

481.-(1) In this section-

...

"authorised officer" means an officer of the Revenue Commissioners authorised by them in writing for the purposes of this section;

['broadcast' has the meaning assigned to it by section 2 of the Broadcasting Act 2009;

"broadcaster" means a person who has responsibility for a "broadcasting service" as defined in section 2 of the Broadcasting Act 2009;]

['director' shall be construed in accordance with [section 433\(4\)](#);]

['eligible individual' means an individual employed by a qualifying company for the purposes of the production of a qualifying film;]

['film' means-

(a) a [film](#) of a kind which is included within the categories of films eligible for certification by the Revenue Commissioners under subsection (2A), as specified in regulations made under subsection (2E), and

(b) as respects every [film](#), a [film](#) which is produced-

(i) on a commercial basis with a view to the realisation of profit, and

(ii) wholly or mainly for exhibition to the public in cinemas or by means of [broadcast](#),

but does not include a [film](#) made for exhibition as an advertising programme or as a commercial;]

['film corporation tax credit', in relation to a qualifying film, means an amount equal to 32 per cent of the lowest of-

(a) the eligible expenditure amount,

(b) 80 per cent of the total cost of production of the [film](#), and

(c) [€70,000,000;]

['the Minister' means the Minister for Arts, Heritage and the Gaeltacht;]

['producer company', in relation to a [film corporation tax credit](#) specified in a [film](#) certificate, means a company that-

(a) is resident in the State, or is resident in an EEA State other than the State and carries on business in the State through a branch or agency,

(b) commencing not later than the time the [qualifying period](#) commences, carries on a trade of producing films-

(i) on a commercial basis with a view to the realisation of profit, and

(ii) that are wholly or principally for exhibition to the public in cinemas or by means of [broadcast](#),

(c) is not a company, or a company connected to a company-

(i) that is a [broadcaster](#), or

(ii) in the case of-

(I) a company, whose business consists wholly or mainly, or

(II) a company connected to another company, where the aggregate of the activities carried on by the company and every company to which it is connected, consists wholly or mainly,

of transmitting films on the internet,

(d) holds all of the shares in the [qualifying company](#), and

(e) has delivered to the Collector-General, on or before the specified return date, a return, in accordance with [section 959I](#), in respect of -

(i) the accounting period referred to in paragraph (a) of the definition of ‘[qualifying period](#)’, or

(ii) each accounting period ending in the [qualifying period](#), referred to in paragraph (b) of that definition, as the case may be;]

[‘qualifying company’ means a company which -

(a)

(i) is incorporated and resident in the State, or

(ii) is carrying on a trade in the State through a branch or agency,

(b) exists solely for the purposes of the production and distribution of only one [qualifying film](#), and

(c) does not contain in its name -

(i) registered under either or both the Companies Acts, 1963 to 1999, and the Registration of Business Names Act, 1963, or

(ii) registered under the law of the territory in which it is incorporated,

the words ‘Ireland’, ‘Irish’, ‘Éireann’, ‘Éire’ or ‘National’;]

[‘qualifying film’ means a [film](#) in respect of which the Revenue Commissioners have issued a certificate under subsection (2A), which has not been revoked under subsection (2D);]

...

[‘qualifying period’, in relation to a [film corporation tax credit](#) specified in a film certificate, means -

(a) the accounting period of the [producer company](#), in respect of which the specified return date for the chargeable period, within the meaning of [section 959A](#), immediately precedes the date the application referred to in subsection (2A)(a) was made, or

(b) where the accounting period referred to in paragraph (a) is a period of less than 12 months, the period-

(i) commencing on the date on which the most recently commenced accounting period, which commences on or before the date which is 12 months before the end of the accounting period referred to in paragraph (a) commences, and

(ii) ending on the date the accounting period referred to in paragraph (a) ends, and references in subsection (3) to corporation tax and corporation tax paid shall be construed accordingly;]

...

...

