



**NOTES**

1. Property passing under the will or intestacy is liable to Probate Tax. In the case of deaths occurring before 1st December, 1999, the net estate is the gross estate as shown in the Inland Revenue Affidavit, together with foreign assets, if any, less debts owing at the date of death and funeral expenses. In the case of a foreign domiciled person the value of Irish assets only should be included. Please note that the rules governing the charge to Probate Tax in respect of **foreign assets** have changed since 1st December, 1999 and persons completing the return should consult their advisor or the Revenue Commissioners about the implications of these changes.

**2. EXEMPT PROPERTY**

(a) The dwellinghouse passing to

- (i) **a dependent child** (generally a child of the deceased under 18 years or if over 18 years in full-time education), or
- (ii) **a dependent relative** (generally a relative of the deceased, or of the spouse of the deceased, who is incapacitated by old age or infirmity from maintaining himself)

is exempt once:

- (i) at the date of death the dependent normally resided at the dwellinghouse, and
- (ii) had income in the year to 5th April prior to the date of death not exceeding the "specified amount" referred to in section 466(i) of the Taxes Consolidation Act, 1997.

For purposes of the exemption a dwellinghouse includes the house, grounds of up to one acre, furniture and household effects (normal contents) which had been occupied by the deceased as his only or principal place of residence. The value of any part of the dwellinghouse used mainly for business purposes or let may not be deducted.

A claim for dependent child/relative exemption should be made by completing section 8 below.

(b) **Charitable Bequests**

Property given for public or charitable purposes.

(c) **Other**

(i) **Heritage Property**

Relief from Probate Tax in respect of heritage property is allowable in a manner similar to the relief from Capital Acquisitions Tax for such property.

(ii) **Superannuation Benefit**

Superannuation benefits arising on the death of the deceased and passing under the will or intestacy are exempt.

(iii) **Quick Succession Relief**

Insert here the value of property which is (i) property which has previously borne Probate Tax on the death of a spouse, and (ii) the surviving spouse has died within 5 years of the death of the first spouse and the property is again liable to Probate Tax, and (iii) the surviving spouse leaves a dependent child as defined. Where the surviving spouse died within 1 year the dependent child requirement does not apply.

(iv) **Exempt Securities**

The value of securities referred to in Section 81 of the Capital Acquisitions Tax Consolidation Act, 2003, is deductible where the deceased was ordinarily resident and domiciled outside the State.

(v) **Section 72/73 Policies**

Only so much of the proceeds as are used to pay Probate Tax and/or Inheritance Tax are exempt.

(d) **Agricultural Property**

For Probate Tax purposes, 30% of the value of agricultural land and buildings (excluding farm machinery, livestock and bloodstock) can be deducted.

3. Where the taxable value is less than the relevant indexed linked threshold no tax is payable. The amount of tax payable cannot, in any event, exceed the excess over the relevant threshold (marginal relief).

4. Calculate tax payable at 2%.

5. Where property which by virtue of being situate in another State has borne tax similar in character to Probate Tax a credit for such tax (not exceeding the amount of Irish Probate Tax payable) may be deducted.

**6. SURVIVING SPOUSE**

In case of a spouse who takes:

- (a) **an absolute interest in property**, the Probate Tax referable to that property is **abated to nil**.
- (b) **a limited interest in property**, the Probate Tax referable to that property is **postponed** until the cessation of that interest.
- (c) **no interest in the dwellinghouse** the Probate Tax referable to the dwellinghouse is **postponed** until the death of the spouse.

7. If no tax is payable enter "Nil". Interest commences to accrue after 9 months from the date of death. Payment may be made by cheque, bank draft, money or postal order. When tendering Government Stock complete Form I.T.40A.

**8. TO BE COMPLETED WHERE THE DEPENDENT CHILD/RELATIVE EXEMPTION IS CLAIMED IN RESPECT OF THE DWELLINGHOUSE**

Name of Dependent(s)	<input type="text"/>	<input type="text"/>	<input type="text"/>
PPS No. of Dependent(s)	<input type="text"/>	<input type="text"/>	<input type="text"/>
Relationship to Deceased	<input type="text"/>	<input type="text"/>	<input type="text"/>
Date of birth of Dependent(s)	<input type="text"/>	<input type="text"/>	<input type="text"/>
Income in year to 5 April prior to date of death	€ <input type="text"/>	€ <input type="text"/>	€ <input type="text"/>