

Revenue



Cáin agus Custaim na hÉireann
Irish Tax and Customs

Dividend Withholding Tax (DWT)

(as provided for by Chapter 8A, Part 6 of the Taxes Consolidation Act, 1997 - “the Act”)

EXEMPTION FROM DWT FOR A Qualifying Non-Resident Person (not being an individual or a company)

IN RESPECT OF RELEVANT DISTRIBUTIONS

Please refer to Notes on Pages 2 & 3 for guidance on completing this form

This exemption declaration form is valid from the date of issue of the certificate to the 31st day of December in the fifth year following the year in which the certificate was issued, i.e. the form is valid for the year in which it is signed plus five full calendar years after that. Once completed the form should be forwarded to relevant Paying Company/Qualifying Intermediary/Authorised Withholding Agent so that exemption can be put in place. Please note the form should not be sent to the DWT Unit for the purpose of gaining ‘exemption-at-source’.

The information in this document is provided as a guide only and is not professional advice, including legal advice. It should not be assumed that the guidance is comprehensive or that it provides a definitive answer in every case.

DWT UNIT, October 2019

Notes

1. A “**qualifying non-resident person**” may receive relevant distributions from companies resident in Ireland without the deduction of DWT where the qualifying non-resident person is beneficially entitled to the relevant distributions and where a declaration has been made to the “relevant person”. For the purposes of this form a “qualifying non-resident person” is
 - an unincorporated body of persons, such as a charity or superannuation fund, which is resident for the purposes of tax in a “relevant territory”.

2. A “**relevant person**” is defined as:

- a **company resident in Ireland** which makes a relevant distribution directly to the person beneficially entitled to the distribution;
- a **qualifying intermediary**, where the relevant distribution has been made indirectly to the person beneficially entitled to the distribution via that qualifying intermediary;

in addition, where relevant distributions are made via an **authorised withholding agent**, that agent effectively steps into the shoes of the company and is the “relevant person” in relation to the distributions.

The Revenue Commissioners maintain a list of qualifying intermediaries and authorised withholding agents. If you want to find out whether the intermediary you wish to use in relation to relevant distributions has been authorised by the Revenue Commissioners for the purposes of the Act please consult the Revenue website at:

<https://www.revenue.ie/en/companies-and-charities/dividend-withholding-tax/index.aspx>

3. An exemption from DWT can only be obtained where a completed declaration has been given to the “relevant person”.

If the declarant is dealing directly with the Irish paying company, please forward this completed declaration to that paying company.

If the declarant is making this declaration via a qualifying intermediary or an authorised withholding agent, please return the completed declaration to that intermediary or agent.

4. A “**relevant territory**” is defined as:

- a country (other than Ireland) which is a member of the European Union, or
- a country with which Ireland has a Double Taxation Agreement.

For up-to-date information on the countries with which Ireland has a Double Taxation Agreement, please consult the Revenue website at -

<https://www.revenue.ie/en/tax-professionals/tax-agreements/index.aspx>

For guidance on completing this form contact - **DWT Unit, Collector General’s Division, Government Offices, Nenagh, Co. Tipperary, E45 T611, Ireland.**

(Tel: +353 67 63105 / Fax: + 353 67 33822 / E-mail: infodwt@revenue.ie)

NOTE:

This blank form may be photocopied for use in relation to subsequent declarations. However, in all cases, declarations must be signed and dated by the declarant in ink to establish that the declaration is original. **Please also retain a copy of this form when completed, as it may assist you in claiming a refund of DWT deducted in certain circumstances.**

The Revenue Commissioners collect taxes and duties and implement customs controls. Revenue requires customers to provide certain personal data for these purposes and certain other statutory functions as assigned by the Oireachtas. Your personal data may be exchanged with other Government Departments and agencies in certain circumstances where this is provided for by law. Full details of Revenue’s data protection policy setting out how we will use your personal data as well as information regarding your rights as a data subject are available on our **Privacy** page on **www.revenue.ie**. Details of this policy are also available in hard copy upon request.