[‘specified amount’ has the meaning given to it by subsection (3)(b);]

[‘specified relevant person’ means a person who is a director or secretary of the [producer company](#) at any time during the period commencing when the [qualifying period](#) commences and ending 12 months after the date the compliance report referred to in subparagraph (iii) of subsection (2C)(d)(iii) is provided to the Revenue Commissioners.]

(2)

[(a) [The Minister](#), on request from the Revenue Commissioners following an application to them by a [\[producer company\]](#) for a certificate under subsection (2A) in relation to a [film](#) to be produced by the company, may subject to paragraph (b) and in accordance with regulations made under subsection (2E), give authorisation to the Revenue Commissioners that they may, subject to subsection (2A), issue a certificate under that subsection to the [\[producer company\]](#) in relation to that [film](#).

(b) In considering whether to give the authorisation referred to in paragraph (a), [the Minister](#), in accordance with regulations made under subsection (2E), shall have regard to-

(i) the categories of [films](#) eligible for certification by the Revenue Commissioners under subsection (2A), as specified in those regulations, and

(ii) any contribution which the production of the [film](#) is expected to make to either or both the development of the [film](#) industry in the State and the promotion and expression of Irish culture,

and where such authorisation is given, [the Minister](#), having regard to those matters, shall specify in the authorisation such conditions, as [the Minister](#) may consider proper, including a condition-

(I) ...

(II) in relation to –

(A) the employment and responsibilities of the producer, and the producer company, of a film for the production of that film, and

(B) the employment of personnel, including trainees, (other than the producer) for the production of that film.

[(c) . . .]

(d) . . .

(e) . . .

[(2A)

(a) Subject to the provisions of this subsection, the Revenue Commissioners, on the making of an application by a [\[producer company\]](#), may, in accordance with regulations made under subsection (2E), issue a certificate to a [\[producer company\]](#) stating, in relation to a [film](#) to be produced by the company, that the [film](#) may be treated as a [qualifying film](#) for the purpose of this section.

[(b) The Revenue Commissioners shall not issue a certificate under paragraph (a) if-

(i) they have not been given authorisation to do so by the Minister under subsection (2)(a),

(ii) the [producer company](#), the [qualifying company](#) and each person who is either the beneficial owner of, or able directly or indirectly to control, more than 15 per cent of the ordinary share capital of the [producer company](#) or the [qualifying company](#), as the case may be, is not in compliance with all the obligations imposed by [the Tax Acts](#), [the Capital Gains Tax Acts](#) or the [Value-Added Tax Consolidation Act 2010](#) in relation to-

(I) the payments or remittances of taxes, interest or penalties required to be paid or remitted under those Acts,

(II) the delivery of returns, and

(III) requests to supply to an inspector accounts of, or other information about, any business carried on, by the [producer company](#), the [qualifying company](#) or person, as the case may be,

or

(iii) the eligible expenditure amount is less than €200,000.]

(c) Nothing in this section shall be construed as obliging the Revenue Commissioners to issue a certificate under paragraph (a) and in any case where, in relation to a [film](#), the principal photography has commenced, the first animation drawings have commenced or the first model movement has commenced, as the case may be, before application is made by a [producer company](#), the Revenue Commissioners shall not issue a certificate under that paragraph.

(d) An application for a certificate under paragraph (a) shall be in the form prescribed by the Revenue Commissioners and shall contain such information as may be specified in regulations made under subsection (2E).

(e) In considering whether to issue a certificate under paragraph (a) the Revenue Commissioners shall, in respect of the proposed production of the [film](#), examine all aspects of the [producer company's](#) proposal.

(f) The Revenue Commissioners may refuse to issue a certificate under paragraph (a) if they are not satisfied with any aspect of the [producer company's](#) application and, in particular, the Revenue Commissioners may refuse to issue a certificate-

(i) if they have reason to believe that the budget or any particular item of proposed expenditure in the budget is inflated, or

(ii) where-

(I) they are not satisfied that there is a commercial rationale for the corporate structure proposed-

(A) for the production, financing, distribution or sale of the [film](#), or

(B) for all of those purposes,

or

(II) they are of the opinion that the corporate structure proposed would hinder the Revenue Commissioners in verifying compliance with any of the provisions governing the relief.

