



# FORM CG1

Capital Gains Tax Return for the period 6 April 2001 to 31 December 2001



TAIN Number

Please quote this number in all correspondence or when calling at your tax office

Your PPS Number

GCD

Return Address

All amounts returned on this form MUST be expressed in Euro. If you wish to make your return in IR£, you MUST obtain an IR£ form.

Use any envelope and write "Freepost" above the address

**NO STAMP REQUIRED**

## RETURN OF CAPITAL GAINS FOR THE PERIOD 6 APRIL 2001 TO 31 DECEMBER 2001

This Tax Return should be completed and returned to your Tax Office at the address shown above on or before 31 October 2002.

Please read the notes on pages 3 and 4 before completing this form.

### YOU MUST SIGN THIS DECLARATION

I DECLARE that, to the best of my knowledge and belief, this form contains a correct return of all the chargeable gains and allowable losses accrued to me in the period 6 April 2001 to 31 December 2001 in accordance with the provisions of the Taxes Consolidation Act 1997 and

I DECLARE that, to the best of my knowledge and belief, all the particulars given as regards reliefs claimed are correctly stated.

Signature

Date

Capacity of Signatory

Main Residence Address:  
(Registered Office, if a Company)

Show here your business address if different from your main residence address or registered office address.

I can be contacted by telephone during normal business hours at :

Name of Tax Adviser (if any)	Client's Ref. No.	Adviser's Telephone No.	Tax Adviser Identification No. (TAIN)

# CAPITAL GAINS

All amounts on this panel must be expressed in Euro

(Write "NONE" where appropriate)

Details of Disposal of Assets	Self			Spouse		
	No. of Disposals	Aggregate Consideration	Aggregate Acreage	No. Of Disposals	Aggregate Consideration	Aggregate Acreage
Shares/Securities - Quoted		€			€	
- Unquoted		€			€	
Agricultural Land/Buildings	<input type="checkbox"/>	€		<input type="checkbox"/>	€	
Development Land	<input type="checkbox"/>	€		<input type="checkbox"/>	€	
Foreign Life Assurance Policies (Chargeable @ 40%)	<input type="checkbox"/>	€		<input type="checkbox"/>	€	
Commercial Premises	<input type="checkbox"/>	€		<input type="checkbox"/>	€	
Residential Premises	<input type="checkbox"/>	€		<input type="checkbox"/>	€	
Shares or Securities exchanged (Section 913 (5) TCA 1997)	<input type="checkbox"/>	€		<input type="checkbox"/>	€	
Other	<input type="checkbox"/>	€		<input type="checkbox"/>	€	
<b>Total Consideration on Disposals</b>		€			€	

## Indicate:

- If any disposal was between connected parties or otherwise not at arms length
- If any of the original acquisitions were between connected parties or otherwise not at arms length
- If the market value was used to arrive at the cost of acquisition of any assets disposed of

## Self

## Spouse

	<input type="checkbox"/>	<input type="checkbox"/>				
	<input type="checkbox"/>	<input type="checkbox"/>				
	<input type="checkbox"/>	<input type="checkbox"/>				
Amount of Net Gain/s	€	€				
Amount of Net Loss/es	€	€				
Losses Brought Forward	€	€				
Personal Exemption	€	€				
Chargeable Gain / (Loss)	€	€				
Chargeable at 20%	€	€	Tax Due =	€	€	
Chargeable at 40%	€	€	Tax Due =	€	€	
Previous Gains Rolled-over ( <i>now chargeable</i> )	€	€	@ <input type="text"/> %	Tax Due =	€	€

## Self Spouse

### Claim to Reliefs (*indicate relief claimed*)

Rollover Relief	<input type="checkbox"/>	<input type="checkbox"/>	Amount of consideration reinvested	€	€
Disposal of Principal Private Residence	<input type="checkbox"/>	<input type="checkbox"/>	Amount of consideration	€	€
Retirement Relief:					
Within the Family	<input type="checkbox"/>	<input type="checkbox"/>	Consideration on disposal of qualifying assets	€	€
Outside the Family	<input type="checkbox"/>	<input type="checkbox"/>	Consideration on disposal of qualifying assets	€	€

## Exempted Assets

The following gains are NOT chargeable to Capital Gains Tax:

- Gains on the disposal of property owned by you (house, apartment, etc.) which was occupied by you throughout your ownership as your only or main residence or was occupied by a dependent relative, rent free, throughout your ownership - except where the sale price reflects development value
- Gains on Government Loans and Debentures issued by certain Semi-State bodies
- Gains on Life Assurance policies (unless purchased from another person or taken out with certain foreign insurers, prize bonds, national instalment savings, betting and lotteries)
- Gains on the disposal of wasting chattels (e.g. animals, private motor cars, etc.)
- Gains made by individuals on tangible movable property where the consideration does not exceed €2,540.

