaning of Chapter 4 of Part 8 of the Taxes Consolidation Act 1997 (No. 39 of 1997)) made on or after 1 January 2011, the definition of “appropriate tax” in section 256(1) of the Taxes Consolidation Act 1997 be amended—

*(a) in paragraph (a) by substituting “27 per cent” for “25 per cent”,*

*(b) in paragraph (b) by substituting “27 per cent for “25 per cent”, and*

*(c) in paragraph (c) by substituting “30 per cent” for “28 per cent”.*

(2) THAT, as respects any dividend paid or credited to a special share account or a special term share account (within the meaning of Chapter 5 of Part 8 of the Taxes Consolidation Act 1997), section 267B of the Taxes Consolidation Act 1997 be amended in respect of dividends paid or credited on or after 1 January 2011—

(a) in subsection (2)(b) by substituting “27 per cent” for “25 per cent”, and

(b) in subsection (3)(b) by substituting “27 per cent” for “25 per cent”.

(3) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act 1927 (No. 7 of 1927).

## FINANCIAL RESOLUTION No. 17

### INCOME TAX

#### LIFE ASSURANCE POLICIES AND INVESTMENT FUNDS

(1) THAT section 730F(1) of the Taxes Consolidation Act 1997 (No. 39 of 1997), as respects the happening of a chargeable event in relation to a life policy (within the meaning of Chapter 5 of Part 26 of that Act) on or after 1 January 2011, be amended –

(a) in paragraph (a) by substituting “30 per cent” for “28 per cent”, and

(b) in paragraph (b) by substituting “(S+30) per cent” for “(S+28) per cent”.

(2) THAT Chapter 6 of Part 26 of the Taxes Consolidation Act 1997, as respects the receipt by any person of a payment in respect of a foreign life policy (within the meaning of Chapter 6 of that Part) or the disposal in whole or in part of a foreign life policy (within that meaning) on or after 1 January 2011, be amended –

(a) in section 730J (a) –

(i) in clause (I) of subparagraph (i) by substituting “27 per cent” for “25 per cent”,

(ii) in clause (II)(A) of subparagraph (i) by substituting “(S+30) per cent” for “(S+28) per cent”,

(iii) in clause (II)(B) of subparagraph (i) by substituting “30 per cent” for “28 per cent”, and

(iv) in clause (I) of subparagraph (ii) by substituting “(H+27) per cent” for “(H+25) per cent”,

and

(b) in section 730K –

(i) in paragraph (a) of subsection (1) by substituting “(S+30) per cent” for “(S+28) per cent”, and

(ii) in paragraph (b) of subsection (1) by substituting “30 per cent” for “28 per cent”.

(3) THAT Chapter 1A of Part 27 of the Taxes Consolidation Act 1997, as respects the happening of a chargeable event in relation to an investment undertaking (within the meaning of section 739B(1) of that Act) on or after 1 January 2011, be amended –

(a) in the formula in section 739D(5A) by substituting “(G x 30)” for “(G x 28)”, and

(b) in section 739E(1) –

(i) in paragraph (a) by substituting “27 per cent” for “25 per cent”,

(ii) in paragraph (b) by substituting “30 per cent” for “28 per cent”, and

(iii) in paragraph (ba) by substituting “(S+30) per cent” for “(S+28) per cent”.

(4) THAT Chapter 4 of Part 27 of the Taxes Consolidation Act 1997, as respects –

(a) the receipt by any person of a payment in respect of a material interest in an offshore fund (within the meaning of Chapter 4 of that Part), or

(b) the disposal in whole or in part of a material interest in an offshore fund (within that meaning),

on or after 1 January 2011, be amended –

(i) in section 747D –

(I) in paragraph (a)(i)(I) –

(A) in subclause (A) by substituting “(S+30) per cent” for “(S+28) per cent”, and

(B) in subclause (B) by substituting “27 per cent” for “25 per cent”,

(II) in paragraph (a)(i)(II) –

a. in subclause (A) by substituting “(S+30) per cent” for “(S+28) per cent”, and

b. in subclause (B) by substituting “30 per cent” for “28 per cent”,

and

(III) in paragraph (a)(ii)(I) by substituting “(H+27) per cent” for “(H+25) per cent”,

and

(ii) in section 747E(1) –

(I) in paragraph (b)(i) by substituting “(S+30) per cent” for “(S+28) per cent”, and

(II) in paragraph (b)(ii) by substituting “30 per cent” for “28 per cent”.

