# Income tax treatment of married persons and civil partners

## Part 44-01-01

This document should be read in conjunction with Parts 44 and 44A of the Taxes Consolidation Act 1997

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Revenue
Cáin agus Custaim na hÉireann
Irish Tax and Customs

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.

## Table of Contents

1. Introduction....4
1.1 Summary of Basis of Assessment for Married Couples and Civil Partners....5
2. Recognition of same sex marriage and civil partnership....6
2.1 Recognition of civil partnership....6
2.2 Marriage Act 2015....7
3. Year of marriage....8
3.1 Year of marriage relief....8
3.2 Entitlement to the single person child carer credit in the year of marriage 10
4. Subsequent years - basis of assessment....11
4.1 Overview....11
4.2 Joint assessment....12
4.2.1 Assessable spouse or nominated civil partner....12
4.2.2 Nomination of assessable spouse or nominated civil partner....13
4.2.3 Application of credits, reliefs and rate bands....14
4.3 Separate assessment....16
4.3.1 Election for separate assessment....17
4.4 Separate treatment (assessed as single individuals)....19
4.4.1 Election for separate treatment....19
5. Non-residence – aggregation of income where one or both spouses or civil partners is or are non-resident....21
5.1 Tax treatment where only one spouse or civil partner is resident in the State and has income chargeable to tax in the State.....21
5.2 Cases where both spouses or civil partners are non-resident, but one spouse or civil partner has income chargeable to tax in the State....23
6. Widowed persons or surviving civil partners....26
6.1 Tax treatment in year of death of spouse or civil partner....26
6.1.1 Joint assessment....26
6.1.2 Separate treatment....27
6.1.3 Separate assessment....27
6.1.4 Age exemption and marginal relief....28
6.2 Single person child carer credit....29
6.3 Additional tax credit for certain widowed persons or surviving civil partners....30

6.4 Widowed parent tax credit....30
7. Separation, divorce or dissolution....32
7.1 Income tax in year of separation, divorce or dissolution....32
7.1.1 Joint assessment....32
7.1.2 Separate assessment....33
7.1.3 Separate treatment (single assessment)....33
7.2 Maintenance of spouses or civil partners living apart....34
7.2.1 Return of PRSI Contributions – maintenance payments....35
7.3 Foreign divorce or dissolution....36
7.4 Aggregation basis ('joint assessment for separated couples')....36
7.5 Charging of recipient under Case IV in respect of maintenance payments..37
7.6 Voluntary Maintenance Arrangements....38
Appendix - Foreign relationships recognised as civil partnerships in the State....39

# 1. Introduction

This manual sets out the income tax treatment of married persons and civil partners.

The tax treatment of married persons is set out in Part 44 of the Taxes Consolidation Act ("TCA") 1997.

The tax treatment of civil partners is set out in Part 44A TCA 1997.

This manual also covers the income tax treatment applicable:

- in the year of the death of a spouse or civil partner;
- in the year of separation, divorce or dissolution of the partnership; and
- to maintenance payments.

Paragraph 1.1 sets out a summary of the three bases of assessment available to married couples and civil partners.

