Mandatory disclosure guidance notes

Part 33-03-01

This document should be read in conjunction with Chapter 3 of Part 33 of the Taxes Consolidation Act 1997, the Mandatory Disclosure of Certain Transactions Regulations 2011 and the Mandatory Disclosure of Certain Transactions (Amendment) Regulations 2015

Last updated October 2019

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.
1. Legislation

The legislation for the mandatory disclosure regime is set out in:

- Chapter 3 of Part 33 Taxes Consolidation Act 1997
- Mandatory Disclosure of Certain Transactions Regulations 2011
- Mandatory Disclosure of Certain Transactions (Amendment) Regulations 2015

2. Publications

A. Revenue Guidelines for the Mandatory Disclosure regime, which reflected legislative changes up to and including Finance Act 2014, were published in January 2015. The guidelines were updated in September 2019, as follows:

- Paragraph 1.2 Added reference to “the Finance Act 2015”.
- Paragraph 7.2 Details of how to obtain forms updated.
- Paragraph 7.3 Details of where to send completed forms updated.
- Paragraph 8.6 Added the following new paragraph:

  “In joint assessment cases, Revenue will consider the obligation of a non-assessable spouse or civil partner to include the transaction number(s) in his/her Form 11 as being satisfied if that individual’s spouse or civil partner includes the number(s) in his/her Form 11 for the relevant chargeable period(s). For information regarding joint assessment, please refer to Tax and Duty Manual Part 44-01-01 and Part 44-02-01”.

- Paragraph 9.4 Changed “21 days” to “21 working days”.

B. Revenue Guidelines for the Mandatory Disclosure regime, which reflected how the regime applies for transactions which were commenced prior to 24 October 2014, were published in 2011.