(5) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act 1927 (No. 7 of 1927).

FINANCIAL RESOLUTION NO 18

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**CAPITAL ACQUISITIONS TAX**

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(1) THAT, as respects a gift or an inheritance taken on or after 8 December 2010, the definition of “group threshold” in paragraph 1 of Part 1 of Schedule 2 to the Capital Acquisitions Tax Consolidation Act 2003 (No. 1 of 2003) be amended —

(a) in subparagraph (a) by substituting “€244,000” for “€304,775”,

(b) in subparagraph (b) by substituting “€24,400” for “€30,478”,  
and

(c) in subparagraph (c) by substituting “€12,200” for “€15,239”.

(2) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act 1927 (No. 7 of 1927).

## **FINANCIAL RESOLUTION No. 19**

### **CORPORATION TAX**

(1) THAT Schedule 24 to the Taxes Consolidation Act 1997 (No. 39 of 1997) be amended in paragraph 4 by adding the following after subparagraph (5)—

“(6) (a) The provisions of subparagraph (5), in relation to the allocation of deductions, shall not apply to relevant trading charges on income.

(b) For the purposes of clause (a) ‘relevant trading charges on income’ has the same meaning as in section 243A.”.

(2) THAT this Resolution shall have effect—

(a) for an accounting period of a company for which the return under section 951 of the Taxes Consolidation Act 1997 for the purposes of corporation tax is made by the company on or after 7 December 2010, and

(b) for any other accounting period, in relation to any claim to repayment of, or reduction of liability to, corporation tax for that accounting period where such claim is made on or after 7 December 2010.

(3) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act 1927 (No. 7 of 1927).



## **FINANCIAL RESOLUTION No. 20**

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### **INCOME TAX and CORPORATION TAX**

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(1) THAT section 372AP of the Taxes Consolidation Act 1997 (No. 39 of 1997) be amended with effect as on and from 7 December 2010 —

(a) in subsection (1), in the definition of “relevant period” —

(i) in paragraph (b)(ii) by substituting “after the date of such completion,” for “after the date of such completion;”, and

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

“ but in relation to a premises which is not a qualifying premises or a special qualifying premises on 30 June 2011 solely by virtue of not being let on that day under a qualifying lease, the relevant period shall begin on that day and this Chapter shall apply accordingly;”,

(b) in subsection (2) by substituting “Subject to subsections (3), (4), (5), (8A), (8B) and (8C),” for “Subject to subsections (3), (4) and (5),”,

(c) in subsection (3) by inserting the following after paragraph (b):

“(c) For the purposes of paragraph (a) and notwithstanding paragraph (b), no deduction shall be given under subsection (2)(a) for any chargeable period which begins after the chargeable period in which the relevant period ends.”,

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

“(c) Notwithstanding any other provision of this section, paragraph (a) shall not apply where the event mentioned in subsection (7)(b) occurs on or after 1 January 2011.”,

and

(e) by inserting the following after subsection (8):

“(8A) Where the relevant period in relation to any qualifying premises or any special qualifying premises ends in any chargeable period ending—

(a) before 1 January 2011, or

(b) at any other time,

then section 384 shall not apply to the amount of any excess (within the meaning of section 384(2)) in respect of eligible expenditure on that premises which is carried forward from that chargeable period —

(i) where paragraph (a) applies, to the chargeable period ending in 2011 and each subsequent chargeable period, and

(ii) where paragraph (b) applies, to the next subsequent chargeable period and each subsequent chargeable period.

