Tax Exemption and Marginal Relief

Part 07-01-18

This document should be read in conjunction with section 188 of the Taxes Consolidation Act 1997

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Table of Contents

1. Overview - Who Can Claim the Exemption?

An individual aged 65 and over is exempt from income tax where his or her total income is less than the relevant exemption limit.

For married couples or civil partners, who would be otherwise entitled to the joint personal tax credit specified in section 461(a) TCA 1997, the income tax exemption is available where their total joint income is less than the relevant exemption limit.

The relevant exemption limits are set out in the table below:

Year of assessment: 2024

Personal circumstances	**Exemption Limit**
Single, widowed or a surviving civil partner	€18,000
Married or in a civil partnership	€36,000

If a claimant is married or in a civil partnership, it is the age of the elder spouse or civil partner that is relevant i.e. if the claimant is 67 and his or her spouse or civil partner is 63, the claimant is entitled to the married person's/civil partner's exemption limits.

Where the claimant has dependent children the exemption limit is increased by €575 per child for the first 2 children and €830 for each child thereafter.

For the purposes of the increased exemption a dependent child is a child of the claimant who is -

- born in the year of assessment;
- under 18 years of age at the commencement of the year of assessment;
- over 18 years at the commencement of the year of assessment and in receipt of
  - full-time instruction, or
  - full-time training as an apprentice where the training is for at least two years;
- incapacitated either physically or mentally, having become so –
  - before reaching 21 years of age,
  - after reaching the age of 21 but while still in receipt of full-time instruction,
  - while training full-time for a trade or profession for a minimum of 2 years, or
- a child who is in the custody of the claimant and maintained by the claimant at the claimant's own expense for the whole or the greater part of the year.

Where the child is born during the tax year, the claim is by reference to the whole or the greater part of the year from date of birth to the end of that tax year.

Only one increase shall be allowed in respect of each child.

Where 2 or more individuals would be entitled to an increase in the exemption limit in respect of the same child:

- where the child is maintained by one individual only, that individual only is entitled to the increase;
- where the child is maintained by more than one individual, each individual is entitled to claim an increase proportionate to the level of maintenance expended by that individual (i.e. where an individual contributes 50% of the maintenance costs of a child, he or she is entitled to 50% of the increased exemption available). Deductible maintenance payments should be disregarded for the purposes of this calculation.

2. How is the Exemption Granted?

If the claimant's total income is less than the relevant exemption limit set out in Section 1 above, the claimant will not pay any tax.

A tax credit certificate will issue to his or her employer or the payer of his or her pension showing the exemption figure so that income tax will not be deducted from his or her salary or pension.

If the claimant has been granted the exemption, no additional relief is available on any further claims he or she might have e.g. health expenses, etc.

2.1 How is Total Income Calculated?

Total income for the purposes of the exemption is gross income (i.e. before any income tax is deducted) from all sources less certain deductions, such as expenses, covenanted amounts, etc.

- A claimant's income from all sources must be included when claiming the income tax exemption; i.e. salary, pension, rental income, deposit interest, and dividend income etc.
- If married or in a civil partnership and jointly taxed, his or her spouse's or civil partner's income is also included.
- Gross figures (i.e. before deduction of DIRT, Dividend Withholding Tax etc.) must be included for deposit interest and dividend income.

If the total income is equal to or less than the exemption limit the claimant will be exempt from income tax.

Example

A married couple has joint income of €35,000 in 2024. The husband is 67 and the wife is 62. They will be exempt from income tax for 2024 because the elder spouse is over 65 and their total income of €35,000 is less than the exemption limit of €36,000.

The exemption only applies to income tax. Universal Social Charge and PRSI continue to be payable. However, a claimant may also be exempt from PRSI contributions. To note, there were changes to the PRSI exemption that previously applied to an individual on reaching 66 years of age. Such changes apply with effect from 1 January 2024, detailed information regarding same is available here.

Universal Social Charge is not payable in respect of the State Pension (Contributory and non-Contributory).

3. Relief Where Income is Above the Exemption Limit (Marginal Relief)

If total income is over the exemption limit that applies to the claimant, marginal relief may still be available where a claimant (or his/her spouse or civil partner) is 65 or over and their total income is less than twice the exemption limit.

Marginal relief will only be given where it is more beneficial to the claimant than his or her entitlement to tax credits.

Marginal relief restricts the maximum amount of tax payable to 40% of the amount by which the claimant's income exceeds the specified amount.

If a claimant has been given marginal relief and subsequently wishes to claim any additional tax credits or reliefs, e.g. health expenses, Revenue will recalculate his or her liability to identify which is more beneficial to the taxpayer - tax credits or marginal relief.

The following example shows how marginal relief works.

Example

A married man is 68 years old. He has 2 dependent children and income of €38,000 in 2024. His spouse has no income. He is entitled to a total tax credit of €6,115 which is made up of the following.

Personal Credit	€3,750
Age Credit	€490
PAYE Credit	€1,875
Total credits	€6,115

The exemption limit that applies to him is €37,150 (i.e. €36,000 + €575 + €575 for 2 dependent children).

Taxed Under Normal System		**Taxed under Marginal Relief**	
Total Income	€38,000	Total Income	€38,000
		Less Exemption	€37,150
Tax @ 20%	€7,600	Excess	€850
Less Tax Credits	€6,115	(Amount over Exemption Limit)	
Tax Liability	€1,485		
		Tax Due under marginal relief (40% of excess)	€340
		Marginal relief granted (€1,485 - €340)	€1,145

In this example, marginal relief is more favourable as the tax due under marginal relief is less than that which arises if the taxpayer used his or her credits.

4. Does the Exemption Apply to Deposit Interest Retention Tax (DIRT)?

A claimant can apply directly to his or her Financial Institution to have the interest paid without deduction of DIRT where the claimant or his or her spouse/civil partner:

- is aged 65 or over during the tax year, **and**
- the claimant or his or her spouse's/civil partner's combined total income for the year is below the relevant annual exemption limit.

Note: Total income is gross income from all sources (e.g. Pensions, Deposit Interest, etc.).

To avail of the DIRT exemption at source a form DE1 should be completed. The form DE1 is available on www.revenue.ie or by telephoning the Forms and Leaflets helpline on 01 738 3675.

A separate declaration form is required from the account holder for each account held with each financial institution.

Where DIRT has been deducted during the year and the taxpayer satisfies the above conditions, he or she can claim a refund of this tax after 31st December by completing a Form 54 and submitting it to Revenue.

5. Can an Exempt Individual Claim a Refund of Income Tax Deducted?

If a claimant is entitled to the exemption from income tax but has:

- actually paid income tax in the year, or
- received income from which tax was deducted [e.g. salary, pension, deposit interest (where the conditions outlined in the previous section are satisfied), Irish dividends, income under a covenant, etc.],

he or she will be entitled to a refund in most cases.

All refund claims must be made within a 4-year time limit (i.e. claims for the year of assessment 2020 may be submitted up to 31 December 2024).

Revenue will automatically apply the exemption whenever a claimant's total income is less than the relevant exemption limit set out in Section 1. The exemption will be automatically granted for subsequent years, if due.

Similarly, there is generally no need to claim marginal relief as Revenue will automatically grant this relief where the relief is more beneficial to the claimant than his or her entitlement to tax credits.

If a customer believes that exemption or marginal relief was due and neither was applied, they may contact Revenue using myEnquiries via myAccount to request a review.