

Summary of Internal & External Reviews Decisions issued in 2018

	Type of Review	Summary of Request	Decision	Summary of Reviewer's findings
1.	External	External Review requested in respect of Revenue's decision to refuse a late application for the issue of a Personal Fund Threshold (PFT) Certificate.	Against Taxpayer	The Reviewer decided in favour of Revenue. He found that all the information required in relation to the taxpayer's eligibility to apply for a PFT certificate was readily available and in the public domain. He further noted that there is no longer any provision in legislation that allows for a late application. He also found that none of the guidelines for implementation of legislation in this area constitutes a precedent to allow a late application in this case.
2.	External	Request for an External Review of Revenue's decision to not accept a claim of partial inability to make payment of the full debt including interest and penalties.	Against Taxpayer	The Reviewer concluded that Revenue dealt with this case in accordance with its various Guidelines. He expressed concern that the only solution available involves the taxpayers committing to an instalment arrangement that stretches "into the distant future". He has recommended that updated financial projections should be prepared and an updated instalment schedule devised, the position to be reviewed after 5 years.
3.	External	Request for an External Review on the application of time limits for claiming repayment of tax (4-year rule).	Against Taxpayer	The Reviewer found in favour of Revenue as they had correctly applied the law to deny a repayment. He also noted that Revenue had no discretion to do otherwise.
4.	Internal	Request for an External Review of Revenue's decision to refuse to annul a statutory interest charge because of failure to fully comply with preliminary corporation tax requirements in respect of accounting year ended 31/08/2016	Against Taxpayer	The Reviewer found that Revenue acted appropriately in applying the law and imposing interest on late payment (ILP).

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5.	External	Request for an External Review of the conduct of a Capital Acquisitions Tax (CAT) audit of an individual.	Against Taxpayer	The Reviewer believes the audit has generally been conducted cordially and in an open and professional manner, in accordance with the Code of Conduct, although taking a long time to conclude. The Reviewer also commented that while taking account of Revenue's comments that the audit and complaint were essentially being managed in tandem, he considered that taking nearly two years to respond to a Stage 2 complaint was excessive.
6.	External	Request for an External Review regarding the surcharge imposed by Revenue because of the late filing of iXBRL financial statements for the year ended 31 December 2015.	Against Taxpayer	The reviewer found against the complainant as Revenue had correctly applied the statutory late filing penalty in this case
7.	Internal	Request for Review: The taxpayer did not pay Preliminary Tax by 31/10/2017 for 2017. The Returns subsequently submitted generated a tax liability with a date for payment by 31/12/2018. The agent states that filing the return early initiated a collection and enforcement process in respect of Preliminary Tax that went to Sheriff enforcement and no final demand was copied to agent. The agent contends that filing a return early should not generate enforcement action when this can be avoided by holding the return until 31/10/2018 and paying and filing at that point.	Against Taxpayer	The reviewer found that the decision to pursue debt enforcement action in this case was reasonable and in line with published procedures, relevant legislation and Revenue's Customer Service Charter. On the question of not issuing a copy of a final demand to an agent, the internal reviewer suggests that Revenue should carry out a review of the basis for not doing so.

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8.	External	Request for External Review in relation to inter alia, the conduct of a CGT audit, basis for upgrade to investigation status, issue of multiple calculations, failure to share information and alleged imposition of unreasonable burden of proof on requester.	Partly Revised	The Reviewer agreed with some elements of the complaint and concluded that it was debateable as to whether both sides have complied, at all times with their obligations under the Customer Service Charter. He felt that it was inappropriate to upgrade the case to an investigation and noted that this decision was rescinded shortly thereafter. In relation to multiple calculations/assessments the Reviewer sees this as being an important part of the settlement process. He also felt it unreasonable to expect Revenue to irrevocably accept/agree one aspect of the dispute in isolation when matters/valuations are interlinked and new facts come to light. The Reviewer points out that the Appeal remains open and that is the route envisaged by the legislature by which taxpayers can settle such intractable and technical legal disputes. He concludes by suggesting that both parties need to commit to compare and resolve differences in valuations and settle factual disputes, or at least be prepared to openly share information more than has happened so far, such that the TAC can then do its job.
9.	External	Request for a review of the decision of the Revenue Commissioners not to pay interest on VAT overpaid.	Against Taxpayer	The Reviewer found in favour of Revenue and disagreed with the taxpayer's contention that the point at issue was merely one of interpretation of the VAT regulations, rather than a failure by the taxpayer to provide requisite documentation. He pointed out that there are numerous instances when Revenue sought documentation and evidence which indicates that Revenue's stance was not based just on underlying legal issues.

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10.	External	<p>The complainant is disputing underpayments for years 2010, 2011 & 2013. He claims that he was unaware of these underpayments until May 2017 when he contacted Revenue on another matter.</p> <p>Underpayments were to be collected by reduction of tax credits during 2013. His employer did not make PAYE deductions in accordance with the Certificate of Tax Credits issued by Revenue which has led to the continued existence of the underpayments.</p>	Against Revenue	<p>The Reviewer found against Revenue. He concluded that Revenue did not take a balanced view in ascertaining who should be held liable for the underpayment. He recommends that Revenue should review this case again, in its entirety, including carrying out a specific and detailed investigation of the employer's potential liability for the underpayment. The Reviewer has further recommended that in relation to cases of this type generally, that Revenue re-evaluates its policy and guidelines to ensure that a more balanced view of the discretion available to it under current legislation, specifically in relation to who can be held liable for tax underpayment.</p>
11.	External	<p>Request for an External Review of Revenue's decision to impose a late filing surcharge on the company in respect of its corporation tax return for year ended 31 December 2014, solely due to a delay in filing iXBRL financial statements for the year.</p>	Against Taxpayer	<p>The Reviewer has found that this is a case of oversight/carelessness, rather than deliberate omission or technical difficulty by the company or agents in creating or transmitting the iXBRL file. Accordingly, he does not consider that it falls within the scope of the '2 year concession' nor does he consider the one year delay in filing the 2014 financial statements to be 'reasonable'.</p>
12.	External	<p>Request for a review of Revenue's decision to carry out a multi-year compliance intervention (4 years) on rental income. The agent has expressed the view that the decision is inconsistent with paragraph 2.3 of Revenue's code of Practice. The agent also stated that the level of detail required by Revenue is unreasonable and that no consideration has been given to the materiality of figures in the returns</p>	Against Taxpayer	<p>The Reviewer has concluded that the information sought by Revenue was within its powers and that the overall approach was reasonable, proportionate and met quality and professional standards. He also found that the taxpayer breached Revenue's Customer Charter by not giving Revenue all reasonable cooperation</p>

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13.	External	Review of the decision not to grant incapacitated child tax credit in respect of a child who has anaphylaxis nut allergy.	Against Taxpayer	The Reviewer concluded that Revenue's decision is in accordance with the legislation but may not be medically correct. He has therefore recommended that the taxpayer should provide Revenue with a medical opinion from a consultant specialising in the condition. The Revenue Form ICC2 is recommended for this purpose and the expert medical opinion should indicate whether or not, 'there is a reasonable expectation that the child, once over the age 18 years, will be incapacitated from Maintaining himself.'
14.	External	Request for review of why Mr X was deemed by Revenue to be the assessable spouse. Agent believes that a TR1 (income tax registration) form is an election for separate assessment.	Against Taxpayer	The Reviewer found in favour of Revenue. No specific notification by agent or clients concerning the basis of assessment was made at the time of submission of Form TR1 to register for income tax. The agents' contention that Form TR1 was due notification is rejected. Mr X therefore correctly remained liable as the assessable spouse.