(8B) (a) Where, by virtue of subsection (2), any eligible expenditure to which this section applies falls to be taken into account for any chargeable period ending on or after 1 January 2011 in computing, under section 97(1), a deficiency in respect of any rent from a qualifying premises or a special qualifying premises, then, notwithstanding subsection (2), only so much of that eligible expenditure as does not exceed the amount of that rent shall be so taken into account and paragraph (b) is to

apply as respects each subsequent chargeable period to any excess of that eligible expenditure over the amount of that rent (referred to in this subsection as 'excess expenditure').

- (b) Where, as respects each chargeable period to which paragraph (a) applies, there is an amount of excess expenditure, that amount shall be treated, for the purposes of subsection (2) and this subsection, as if it were eligible expenditure to which this section applies which, by virtue of subsection (2), falls to be taken into account for the next succeeding chargeable period in computing under section 97(1) a surplus or deficiency in respect of any rent from the qualifying premises or the special qualifying premises.

(8C) For the purposes of subsections (8A) and (8B), section 485C(3)(ab) and paragraph 4 of Schedule 25C shall apply in determining the amount of any relief, to which this Chapter applies, to be carried forward from any chargeable period to each subsequent chargeable period.”.

(2) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act 1927 (No. 7 of 1927).

**FINANCIAL RESOLUTION No. 21**  
**Income Tax and Corporation Tax: Property Incentives (Capital Allowances)**

(1) THAT in this Resolution-

“active partner” has the same meaning as in section 409A of the Principal Act;

“active trader” has the same meaning as in section 409D of the Principal Act;

“area-based capital allowance” has the meaning assigned to it by paragraph (5) of this Resolution;

“balancing allowance” means any allowance made under section 274 of the Principal Act;

“capital allowance” means any allowance or part of any allowance specified in paragraph (2) or (5) of this Resolution;

“chargeable period” has the same meaning as in section 321 of the Principal Act and a reference to a chargeable period or its basis period shall be construed in accordance with section 321(2) of that Act;

“Principal Act” means the Taxes Consolidation Act 1997 (No. 39 of 1997);

“relevant interest” has the same meaning as in section 269 of the Principal Act;

“residue of expenditure” shall be construed in accordance with section 277 of the Principal Act;

“specified capital allowance” has the meaning assigned to it by paragraph (2) of this Resolution;

“specified relief” has the same meaning as in section 485C of the Principal Act;

“Tax Acts” has the same meaning as in section 1 of the Principal Act;

“tax year” means a year of assessment within the meaning of the Tax Acts;

“writing down allowance” means any allowance made under section 272 of the

Principal Act.

(2) THAT in this Resolution “specified capital allowance” means-

- (a) any writing down allowance made under section 272 of the Principal Act for a chargeable period, including any such allowance or part of such allowance made for a previous chargeable period and carried forward from that previous chargeable period in accordance with Part 9 of the Principal Act,
- (b) any writing down allowance made under section 272 of the Principal Act and increased under section 273 of that Act for a chargeable period, including any such allowance or part of such allowance made for a previous chargeable period and carried forward from that previous chargeable period in accordance with Part 9 of the Principal Act, and
- (c) any balancing allowance made under section 274 of the Principal Act for a chargeable period, including any such allowance or part of such allowance made for a previous chargeable period and carried forward from that previous chargeable period in accordance with Part 9 of the Principal Act, or
- (d) any allowance made under Chapter 1 of Part 9 of the Principal Act as that Chapter is applied by section 372AX, 372AY, 843 or 843A of the Principal Act for a chargeable period, including any such allowance or part of such allowance made for a previous chargeable period and carried forward from that previous chargeable period in accordance with Part 9 of the Principal Act,

that is a specified relief.