(g) A certificate issued by the Revenue Commissioners under paragraph (a) shall be subject to such conditions specified in the certificate as the Revenue Commissioners may consider proper, having regard, in particular, to the examination referred to in paragraph (e) and any conditions specified in the authorisation given by [the Minister](#) under subsection (2)(a), and in particular the Revenue Commissioners shall specify in the certificate a condition-

(i) in relation to the quantum of the [specified amount](#), and the timing and manner of a payment of the [specified amount](#),]

(ii) in relation to the matters specified by [the Minister](#) in the authorisation by virtue of subsection (2)(b)(II),

[ (iii) in relation to the amount of the [film corporation tax credit](#) by which the [producer company's](#) corporation tax is to be reduced.,],

[ (iv) in relation to the minimum amount of money to be expended on the production of the [qualifying film](#) [(in this section referred to as the eligible expenditure amount)]-

(I) directly by the [qualifying company](#) on the employment, by the company, of [eligible individuals](#), in so far as those individuals exercise their employment in the State in the production of the [qualifying film](#), and

(II) directly or indirectly by the [qualifying company](#), on the provision of certain goods, services and facilities, as set out in regulations made under subsection (2E),]

[(v) where financial arrangements have been approved by the Revenue Commissioners in accordance with [subsection \(2CA\)](#)], in relation to any matter pertaining to those arrangements.]

(h) The Revenue Commissioners, having consulted with [the Minister](#) as appropriate, may amend or revoke any condition (including a condition added by virtue of this paragraph) specified in the certificate, or add to such conditions, by giving notice in writing to the [producer company](#) concerned of the amendment, revocation or addition, and this section shall apply as if-

- (i) a condition so amended or added by the notice was specified in the certificate, and
- (ii) a condition so revoked was not specified in the certificate.

(2B) In carrying out their functions under this section the Revenue Commissioners may-

- (a) consult with any person, agency or body of persons, as in their opinion may be of assistance to them, and
- (b) notwithstanding any obligation as to secrecy or other restriction on the disclosure of information imposed by, or under, [the Tax Acts](#) or any other statute or otherwise, disclose any detail in a [producer company's](#) application which they consider necessary for the purposes of such consultation.

(2C) A company shall not be regarded as a [producer company](#) for the purposes of this section-

(a) unless the company, in relation to a [qualifying film](#), notifies the Revenue Commissioners in writing immediately when the principal photography has commenced, the first animation drawings have commenced or the first model movement has commenced, as appropriate,

(b) [subject to [subsection \(2CA\)](#),] if the financial arrangements which the company [or the [qualifying company](#)] enters into in relation to the [qualifying film](#) are-

(i) financial arrangements of any type with a person resident, registered or operating in a territory other than-

(I) a Member State of the European Communities, or

(II) a territory with the government of which, arrangements having the force of law by virtue of [section 826\(1\)](#), have been made,

or

(ii) financial arrangements under which funds are channelled, directly or indirectly, to, or through, a territory other than a territory referred to in clause (I) or (II) of subparagraph (i),

(ba) . . .

(c) unless the company provides, when requested to do so by the Revenue Commissioners, for the purposes of verifying compliance with the provisions governing the relief or with any condition specified in a certificate issued by them under subsection (2A)(a), evidence to vouch each item of expenditure in the State or elsewhere on the production and distribution of the [qualifying film](#), whether expended by the producer company, the [qualifying company](#) or by any other person engaged, directly or indirectly, by [the [producer company](#) or] the [qualifying company](#) to provide goods, services or facilities in relation to such production or distribution and, in particular, such evidence shall include-

(i) records required to be kept or retained by the [producer company](#) or the [qualifying company](#) by virtue of section 886, and

(ii) records, in relation to the production and distribution of the [qualifying film](#), required to be kept or retained by that other person by virtue of section 886, or which would be so required

if that other person were subject to the provisions of that section,

. . .

