

## Notification to be a ‘qualifying company’

### Part 04-09-03

This manual should be read in conjunction with section 110 TCA 1997 and [Tax and Duty Manual Part 04-09-01](#)

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## 1. Introduction

Section 110 TCA 1997 provides for a tax regime for 'qualifying companies'.

In order to be a 'qualifying company' a company must meet certain conditions, one of which is that it must notify an authorised officer of its intention to be a qualifying company. From 1 January 2017 additional information must be provided to Revenue as part of that notification (paragraph (f) of the definition of 'qualifying company' in s.110(1) TCA 1997 refers).

The requirement to notify the authorised officer was introduced by Finance Act 2003. In Finance Act 2012 a time limit was put on the making of that notification: notifications had to be made before the company filed its first CT1 as a qualifying company.

Finance Act 2016 provided for additional information to be included within the notification. It also reduced the timeframe for the making of such a notification to 8 weeks from the day on which the company acquires its €10m in qualifying assets.

## 2. Notification to the authorised officer

A [Form S.110](#) [Notification of qualifying company section 110 TCA 1997] must be returned to the authorised officer within 8 weeks of the later of:

- the “qualifying company” meeting the requirements of paragraph(e) of the definition of a “qualifying company”, or
- 23 February 2017.

In respect of a qualifying company who met the requirements of paragraph (e) of the definition of a qualifying company before the 1 January 2017 and who had not submitted a Form S.110 to an authorised officer before 1 January 2017, the company was required to return the form within 8 weeks of 23 February 2017.

Where a company had filed a previous version of the Form S.110 between 1 January 2017 and 23 February 2017, the company was required to provide the additional information sought by returning the form within 8 weeks of 23 February 2017 (with any failure to do so resulting in the company ceasing to be a qualifying company from 23 February 2017).

### 2.1. Notifications

#### 2.1.1. Notifications due for filing prior to 1 January 2017

Companies are regarded as having complied with paragraph (f) of the definition of “qualifying company” where all of the information required in the Form S.110 was provided to Revenue’s LCD Financial Services (Banking) District or the authorised officer on or before the filing date for the first CT1, and a Form S.110 was subsequently filed.

#### 2.1.2. Notifications due for filing after 1 January 2017 and before 23 September 2017

This paragraph applies to companies whose notification was, pre-Finance Act 2016, due to be filed with their corporation tax return during 2017. The implementation of the changes in Finance Act 2016 amended the due date for those notifications to 8 weeks from 23 February 2017. Those companies are treated as having filed their notification on time where the notification was received on or before the filing date for the first CT1 filed by these companies.

#### 2.1.3. Notifications due for filing after 24 March 2020 and before 8 June 2020

This paragraph applies to companies whose notification was due to be filed in the period immediately after the introduction of restrictions arising from Covid-19 which required that all employees work from home, unless their attendance at the workplace was absolutely essential.

Due to the temporary disruption caused by the requirement to work from home, and the disruption that caused to certain control procedures, where the notification was not filed within the 8-week period but

- it was intended from the outset that the company would be a qualifying company, and
- the notification was due to be filed between 24<sup>th</sup> March 2020 and 8<sup>th</sup> June 2020,

then the company will be treated as having filed their notification on time where, upon it coming to the company's notice or it being brought to the company's attention, that the Form S.110 has not been filed, the company remedies it without unreasonable delay, and in any event, not later than **30 November 2020**.

### 3. Withdrawal of a notification

A company that either:

- no longer satisfies the criteria of a qualifying company, or
- wishes to withdraw the original qualifying company notification

should submit Form S.110W [Withdrawal of notification that a company is a qualifying company for the purposes of Section 110 TCA 1997]. Where the form is a withdrawal of notification, it must be returned to an authorised officer within 8 weeks of the date the company wishes to cease to be a qualifying company for the purposes of Section 110 TCA 1997.

The [Form S.110W](#) is available.