(3) THAT, notwithstanding any other provision of the Tax Acts, as respects the tax year 2011 and each subsequent tax year, the amount in relation to a building or structure of any specified capital allowance that is carried forward in accordance with either section 304 or 305 of the Principal Act to the tax year 2011 or any subsequent tax year, being a tax year that is-

- (a) 7 years after the year in respect of which such a capital allowance was first made in relation to the building or structure, in a case where the first such allowance was made at a rate equal to 15 per cent, or
- (b) 10 years after the year in respect of which such a capital allowance was first made in relation to the building or structure, in a case where the first such

allowance was made at a rate equal to 10 per cent,

shall, subject to paragraph (9) of this Resolution, be zero for all the purposes of the Tax Acts.

(4) THAT, notwithstanding any other provision of the Tax Acts, the amount in relation to a building or structure of any specified capital allowance that-

(a) is available to be carried forward, in accordance with section 308(3) of the Principal Act, to an accounting period beginning on or after 7 December 2010, or

(b) may be set, in accordance with section 308(4) of the Principal Act, against the profits of an accounting period preceding any accounting period beginning on or after 7 December 2010,

being an accounting period that begins-

(i) 7 years after the year in respect of which a capital allowance was first made in relation to the building or structure, in a case where the first such allowance was made at a rate equal to 15 per cent, or

(ii) 10 years after the year in respect of which a capital allowance was first made in relation to that building or structure, in a case where the allowance was made at a rate equal to 10 per cent,

shall be zero for all the purposes of the Tax Acts.

(5) THAT in this Resolution “area-based capital allowance” means-

(a) any allowance made under Chapter 1 of Part 9 of the Principal Act as that Chapter is applied by section 323, 331, 332, 341, 342, 343, 344, 352, 353, 372C, 372D, 372M, 372N, 372V, 372W, 372AC or 372AD of the Principal Act for a chargeable period, including any such allowance or part of such allowance made for a previous chargeable period and carried forward from that previous chargeable period in accordance with Part 9 of the Principal Act, or

(b) any allowance made under Chapter 1 of Part 9 of the Principal Act as that Chapter is applied by virtue of paragraph 11 of Schedule 32 to the Principal Act for a chargeable period, including any such allowance or part of such allowance made for a previous chargeable period and carried forward from that previous chargeable period in accordance with Part 9 of the Principal Act.

(6) THAT, as respects any chargeable period beginning on or after 7 December 2010 and notwithstanding any other provision of the Tax Acts-

- (a) the amount of any area-based capital allowance, other than such an allowance made under section 274, for a chargeable period (in this paragraph referred to as the “first-mentioned chargeable period”) to be made in relation to a building or structure shall, instead of being determined in accordance with the provisions of the Tax Acts as they applied immediately before the passing of this Resolution and subject to subparagraph (c), be an amount determined in accordance with subparagraph (b),
- (b) the amount referred to in subparagraph (a) is an amount given by the formula-

$$A * \frac{1}{B}$$

where-

A is the residue of expenditure calculated as if the relevant interest in the building or structure had been sold on the last day of the chargeable period or its basis period that immediately preceded the first-mentioned chargeable period, and

B is the number of years or accounting periods, as the case may be, remaining in the period of 7 years beginning with the year or accounting period in which a capital allowance was first made in relation to that building or structure,

- (c) the amount of any area-based capital allowance to be made in relation to a building or structure, including any allowance made in accordance with paragraph (a), shall, for all the purposes of the Tax Acts, be reduced, subject to paragraph (9) of this Resolution, to an amount that is equal to 80% of what that allowance would otherwise be if this subparagraph did not have effect, and
- (d) where subparagraph (c) applies in respect of any capital allowance it shall not apply again as respects that allowance or any part of that allowance that is carried forward in accordance with section 303, 304 or 308, as the case may be, of the Principal Act to any other chargeable period that falls into the remaining period referred to in the meaning of “B” in subparagraph (b).

(7) THAT, notwithstanding any other provisions of the Tax Acts, as respects the tax year 2011 and each subsequent year-

- (a) the amount of any area-based capital allowance to be made in relation to a building or structure, and
- (b) the amount of any area-based capital allowance in relation to a building or structure to be carried forward in accordance with either section 304 or 305 of the Principal Act as those provisions are applied or modified by any other provision of the Tax Acts,

shall, subject to paragraph (9) of this Resolution, be zero for all the purposes of the Tax Acts where the allowance is made for, or carried forward to, a tax year that is 7 years after the tax year in respect of which a capital allowance was first made in relation to that building or structure.

