

## National Co-op Farm Relief Service Operators

### Part 42-04-55

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## 1. Introduction

The National Co-op Farm Relief Services (FRS) provide a wide range of services, primarily to the farming community. The tax treatment of these services varies depending on the nature of the engagement.

The following sets out the tax treatment that applies in different scenarios.

## 2. Operators who provide labour only

For taxation purposes, these operators are employees and are within the PAYE system of tax deduction.

When determining the applicable PRSI class of a labour only operator, consideration must be given to the nature of the engagement. [The Code of Practice on Determining Employment Status](#), which was published by the Department of Social Protection in July 2021, provides guidance in this regard.

The PRSI Class applied to the engagement is always subject to the individual operator's right to seek a decision from the Scope Section of the Department of Social Protection regarding his or her insurability status. The Department of Social Protection may also investigate the class of PRSI applied to any individual worker.

## 3. Operators who provide equipment only

Operators who provide equipment only are entitled to payment for the hire of equipment gross (without deduction of PAYE/PRSI/USC). Payment is made gross to the operator by the FRS office on receipt of an invoice for the hire cost. The normal rules apply in relation to returning these payments on Form 46G annually. Invoices relating to the hire costs must be retained by the appropriate FRS office and may be examined in the event of an audit. These records must be kept for six years.

## 4. Operators who provide equipment in addition to labour

### 4.1. VAT registered operators

Where an operator is VAT registered, the issue of whether that operator is a self-employed contractor needs to be considered. Where the operator is genuinely a self-employed contractor i.e. is engaged on a bona fide contract for services, payment of the entire sum due will be made by the appropriate FRS office, without PAYE/PRSI/USC deductions, on production of an invoice. The invoice must show the operator's VAT number and the VAT due in respect of the transaction. The normal rules apply in relation to returning these payments on Form 46G annually.

#### 4.2. Operators not registered for VAT

In these cases, the entire payment is subject to PAYE/PRSI/USC deductions. Operators may contact their local Revenue office to claim expenses in relation to the equipment provided, if they so wish. Credit for this may, as appropriate, be incorporated in the certificate of tax credits and standard rate cut off point issued.

#### 5. Expenses

In the case of operators who provide labour only, it is Revenue's view that a contract of service exists, i.e. that they are employees. In the case of travel expenses, they are allowable only where an operator is **necessarily** obliged to incur such expenses "**in the performance**" of his or her employment duties. Expenses incurred in travel to and from work are not allowable.