Information on completing this form

1. This form is to be used by unincorporated bodies of persons such as charities, superannuation funds and discretionary trusts. In cases where the body of persons is a discretionary trust Section 3 must be completed in addition to Sections 1 and 2.
2. **Section 1** of the form must be completed by the declarant or by a person who holds power of attorney from the body of persons. Where appropriate, a copy of the power of attorney should be furnished and retained with this declaration.
3. **Section 2** of the form must be completed by the tax authority of the country in which the body of persons, on whose behalf the declaration is being made, is resident for the purposes of tax. **It must then be returned to the declarant who must forward it to the paying company, qualifying intermediary or authorised withholding agent as appropriate.** Where it is not practical for the tax authority to use the certificate of residence provided, a letter to the same effect from the tax authority will suffice, but a translation of such a letter into English must be provided.
4. Where the relevant distributions are to be received by a trust, a completed certificate (**Section 3**) must accompany this declaration, together with name and address information on the “settlor” and “beneficiaries” of the trust. However, it is important to note where trusts are concerned that only **non-resident discretionary trusts, which are resident in a relevant territory**, can obtain an exemption from DWT. In that circumstance, the trustee of the discretionary trust may make the declaration.
5. A “beneficiary”, in relation to a trust, means any person (in this definition referred to as “the first mentioned person”) who, directly or indirectly, is beneficially entitled under the trust, or may, through the exercise of any power or powers conferred on any person or persons, reasonably expect to become so beneficially entitled, to income or capital or to have any income or capital applied for the first mentioned person or to receive any other benefits.
6. A “settlor”, in relation to a trust, includes any person who has provided or undertaken to provide assets or income directly or indirectly for the purposes of the trust.
7. A “trust” is defined as any trust, disposition, settlement, covenant, agreement or arrangement established, made or entered into by one or more than one settlor, whereby: -
 - assets, which may or may not change from time to time in the course of the management of the trust, **or**
 - income, the source and nature of which may or may not also so change from time to time, beneficially owned by the settlor or settlors are or is vested in a person or persons (referred to as the “trustee” or “trustees”) to be:-
 - either or both held and managed for,
 - paid over to, or
 - applied for

the benefit of any beneficiary or beneficiaries, but does **not include** a pension fund, charity or undertaking for collective investment in transferable securities which is established or regulated under the law of any “relevant territory”.

Exemption declaration for a **Qualifying Non-Resident Body of Persons (not being a company)**

1. TO BE COMPLETED BY THE DECLARANT

Name of Body of Persons:

Address of Body of Persons:

Tax reference number in country of residence: _____

(Irish tax reference, if any, should also be provided): _____

- I declare that, at the time of making this declaration, the above-named body of persons is beneficially entitled to the relevant distributions in respect of which this declaration is made.
- I also declare that, at the time of making this declaration, the above-named body of persons is a “qualifying non-resident person” for the purposes of Chapter 8A of Part 6 of the Act.
- In support of this declaration, I attach a certificate from the tax authorities of _____ (insert name of country) which confirms that the above-named body of persons is resident in that country for the purposes of tax.
- I attach a completed certificate (**Section 3** overleaf) (delete if not applicable – see No. 4 on Information on completing this form)
- I undertake that, in the event that the above-named body of persons ceases to be a “qualifying non-resident person” I will, by written notice, bring that fact to the attention of the “relevant person” in relation to the relevant distributions.

Authorised Signatory: _____ (Declarant) **Title:** (Mr./Ms. etc.) _____

Print name of Signatory here: _____ **Date:** ____/____/____
day / month / year

Relationship to the above-named body of persons: _____

Section 1 of the form must be completed by the declarant or by a person who holds power of attorney from the body of persons. Where appropriate, a copy of the power of attorney should be furnished and retained with this declaration.

Is this declaration signed under a Power of Attorney Y N

2. TO BE COMPLETED BY THE DECLARANT’S TAX AUTHORITY

I certify that the above-named body of persons is resident in _____
(insert name of country) for the purposes of tax.

The relevant tax reference number is _____

Signed: _____ Rank: _____

Official Stamp

Date: ____/____/____
day / month / year

IMPORTANT: PLEASE RETURN THIS FORM TO THE DECLARANT

SECTION 3

3. Certification to accompany an exemption declaration to be made by a **Qualifying Non-Resident Body of Persons (not being a company) where that body of persons is a discretionary trust**

BOTH PARTS OF THIS CERTIFICATE MUST BE COMPLETED

(A) TO BE COMPLETED BY THE TRUSTEES

Name of Trust:

Address of Trust:

- I/we declare that the above-named trust is a discretionary trust and that it is not a bare trust.
- I/we furnish, on a separate document, the names and addresses of the “settlers” and “beneficiaries” (as defined in the Act) of the above-named trust.
- I/we undertake to provide the Revenue Commissioners with such other information as they may require for the purposes of the Act.

Authorised Signatory: (Trustee) _____ **Title:** (Mr./Ms. etc.) _____

Print name of Signatory here: _____ **Date:** ____/____/____
day / month / year

Authorised Signatory: (Trustee) _____ **Title:** (Mr./Ms. etc.) _____

Print name of Signatory here: _____ **Date:** ____/____/____
day / month / year

Authorised Signatory: (Trustee) _____ **Title:** (Mr./Ms. etc.) _____

Print name of Signatory here: _____ **Date:** ____/____/____
day / month / year

(B) TO BE COMPLETED BY THE REVENUE COMMISSIONERS

I certify that the Revenue Commissioners have noted the information provided at Section A above.

Signed: _____

Rank: _____



Date: ____/____/____
day / month / year