(8) THAT, notwithstanding any other provision of the Tax Acts-

- (a) the amount of any area-based capital allowance to be made in relation to a building or structure,
- (b) the amount of any such allowance that is available to be carried forward in accordance with section 308(3) of the Principal Act to an accounting period beginning on or after 7 December 2010, or
- (c) the amount of any such allowance that may be set, in accordance with section 308(4) of the Principal Act, against the profits of an accounting period preceding any accounting period to which subparagraph (a) applies,

shall be zero for all the purposes of the Tax Acts where the allowance is made for, or carried forward to, an accounting period that is 7 years after the accounting period in respect of which a capital allowance was first made in relation to that building or structure or is available for setting against the profits of a preceding accounting period that is 6 years after the accounting period in respect of which a capital allowance was first made in relation to that building or structure .

(9) THAT-

- (a) paragraphs (3), (6) and (7) of this Resolution shall not apply to an individual where any specified capital allowance or area based capital allowance is made in taxing a trade in relation to which trade the individual is an active partner or an active trader, and
- (b) paragraph (6) of this Resolution shall not apply to a company where any specified



capital allowance or area-based capital allowance is made in taxing that company's trade.

(11) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act (No. 7 of 1927).

**FINANCIAL RESOLUTION No. 22**  
**Income Tax and Corporation Tax: Property Incentives**  
**(Restriction of Capital Allowances)**

(1) THAT in this Resolution-

“active partner” has the same meaning as in section 409B of the Principal Act;

“active trader” has the same meaning as in section 409D of the Principal Act;

“balancing allowance” means any allowance made under section 274 of the Principal Act;

“capital allowance” means any allowance or part of any allowance, to which paragraph (2) of this Resolution applies;

“chargeable period” has the same meaning as in section 321 of the Principal Act and a reference to a chargeable period or its basis period shall be construed in accordance with section 321(2) of that Act;

“Principal Act” means the Taxes Consolidation Act 1997 (No. 39 of 1997);

“specified amount of rent”, in relation to a building or structure and a person for a chargeable period, means the amount of the surplus in respect of the rent from the building or structure to which the person becomes entitled for the chargeable period, as computed in accordance with section 97(1);

“Tax Acts” has the same meaning as in section 1 of the Principal Act;

“writing down allowance” means any allowance made under section 272 of the Principal Act and includes any such allowance as increased under section 273 of the Principal Act;

“year of assessment” has the same meaning as in section 3 of the Principal Act.

(2) THAT this paragraph applies to -

(a) any writing down allowance made for a chargeable period, including any such

allowance or part of such allowance made for a previous chargeable period and carried forward from that previous chargeable period in accordance with Part 9 of the Principal Act,

(b) any balancing allowance made for a chargeable period, including any such allowance or part of such allowance made for a previous chargeable period and carried forward from that previous chargeable period in accordance with Part 9 of the Principal Act, and

(c) any allowance made under Chapter 1 of Part 9 of the Principal Act as that Chapter is applied by section 323, 331, 332, 341, 342, 343, 344, 352, 353, 372C, 372D, 372M, 372N, 372V, 372W, 372AC, 372AD, 372AX, 372AY, 843 or 843A of the Principal Act for a chargeable period, including any such allowance or part of such allowance made for a previous chargeable period and carried forward from that previous chargeable period in accordance with Part 9 of the Principal Act, and

(d) any allowance made under Chapter 1 of Part 9 of the Principal Act as that Chapter is applied by virtue of paragraph 11 of Schedule 32 to the Principal Act for a chargeable period, including any such allowance or part of such allowance made for a previous chargeable period and carried forward from that previous chargeable period in accordance with Part 9 of the Principal Act,

that is a specified relief.