(d) unless the company, within such time as is specified in the regulations made under subsection (2E)-

(i) notifies the Revenue Commissioners in writing of the date of completion of the production of the [qualifying film](#),

(ii) provides to the Revenue Commissioners and to the Minister, such number of copies of the [film](#) in such format and manner as may be specified in those regulations, and

(iii) provides to the Revenue Commissioners, a compliance report, in such format and manner specified in those regulations, which proves to the satisfaction of the Revenue Commissioners that-

(I) the provisions of this section in so far as they apply in relation to the company and a [qualifying film](#) have been met, and

(II) any conditions attaching to a certificate issued to the company in relation to a [qualifying film](#) under subsection (2A)(a) have been [fulfilled,]

[. . .

[(e) if the company ceases to carry on the trade referred to in paragraph (b) of the definition of 'producer company', before a time which is 12 months after the date the compliance report referred to in subsection (2C)(d)(iii) is provided to the Revenue Commissioners,]]

[(f) if the company disposes of its shares in the [qualifying company](#) before a time which is 12 months after the date the compliance report referred to in subsection (2C)(d)(iii) is provided to the Revenue Commissioners,

(g) unless the company-

(i) enters into a contract with the [qualifying company](#) in relation to the production and distribution of the qualifying film, and

(ii) provides an amount not less than the [specified amount](#) to the [qualifying company](#),  
and

(h) unless an amount not less than the eligible expenditure amount is expended by the [qualifying company](#) wholly and exclusively on the production of the qualifying film as specified in a condition in a film certificate, in accordance with subsection (2A)(g)(iv).]

[(2CA)

(a) Paragraph (b) of subsection (2C) shall not apply to financial arrangements in relation to a transaction, or series of transactions, where such arrangements have been approved by the Revenue Commissioners.

(b) The Revenue Commissioners shall not approve financial arrangements, to which paragraph (b) of subsection (2C) would, but for this subsection, apply unless:

[(i) the arrangements relate to the filming of part of a [film](#) in a territory other than a territory referred to in clause (I) or (II) of subsection (2C)(b)(i),]

(ii) a request for approval is made by [the [producer company](#)] to the Revenue Commissioners before such arrangements are effected,

[(iii) the [producer company](#) demonstrates to the satisfaction of the Revenue Commissioners that it can provide, if requested, sufficient records to enable the Revenue Commissioners to verify, in the case of filming in a territory, the amount of each item of expenditure on the production of the qualifying film expended in the territory, whether expended by the [producer](#)

[company](#) or by any other person,]

and

(iv) they are satisfied that it is appropriate to grant such approval.

(c) In considering whether to grant an approval under this subsection in relation to financial arrangements, the Revenue Commissioners may seek any information they consider appropriate in relation to the arrangements or in relation to any person who is, directly or indirectly, a party to the arrangements.

(d) Where the Revenue Commissioners have approved financial arrangements in accordance with this subsection, no amount of money expended, either directly or indirectly, as part of the arrangements may be regarded, for the purposes of subsection (2A)(g)(iv), as an amount of money expended on either the employment of eligible individuals or on the provision of goods, services and facilities as referred to in that subsection.]

[(2D) Where the [producer company](#) or the [qualifying company](#) fails to comply with any of the provisions of this section or fails to fulfil any condition specified in a certificate issued to the [producer company](#) under paragraph (a) of subsection (2A), the Revenue Commissioners may, by notice in writing, revoke the certificate.]

(2E) The Revenue Commissioners with the consent of [the Minister](#) for Finance, and with the consent of [the Minister](#) in relation to the matters to be considered regarding the issue of an authorisation under subsection (2), shall make regulations with respect to the administration by them of the relief under this section and with respect to the matters to be considered by [the Minister](#) for the purposes of that subsection and, without prejudice to the generality of the foregoing, regulations under this subsection may include provision

(a) governing the application for certification pursuant to subsection (2A) and the information and documents to be provided in or with such application,

(b) specifying the categories of films eligible for certification by the Revenue Commissioners under subsection (2A),

(c) prescribing the form of such application,

(d) governing the records that [a [producer company](#) and a [qualifying company](#)] shall maintain or provide to the Revenue Commissioners,

