

Explanatory Note for Non-Resident Persons on how to Claim a Refund of Professional Services Withholding Tax (PSWT)

1. What is PSWT?

Part 18, Chapter 1, Taxes Consolidation Act, 1997 provides that Professional Service Withholding Tax (PSWT) must be deducted from payments made by public bodies to individuals, companies and partnerships, in respect of professional services rendered to such bodies. It applies equally to residents and non-residents.

2. Who makes the deduction of PSWT?

All public bodies including:

- Government Departments and Offices,
- Local authorities, Health Boards, Vocational Education Committees and the General Medical Services (Payments) Board, and
- Commercial and Non-Commercial Semi-State bodies and their subsidiaries.

A full listing of the public bodies concerned can be found at Schedule 13 of the Taxes Consolidation Act, 1997.

3. At what rate is PSWT deducted?

PSWT is deducted at the standard rate of tax in force at the date on which the payment for services rendered is made, e.g. it is at the rate of 20% for the current tax year 2002 (1 January, 2002 to 31 December 2002).

4. How do I make a claim for repayment of PSWT which has been deducted?

The public body will, when making the payment for professional services, give you a valid receipt for the amount of the payment and the amount of PSWT deducted on a Form F45/1. This form is a valuable document which should be retained carefully. It is proof that PSWT has been withheld and the original F45/1 must be presented when claiming a repayment. *(In exceptional circumstances, where the F45/1 has been lost or destroyed, or where it needs to be amended, a Form F43/1 will be issued by the public body. The form F43/1 is essentially a duplicate form and is the only acceptable alternative to an original Form F45/1).*

Claims for repayment may be made to:

*International Claims Section,
Office of the Revenue Commissioners,
Government Offices,
Nenagh,
Co. Tipperary,
Ireland.*

Telephone: + 353 67 33533
Fax: + 353 67 44182
Email: intclaims@revenue.ie

by:-

- a) completing a claim form;
- b) having the completed claim form certified by the Revenue Authority in the country of residence of the claimant;
- c) enclosing the original F45/1 certificate with the completed claim form, and;
- d) completing a questionnaire.

(The certification at (b) above is normally required only with your first claim and thereafter every five years. For second and subsequent claims the claim form and the F45/1 certificate may be submitted directly to International Claims Section for repayment).

With regard to partnerships a separate claim form should be completed and certified in respect of each partner, and if payment is to be made to an individual partner, a letter of indemnity, authorising payment to that individual, should be provided by the other partner(s).

Repayment will only be made where the claimant's Irish tax affairs are up to date and will be made by cheque in Euros. Payment cannot be made in any other currency. The cheque may be issued to a bank/agent if requested by the claimant.

5. Registration for Value Added Tax (V.A.T.)

Non-resident persons engaged in certain building and related services within the State, including the services of estate agents, architects and firms supplying on site supervision are obliged to register and account for Irish V.A.T. regardless of the value of those services. Failure to register and account for V.A.T., where appropriate, will result in claims for repayment of tax being delayed. A person who is obliged to register for V.A.T. should apply to:

Taxes Central Registration Office,
14/15 Upper O'Connell Street,
Dublin 1,
Ireland.

Telephone: + 353 1 874 6821
Fax: + 353 1 874 6078.

6. General

International Claims Section is committed to providing a quick and efficient service for claims to tax repayment by non-resident persons. You can help by ensuring that all aspects of a claim (as already outlined) are in order before submitting it to us. Any incomplete claims cannot be processed, so it is in your own interest to make sure that everything is in order before submitting a claim. If you have any query relating to a claim application please contact Claims Section.

International Claims Section, Nenagh, Co. Tipperary, Ireland