(3) THAT, notwithstanding any other provision of the Tax Acts, as respects the year of assessment 2011 and each subsequent year of assessment where, in the case of an individual who carries on a trade, including a trade carried on by 2 or more individuals in partnership, otherwise than as an active trader or an active partner, a capital allowance, in relation to a building or structure, is made to the individual either in taxing that trade or by means of discharge or repayment of tax to which the individual is entitled by reason of the individual carrying on the trade concerned then,—

- (a) the capital allowance shall be made to the individual only in computing the income or profits from the trade concerned, and
- (b) the capital allowance shall not be made in computing any other income or profits or in taxing any other trade or in charging any other income to tax.

(4) THAT, notwithstanding any other provision of the Tax Acts, as respects any chargeable period commencing on or after 7 December 2010, in computing the amount of profits or gains for the purposes of Case V of Schedule D —

- (a) any capital allowance in respect of a building or structure to be made to a person shall —
  - (i) not exceed the specified amount of rent from the building or structure for that chargeable period,
  - (ii) be made in charging the specified amount of rent under Case V of Schedule D for that chargeable period, and
  - (iii) be available in charging the specified amount of rent,
- (b) section 278 of the Principal Act shall apply with any modifications necessary to give effect to subparagraph (a), and
- (c) section 305(1)(c) shall apply in relation to a capital allowance to be made in accordance with subparagraph (a).

(5) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act 1927 (No.7 of 1927).

## **FINANCIAL RESOLUTION NO 23**

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### **INCOME TAX**

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(1) THAT section 195(3) of the Taxes Consolidation Act 1997 (No. 39 of 1997) be amended as respects the year of assessment 2011 and each subsequent year of assessment:

(a) in paragraph (a), by substituting “subject to paragraphs (aa) and (b)” for “subject to paragraph (b)”, and

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

“(aa) The amount of the profits or gains which shall be disregarded for the purposes of the Income Tax Acts by virtue of paragraph (a) shall not exceed €40,000 for a year of assessment .”.

(2) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act (No. 7 of 1927).

**FINANCIAL RESOLUTION No. 24**

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INCOME TAX

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(5) THAT section 120A of the Taxes Consolidation Act 1997 (No. 39 of 1997), providing for exemption from income tax of certain childcare facilities, shall cease to have effect for the year of assessment 2011 and each subsequent year of assessment.

(2) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act 1927 (No.7 of 1927).

**FINANCIAL RESOLUTION No. 25**

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INCOME TAX

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(6) THAT section 472C of the Taxes Consolidation Act 1997 (No. 39 of 1997) shall cease to have effect as and from 1 January 2011.

(2) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act 1927 (No.7 of 1927).

**FINANCIAL RESOLUTION No. 26**

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INCOME TAX

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(7) THAT subsection (5E) of section 118 of the Taxes Consolidation Act 1997 (No. 39 of 1997), providing for exemption from income tax of expenses incurred by a body corporate in connection with the payment of annual membership fees of a professional body on behalf of a director or employee, shall cease to have effect for the year of assessment 2011 and each subsequent year of assessment.

(2) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act 1927 (No.7 of 1927).



## FINANCIAL RESOLUTION No. 27

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### INCOME TAX

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(8) THAT section 473 of the Taxes Consolidation Act 1997 (No. 39 of 1997), in relation to income tax allowance for rent paid by certain tenants, be amended-

(a) as respects the year of assessment 2011 and each subsequent year of assessment by substituting, in the definition of “specified limit” in subsection (1)-

- (i) “€3,200” for “€4,000” and “€6,400” for “€8,000” in paragraph (a), and
- (ii) “€1,600” for “€2,000” and “€3,200” for “€4,000” in paragraph (b),

(b) by inserting after the definition of “appropriate percentage” the following definition-

“‘new claimant’ means an individual who is not entitled to relief under this section on 7 December 2010;”,

and

(c) by inserting the following after subsection (10)-

“(11) The reduction in income tax provided for by subsection (2) shall not apply for any year of assessment in the case of an individual who is a new claimant.”.