(e) governing the period for which, and the place at which, such records shall be maintained,

(f) specifying the time within which a [[producer company](#)] shall notify the Revenue Commissioners of the completion of the production of a [qualifying film](#),

(g) specifying the time within which, and the format, number and manner in which, copies of a [qualifying film](#) shall be provided to the Revenue Commissioners and to [the Minister](#),

(h) specifying the form and content of the compliance report to be provided to the Revenue Commissioners, the manner in which such report shall be made and verified, the documents to accompany the report and the time within which such report shall be provided,

(i) governing the type of expenditure which may be accepted by the Revenue Commissioners as expenditure on the production of a [qualifying film](#),

(j) governing the provision of the goods, services and facilities referred to in subsection (2A)(g)(iv)(II), including the place of origin of those goods, services and facilities, the place in which they are provided and the location of the supplier,

(k) specifying the currency exchange rate to be applied to expenditure on the production of a [qualifying film](#), . . .

(l) specifying the criteria to be considered by [the Minister](#), in relation to the matters referred

to in subsections (2)(b)(i) and (ii)-

(i) in deciding whether to give authorisation to the Revenue Commissioners under subsection (2)(a), and

(ii) in specifying conditions in such authorisation, as provided for in subsection (2)(b), and the information required for those purposes to be included in the application made to the Revenue Commissioners under subsection (2A) by a [producer company].]

[(m) governing the approval of financial arrangements in accordance with [subsection \(2CA\)](#)], . . .

(n) governing the employment of [eligible individuals](#), as referred to in subsection (2A)(g)(iv), and the circumstances in which expenditure by a [qualifying company](#) would be regarded as expenditure on the employment of those individuals in the production of a [qualifying \[film, and\]\]](#)

[(o) governing when the [specified amount](#) may be paid by the Revenue Commissioners to the [producer company](#).]

[(2F) Where a [producer company](#) fails to provide to the Revenue Commissioners a compliance report as referred to in [subsection \(2C\)\(d\)\(iii\)](#), within the time provided for in regulations made under [subsection \(2E\)\(h\)](#), the [specified relevant person](#) shall provide such compliance report to the Revenue Commissioners within 2 months after that time.]

[(3)

(a) Where the Revenue Commissioners have-

(i) issued a film certificate to a [producer company](#), in accordance with subsection (2A)(a), and

(ii) specified an amount of a [film corporation tax credit](#) in the certificate,

the corporation tax of the company for the [qualifying period](#), shall, subject to subsection (2A)(g)(iii), be reduced by so much of an amount equal to the [film corporation tax credit](#) specified in the film certificate as does not exceed that corporation tax and where the [qualifying period](#) is a period referred to in paragraph (b) of the definition of ‘[qualifying period](#)’, the corporation tax of an earlier accounting period shall be reduced in priority to the corporation tax of a later accounting period.

(b) Subject to subsection (3C), where the Revenue Commissioners have specified a [film corporation tax credit](#) in a film certificate and the amount of the credit exceeds the corporation tax of the [qualifying period](#), as reduced by the corporation tax paid by the company in respect of that period but before any reduction under paragraph (a), the excess (in this section referred to as the ‘[specified amount](#)’) shall be paid to the [producer company](#) by the Revenue Commissioners.

(c) The [specified amount](#) shall be paid by the Revenue Commissioners to the film [producer company](#) not later than the date specified in the film certificate issued to the company, which shall not be earlier than the date set out in the regulations made under subsection(2E).]

[(3A)

(a) Any amount payable by the Revenue Commissioners to the company by virtue of subsection (3)(b) shall be deemed to be an overpayment of corporation tax, for the purposes only of [section 960H\(2\)](#).

(b) Any claim in respect of a [specified amount](#) shall be deemed for the purposes of [section 1077E](#) to be a claim in connection with a credit and, for the purposes of determining an amount in accordance with [section 1077E\(11\)](#) or [1077E\(12\)](#), a reference to an amount of tax that would have been payable for the relevant periods by the person concerned shall be read



as if it were a reference to a [specified amount](#).