## 1.1 Summary of Basis of Assessment for Married Couples and Civil Partners

| | **Joint Assessment (Paragraph 4.2)** | **Separate Assessment (Paragraph 4.3)** | **Separate Treatment (Single Assessment) (Paragraph 4.4)** |
|---|---|---|---|
| Year of Marriage | Both spouses and civil partners are assessed as single persons for the year of marriage. However, relief for the year of marriage or registration may be available on request. | | |
| Year following year of marriage and subsequent years | An election for joint assessment must be made in writing to Revenue by both spouses or both civil partners.<br><br>In the absence of an election for joint assessment or separate treatment, a couple will be deemed to be jointly assessed. | An application for separate assessment must be made in writing to Revenue and can be made by either spouse or civil partner. | An election for separate treatment must be made in writing to Revenue and can be made by either spouse or civil partner. |
| Deadlines | The election for joint assessment must be made in the relevant tax year i.e., by **31 December** of the relevant tax year. However, in the absence of an election, a couple will be deemed to be jointly assessed. | The application for separate treatment must be made in the period commencing 1 October in the preceding tax year to **31 March** of the relevant tax year. | The election for separate treatment must be made within the relevant tax year i.e., by 31 December of the relevant tax year. |
| Withdrawal / Change of basis of assessment & applicable deadlines | Joint assessment will continue to apply until either spouse or civil partner withdraws the notice for joint assessment. The deadline for withdrawal is **31 December** of the relevant tax year. | Separate assessment will continue to apply until the party who applied for separate assessment withdraws the election. To opt out of separate assessment, the withdrawal must be made on or before **31 March** in the year. | Separate Treatment will continue to apply until the spouse who made the election for separate treatment withdraws it by **31 December** in the relevant tax year. |
| Assessable Spouse / Nominated Civil Partner | Where a couple does not select which spouse or civil partner will be the assessable spouse or nominated civil partner, this will be determined by Revenue.<br><br>Where a couple wishes to change the assessable spouse or nominated civil partner in a year of assessment, the nomination must be made on or before **31 March** in the tax year. | | |

# 2. Recognition of same sex marriage and civil partnership

## 2.1 Recognition of civil partnership

Following the passing of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, the TCA 1997 was amended to provide for the tax treatment of civil partners.

Part 44A TCA 1997 applies to civil partnerships recognised in the State for the 2011 year of assessment and subsequent years.

Following the commencement of the Marriage Act 2015 on 16 November 2015, marriage is available in Ireland for same sex couples. From this date, couples can no longer serve notice of intention to enter into a civil partnership in the State.

Civil partnerships which were entered into prior to the commencement of the Marriage Act 2015 on 16 November 2015 will continue. The tax treatment of civil partners is not affected by the Marriage Act 2015.

Individuals who entered a civil partnership in Ireland prior to the commencement of the Marriage Act 2015, but who did not advise Revenue of this change, can no longer (as of 1 January 2020) amend civil status assessments for tax years prior to 2016 with a view to seeking a repayment of tax, as such repayment is outside of the "four year rule" for the timely submission of repayment claims in section 865 TCA 1997. The "year of registration of civil partnership" relief in section 1031E TCA 1997 can no longer be applied for as such as such repayment is outside of the "four year rule".

However, if individuals have not previously advised Revenue of their status as civil partners, they can so advise Revenue and any necessary amendments can be made to their tax position for up to the four years preceding the year in which the claim is made. Any existing civil partners who have not changed their status will continue as civil partners. Their tax treatment is not affected by the Marriage Act 2015.

Same sex couples who entered into a registered partnership on or before 15 May 2016 in another jurisdiction will be recognised as civil partners in the State, provided the legal relationship is recognised in the State under a section 5 Order of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.

Any new civil partnership entered into outside the State from 16 May 2016 is not recognised as a civil partnership in the State.

Links to statutory instruments listing foreign registered relationships which are treated as equivalent to a civil partnership under Irish law are available in the Appendix.

## 2.2 Marriage Act 2015

From 16 November 2015, following the enactment of the Marriage Act 2015, the provisions of the TCA 1997 apply to married couples regardless of whether the marriage is between two persons of the opposite sex or of the same sex. These provisions are set out in Part 44 TCA 1997.

Where a marriage was contracted lawfully between two persons of the same sex in another jurisdiction, that marriage will be recognised automatically in the State as of 16 November 2015 or from the date of marriage, if later.

**Example 1**
Isobel and Jen were legally married in Spain in the year 2010. They relocated to Galway in 2011 and registered for Irish tax. This was recognised as a civil partnership for Irish tax purposes up to 15 November 2015. With effect from 16 November 2015, they are recognised as a married couple in the State.

**Example 2**
Jaziel and João were registered as civil partners in the UK in the year 2010. They relocated to Athlone and registered for Irish tax on 1 July 2011. They got married in the State on 1 July 2017. They are recognised as civil partners for Irish tax purposes up to 30 June 2017 and as a married couple from 1 July 2017.

The following material is either exempt from or not required to be published under the Freedom of Information Act 2014.

[…]

# 3. Year of marriage

## 3.1 Year of marriage relief

In the year of marriage, both individuals will be taxed as single individuals for that year of assessment.