(2) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act 1927 (No.7 of 1927).

## **FINANCIAL RESOLUTION No. 28**

### INCOME TAX

(1) THAT, as respects approved share option schemes, section 519D of the Taxes Consolidation Act 1997 (No. 39 of 1997) be amended by inserting the following after subsection (7):

“(8) The exemption from income tax authorised by subsection (2) in respect of the receipt of the right referred to in subsection (1) shall not apply where the right is received on or after 24 November 2010.

(9) The exemption from income tax authorised by subsection (3) in respect of any gain realised by the exercise of the right referred to in subsection (1) shall not apply where the gain from the exercise of the right is realised on or after 24 November 2010.”.

(2) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act (No. 7 of 1927).

## **FINANCIAL RESOLUTION No. 29**

### **INCOME TAX**

(1) THAT, as respects relief for new shares purchased on issue by employees, section 479 of the Taxes Consolidation Act 1997 (No. 39 of 1997) be amended by inserting the following after subsection (8):

“(9) The deduction authorised by subsection (2) shall not be made in respect of eligible shares where those shares are subscribed for on or after 8 December 2010.”

(2) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act (No. 7 of 1927).

**FINANCIAL RESOLUTION No. 30**

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INCOME TAX

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(1) THAT, as respects the application of section 985 of the Taxes Consolidation Act 1997 (No. 39 of 1997) to certain perquisites, section 985A of that Act be amended-

(a) in subsection (1A) by substituting “Subject to subsection (1B), subsection (1)” for “Subsection (1)”, and

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

“(1B) Subsection (1A) shall not apply to shares or stock referred to in that subsection received on or after 1 January 2011.”

(2) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act (No. 7 of 1927).

## **FINANCIAL RESOLUTION No 31**

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### INCOME TAX

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(1) THAT section 248 of the Taxes Consolidation Act 1997 (No. 39 of 1997) be amended by inserting the following after subsection (5):

“(6) Notwithstanding subsection (5), the deduction authorised by that subsection shall not exceed-

- (a) as respects the year of assessment 2011, 75 per cent of the deduction that would but for this subsection be authorised by that subsection,
- (b) as respects the year of assessment 2012, 50 per cent of the deduction that would but for this subsection be authorised by that subsection,
- (c) as respects the year of assessment 2013, 25 per cent of the deduction that would but for this subsection be authorised by that subsection , and
- (d) as respects the year of assessment 2014 and each subsequent year of assessment, zero per cent of the deduction that would but for this subsection be authorised by that subsection.

(7) This section shall not apply to a loan made after 7 December 2010.”

(2) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act 1927 (No.7 of 1927).

**FINANCIAL RESOLUTION No. 32**

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**INCOME TAX AND CORPORATION TAX**

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(1) THAT section 141 of the Taxes Consolidation Act 1997 (No. 39 of 1997) be amended, as respects distributions made out of disregarded income (within the meaning of that section) on or after 24 November 2010, by inserting the following after subsection (10):

“(11) This section shall not apply to distributions made out of disregarded income on or after 24 November 2010.”.

(2) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act (No. 7 of 1927).

**FINANCIAL RESOLUTION No. 33**

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**INCOME TAX AND CORPORATION TAX**

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(1) THAT section 234 of the Taxes Consolidation Act 1997 (No. 39 of 1997) be amended, as respects income from a qualifying patent (within the meaning of that section) which is paid to a person on or after 24 November 2010, by inserting the following after subsection (8):

“(9) This section shall not apply to income from a qualifying patent which is paid to a person on or after 24 November 2010.”.

(2) IT is hereby declared that it is expedient in the public interest that this Resolution shall have statutory effect under the provisions of the Provisional Collection of Taxes Act (No. 7 of 1927).

**Financial Resolution No: 34**

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**GENERAL**

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THAT it is expedient to amend the law relating to inland revenue (including excise) and to make further provision in connection with finance.