

Summary of Internal & External Reviews Decisions issued in 2016

	Type of Review	Summary of Request	Decision	Summary of Reviewer's findings
1.	External	Review request in relation to Revenue's failure to respond to a query from the taxpayer seeking advice regarding a Capital Gains Tax liability. The taxpayer contended that Revenue's failure to reply to his query led to him losing the opportunity to create a capital loss to offset against his gain.	Against Taxpayer	The Reviewer found that, while Revenue breached its Customer Service Standards by not responding to the query within its published reply timeframes, the taxpayer also had an obligation to ensure that he received timely advice regarding any tax planning he intended to engage in. However, based on the circumstances of this case, the Reviewer concluded that the taxpayer would not have been able to offset any proposed loss against his gain even if a response had issued from Revenue.
2.	External	Review request re Revenue's refusal of a refund of Capital Acquisitions Tax (CAT) paid in 2002 on the basis that the liability arose from a valid gift and no refund was due. The four year rule (Section 865 Taxes Consolidation Act 1997 and Section 57 CAT Consolidation Act, 2003) had previously been stated as the basis for refusing the review.	Against Taxpayer	The Reviewer confirmed that Revenue had acted in accordance with the relevant legislation in refusing the refund, noting that the CAT liability arose from a valid gift and that the circumstances which transpired after that gift took place do not alter the tax treatment that applied at the time.
3.	External	Review request disputing interest charged due to non-compliance with Preliminary Tax (PT) payment requirements. The agent submitted that they should be allowed concessionary treatment as their group reporting requirements did not allow them to meet their PT payment requirements.	Against Taxpayer	The Reviewer found that it was open to the company to make arrangements to ensure that it did not have an underpayment. The Reviewer noted that the agent was effectively requesting that the company be afforded preferential treatment due to its own business practices, noting that this treatment was not being afforded to other businesses in this sector and could, if granted, be regarded as constituting an unfair advantage.

4.	External Review	Review request regarding alleged poor customer service standards and alleged misconduct of Revenue officials when dealing with the taxpayer.	Against Taxpayer	The Reviewer found that the Revenue officials had dealt with the matter in accordance with the Customer Service Charter and that there was no evidence of misconduct, while acknowledging that the taxpayer evidently felt otherwise. The Reviewer commented that while there was no undue delay certain aspects of the case could have been expedited and a decision to withdraw a tax credit could have been better explained to the taxpayer.
5.	External Review	Review requested in relation to Revenue's decision that a company is not a qualifying company for the purposes of the Employment and Investment Incentive (EII) Scheme as the company does not exist wholly for the purpose of carrying on relevant trading activities.	Against Taxpayer	The Reviewer found that based on the annual accounts figures the company is ineligible for EII relief as its incidental income is considerably in excess of what might be regarded as incidental.
6.	External Review	Review request regarding the taxpayer's chargeable person status; Revenue's intervention under the Code of Practice for Revenue Audit; the time limits on examination of the taxpayer's affairs and the appropriateness of Revenue's invocation of its powers under Section 900 of the Taxes Consolidation Act, 1997.	Revised/ Partly revised	The Reviewer found that it was appropriate for Revenue to examine the taxpayer's returns by reference to the Code of Practice for Revenue Audit and that Revenue's use of its powers under Section 900 of the Taxes Consolidation Act, 1997 was fair. However, the Reviewer found that the taxpayer was not a chargeable person for the years concerned and that 2008 should not have been included in the audit scope.