STATUTORY INSTRUMENTS.

S.I. No. 243 of 2006.

PENSIONS (INCENTIVE TAX CREDITS) REGULATIONS 2006

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PENSIONS (INCENTIVE TAX CREDITS) REGULATIONS 2006
(S.I. No. 243 of 2006)

The Revenue Commissioners, in exercise of the powers conferred on them by section 848AE (inserted by section 42 of the Finance Act 2006 (No. 6 of 2006)) of the Taxes Consolidation Act 1997 (No. 39 of 1997), hereby make the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the Pensions (Incentive Tax Credits) Regulations 2006.

(2) These Regulations come into operation on 10 May 2006.

Interpretation

2. In these Regulations—

"additional tax credit" has the meaning assigned to it by section 848Z of the Principal Act;

"declaration" means a declaration of a kind referred to in section 848X of the Principal Act;

"maturity statement" has the meaning assigned to it by section 848H(5) of the Principal Act;

"monthly return" means the return referred to in section 848AB of the Principal Act;

"pension subscription" has the meaning assigned to it by section 848W of the Principal Act;

"Principal Act" means the Taxes Consolidation Act 1997;

"tax credit" has the meaning assigned to it by section 848Y of the Principal Act.

Registration of administrators

3. (1) Where an administrator applies to the Revenue Commissioners to be registered in accordance with section 848AD(1) of the Principal Act, the administrator shall do so in a form authorised by the Revenue Commissioners for that purpose.

(2) Where the Revenue Commissioners are in receipt of an application in accordance with paragraph (1) and they are satisfied that the person making the application is an administrator, they shall—

(a) include the person in a register maintained by them for the purposes of Part 36B of the Principal Act, and

(b) as soon as is practicable, notify the person accordingly in writing.

Monthly return

4. An administrator shall not include in a monthly return, tax credits or additional tax credits in respect of a pension subscription made by an individual unless the individual—

(a) has furnished to the administrator his or her maturity statement, and

(b) has made a declaration of a kind referred to in section 848X of the Principal Act.

Payment of tax credits

5. (1) The Revenue Commissioners shall establish procedures with each administrator in relation to the payment of the aggregate amount of tax credits and the aggregate amount of additional tax credits (included in a monthly return made by the administrator) and, without prejudice to the generality of the foregoing but subject to paragraph (2), such procedures shall govern the method by which the payment is to be made.

(2) If the Revenue Commissioners are satisfied that any amount included in a monthly return made by an administrator is payable to the administrator they shall pay that amount to the administrator and, if they are not so satisfied, they shall pay any lesser amount which they are satisfied is so payable.

Correction of errors

6. (1) Where an administrator discovers that the aggregate amount of tax credits or the aggregate amount of additional tax credits which has been included in a monthly return is not correct, then, subject to paragraph (2), the administrator shall take account of that error in the next monthly return required to be made by the administrator after such discovery.

(2) Where a monthly return made by an administrator takes account of an error made in a monthly return previously made, the administrator shall attach to the monthly return, in a form authorised by the Revenue Commissioners, details of the adjustment which has been made to the monthly return to account for the error.

Alternative return period

7. (1) Where the Revenue Commissioners consider that the returns referred to in section 848AC of the Principal Act should be made by an administrator for

periods other than those specified in that section, they shall advise the administrator accordingly.

(2) Where, in accordance with paragraph (1), the Revenue Commissioners advise an administrator of the periods for which they require a return to be made to them and the administrator makes those returns, the administrator shall be relieved of the obligation to make returns for the periods specified in section 848AC.

Issue of statement by administrator

8. Where an administrator issues a statement to an individual for the purposes of the individual making a claim under the Income Tax Acts in respect of a pension subscription subscribed by the individual to the administrator that statement shall not include—

(a) the first €7,500 of the pension subscription,

(b) the tax credit in relation to the pension subscription or any part of that tax credit, or

(c) the additional tax credit in relation to the pension subscription or any part of that additional tax credit.

Retention of documents by administrator

9. (1) Subject to paragraph (2), an administrator shall retain maturity statements and declarations for a period of at least 6 years from the date each maturity statement or, as the case may be, each declaration is received by the administrator.

(2) The Revenue Commissioners may specify alternative ways in which maturity statements and declarations referred to in paragraph (1) are to be retained.

Delegation of functions

10. The Revenue Commissioners may nominate any officer of the Revenue Commissioners to perform any acts and discharge any functions authorised by these Regulations to be performed or discharged by the Revenue Commissioners.

Guidance notes

11. (1) The Revenue Commissioners may make available guidance notes on the provisions of Part 36B of the Principal Act and these Regulations for the information of administrators.

(2) The Revenue Commissioners may from time to time revise the guidance notes referred to in paragraph (1).

GIVEN under my hand,
9 May 2006.

Josephine Feehily,
Revenue Commissioner.

Explanatory Note

(*This note is not part of the Instrument and does not purport to be a legal interpretation*).

These Regulations relate to the administration of the incentive, provided for in the Finance Act 2006, to invest Special Savings Incentive Account (SSIA) funds in a pension product on the maturity of an SSIA. They provide procedures whereby pension providers register with the Revenue Commissioners in order to obtain tax credits from the Revenue Commissioners in relation to pension subscriptions made by holders of SSIAs following the maturity of their SSIAs.

In addition, the Regulations set out procedures to be used to correct errors made in a claim for tax credits and provide for the publication by the Revenue Commissioners of guidance notes for the assistance of pension providers.