(c) Where the Revenue Commissioners have paid a [specified amount](#) to a [producer company](#) and it is subsequently found that all or part of the amount is not as authorised by this section (in this section referred to as the ‘unauthorised amount’), then -

(i) the company,

(ii) -any director of the company, or

(iii) any person referred to in subparagraph (ii) of paragraph (b) of subsection (2A),

may be charged to tax under [Case IV](#) of Schedule D for the accounting period, or year of assessment, as the case may be, in respect of which the payment was made, in an amount equal to-

(I) in the case of a company, 4 times, and

(II) in the case of an individual, one hundred forty-firsts,

of so much of the [specified amount](#) as is not so authorised.

(d) The circumstances in which an unauthorised amount arises shall include any circumstances where the amount was paid in accordance with paragraph (b) of subsection (3) and-

(i) the Revenue Commissioners revoke a certificate issued under subsection (2A)(a),

or

(ii) the [producer company](#) or the [qualifying company](#)-

(I) fails to satisfy or comply with any condition or obligation required by this section or regulations made under this section,

(II) fails to satisfy or comply with any condition or obligation specified in a film certificate, including a condition to complete, deliver, exhibit or make available for exhibition the qualifying film by a time specified in a film certificate, or

(III) at any time on or before the time referred to in subsection (2C)(e) fails to comply with any of the obligations referred to in subsection (2A)(b)(ii).

(e) Where in accordance with paragraph (c) an inspector makes an assessment in respect of a [specified amount](#), the amount so charged shall for the purposes of section 1080 be deemed to be tax due and payable and shall carry interest as determined in accordance with subsection (2)(c) of section 1080 as if a reference to the date when the tax became due and payable were a reference to the date the amount was paid by the Revenue Commissioners.

(3B)

(a) The amount which is provided by the [producer company](#) to the [qualifying company](#) in accordance with subparagraph (ii) of subsection (2C)(g) shall not-

(i) be a sum which may be deducted in computing the profits or gains to be charged to tax under [Case I](#) of Schedule D and shall not otherwise reduce the income of the [producer company](#),

(ii) subject to subsection (3), reduce the corporation tax of the [producer company](#),

(iii) be provided in a manner which is wholly or partly for the purpose of, or in connection with, securing a tax advantage, or

(iv) be income of the [qualifying company](#) for any tax purpose.

(b) A failure by the [qualifying company](#) to repay any part of the amount referred to in paragraph (a) to the [producer company](#) shall not be a sum which may be deducted in

computing the profits or gains of the [producer company](#) to be charged to tax under [Case I](#) of Schedule D and shall not otherwise reduce the income of the [producer company](#).

(c) Notwithstanding [sections 411](#) and [616](#), the producer and the [qualifying company](#) shall be deemed not to be members of the same group of companies for the purposes of-

(i) [section 411](#), or

(ii) except for the purposes of [section 626](#), [section 616](#).

(d) A loss, for the purposes of [section 546](#), shall not be treated as arising on the disposal by the [producer company](#) of shares in the [qualifying company](#).

(e) [Section 626B](#) shall be deemed not to apply to the disposal by the [producer company](#) of shares in the [qualifying company](#).

(f) For the purposes of [section 538\(2\)](#), the value of the shares held by the [producer company](#) in the [qualifying company](#), shall not, at any time, be negligible.

(3C) The Revenue Commissioners shall not pay a [specified amount](#) to a [producer company](#) in respect of a film certificate issued after 31 December 2020.]

(4) . . .

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[(22) . . .]

[(22A) Any functions which are authorised by this section to be performed or discharged by the Revenue Commissioners may be performed or discharged by an authorised officer and any references in this section to the Revenue Commissioners shall, with any necessary modifications, be construed as including references to the authorised officer.

[(23) Every regulation made under this section shall be laid before Dáil Éireann as soon as may be after it is made and, if a resolution annulling the regulation is passed by Dáil Éireann within the next 21 days on which Dáil Éireann has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything

previously done thereunder.]