(In general, the transfer of assets between spouses as part of a separation or divorce agreement does not give rise to any CGT charge).

## Calculation of Chargeable Gains

In calculating the chargeable gain, relief is given to take account of the effect of inflation on the original cost price/market value of assets. For disposals in the period 6 April 2001 to 31 December 2001 the following factors are applied to the cost/market value of the asset to arrive at the adjusted cost/market value:

### Year in which Expenditure was incurred and Indexation Factors

74/75	75/76	76/77	77/78	78/79	79/80	80/81	81/82	82/83	83/84	84/85	85/86	86/87	87/88
6.930	5.597	4.822	4.133	3.819	3.445	2.983	2.465	2.074	1.844	1.674	1.577	1.507	1.457
88/89	89/90	90/91	91/92	92/93	93/94	94/95	95/96	96/97	97/98	98/99	99/00	00/01	
1.430	1.384	1.328	1.294	1.249	1.226	1.205	1.175	1.152	1.134	1.115	1.098	1.053	

- No indexation relief is allowed for expenditure incurred within one year of a disposal
- There are restrictions on the availability of relief in development land cases (see below)
- The adjustment for inflation cannot operate to charge an amount in excess of the monetary gain or to transform a monetary loss into a gain, neither can it increase a monetary loss or transform a monetary gain into an allowable loss.

Also if, as a result of the adjustment for inflation, a loss would be substituted for a monetary gain or a gain for a monetary loss the disposal of the asset is treated as giving rise to neither a gain nor a loss.

## Development Land

If the asset disposed of was development land (which includes shares deriving the greater part of their value from development land) relief for inflation is restricted as follows:

- Only the current use value at date of acquisition, or at 6/4/74 if acquired earlier, may be indexed for inflation
- The cost at date of acquisition, or market value at 6/4/74 if acquired earlier, less the current use value at the appropriate date is allowed without indexation
- The enhancement expenditure, if any, is allowed without indexation.

These restrictions do not apply to an individual whose total disposals of development land in the period 6 April 2001 to 31 December 2001 did not exceed €13,967.

## Losses

This includes losses (if any) brought forward as still unused from previous years.

The only losses which may be set off against gains on development land are losses which have been incurred on disposal of other development land.

## Personal Exemption

The first €940 of chargeable gains of an individual is exempted from tax. This exemption is not transferable between spouses.

## Rates of Capital Gains Tax

- The standard rate of capital gains tax is 20%
- A higher rate of 40% applies to disposals of certain foreign life assurance policies or units in certain offshore funds.

## Retirement Relief

Relief from Capital Gains Tax may be due in certain circumstances on the disposal, by an individual over 55 years of age, of a business, farm, or shares in his/her family trading company. Relief may still be due where land previously used for farming by the individual was, immediately prior to the disposal, let as part of the EU Early Retirement Scheme.

## Roll-over Relief

Where Capital Gains Tax is payable on a disposal of a business asset but the proceeds of the disposal are used to acquire further business assets, a claim for a deferral of the Capital Gains Tax may be made in certain circumstances. Similarly Capital Gains Tax payable on the disposal of certain shares may also be deferred, subject to qualifying conditions.

## Companies

Companies are chargeable to Capital Gains Tax on chargeable gains from disposals of development land. They are chargeable to Corporation Tax in respect of all other chargeable gains.

## Non Residents

Non resident persons and companies are chargeable on gains from the disposal of:

- Land, buildings or minerals in the State
- Shares deriving the greater part of their value from land, buildings or minerals in the State, and
- Assets which are used for the purpose of a trade carried on in the State by a non-resident company.

## Due Date for Payment of Capital Gains Tax

Capital Gains Tax is subject to Self Assessment principles. The liability for the period 6 April 2001 to 31 December 2001 is due on or before 31 October 2002 and this return should be completed and filed on or before 31 October 2002.

## Surcharge, Interest and Penalties

There is provision for a surcharge for late submission of this return.

The surcharge is either:

- 5% of the amount of the tax due subject to a maximum of €12,695 where the return is submitted before 31/12/2002
- or**
- 10% of the amount of the tax due subject to a maximum of €63,485 where the return is submitted after 31/12/2002.

To avoid an interest charge, 100% of the final tax liability for the period 6 April 2001 to 31 December 2001 must be paid by 31 October 2002.

The law provides for penalties for failure to make a return, or the making of a false return, or helping to make a false return, or claiming allowances or reliefs which are not due. These penalties include fines up to €126,970, up to double the tax in question and imprisonment.

**Further information on exemptions, reliefs and on Capital Gains Tax generally is contained in Booklet CGT 1, Guide to Capital Gains Tax, which is available from any tax office, from Revenue Forms and Leaflets Service at Lo-Call 1890 30 67 06 (within ROI only) or from Revenue's website at [www.revenue.ie](http://www.revenue.ie)**