However, additional relief for the year of marriage may be available on review, if the aggregate of the tax payable by the couple as single individuals for the year of assessment exceeds the tax that would have been payable if the couple had been jointly assessed to tax throughout the year (see paragraph 4.2 for further details on joint assessment). The relief is available under section 1020 TCA 1997 for married couples.

As noted in paragraph 2.1, in Ireland, no new civil partnerships can be entered into since the enactment of the Marriage Act 2015 and the "year of registration of civil partnership" relief provided for in section 1031E TCA 1997 can no longer be applied as such a repayment is outside of the "four year rule".

**Tax Relief**

Tax relief is calculated using the formula:

$$A \times \frac{B}{12}$$

Where:

**A:** is the amount by which the sum of the tax payable by the couple as single individuals exceeds the amount that would have been paid had the couple been jointly assessed for the whole of the tax year, and

**B:** is the number of calendar months during the year for which the couple has been married or in a civil partnership.

For the purposes of calculating the number of applicable months, part of a month is treated as a whole month.

Any overpayment of tax to be repaid will be divided between the couple based on the tax paid and payable by each individual as single individuals on their respective total incomes for the year of marriage or registration.

**Example 3**[1]
A couple was married on 10 July 2025.

**Tax payable as single individuals in 2025**

| Spouse 1 | | Spouse 2 | |
|---|---|---|---|
| Income €48,000 | | Income €24,000 | |
| €44,000 x 20% | €8,800 | 24,000 x 20% | €4,800 |
| €4,000 x 40% | €1,600 | | |
| Total Tax | €10,400 | Total Tax | €4,800 |
| Tax Credits | | Tax Credits | |
| Personal Tax Credit | €2,000 | Personal Tax Credit | €2,000 |
| PAYE Tax Credit | €2,000 | PAYE Tax Credit | €2,000 |
| Total Credits | €4,000 | Total Credits | €4,000 |
| Tax payable (€10,400 - €4,000) | €6,400 | Tax payable (€4,800 - €4,000) | €800 |

Combined tax payable as single persons
(€6,400 + €800) €7,200

**Tax payable under joint assessment in 2025**

| | |
|---|---|
| Income (€48,000 + €24,000) | €72,000 |
| €72,000 x 20% | €14,400 |
| Total | €14,400 |
| Tax Credits | |
| Personal Tax Credit | €4,000 |
| PAYE Tax Credit (€2,000 + €2,000) | €4,000 |
| Total Credits | €8,000 |
| Tax payable (€14,400 - €8,000) | €6,400 |

[1] PRSI and USC are ignored for the purpose of the examples.

| **Amount Repayable to Couple** | |
|---|---|
| Tax payable as single individuals: | €7,200 |
| Tax payable under joint assessment: | €6,400 |
| Difference: | €,800 |
| Date of Marriage | 10 July 2025 |
| Repayment (A x B/12); €800 x 6/12* | €400 |

| **Repayment to Each Spouse** | |
|---|---|
| Spouse 1: €400 x €6,400/€7,200 | €356 |
| Spouse 2: €400 x €800/€7,200 | €44 |
| Total | €400 |

*A is the amount by which the tax payable as single individuals exceeds the amount payable under joint assessment;
B is the number of months in the year for which the couple was married. The couple married on 10 July - July is counted as a full month.

## 3.2 Entitlement to the single person child carer credit in the year of marriage

Entitlement to the single person child carer credit ("SPCCC")[2] (which replaced the one parent family tax credit ("OPFTC") from 1 January 2014) is determined by reference to the circumstances that apply on 1 January in a year of assessment.

If a couple married after 1 January in a year of assessment and, prior to that date, either individual was entitled to the SPCCC, the credit should not be withdrawn from that individual in her or his individual tax computation for the year of marriage.

However, when determining on review if any additional 'Year of Marriage' relief is due (see paragraph 3.1), the SPCCC should be excluded from the computation of tax payable under joint assessment. SPCCC is not available to an individual entitled to the married person's basic personal tax credit of €4,000 under section 461(a) TCA 1997.

The SPCCC is withdrawn for future years from either individual who had previously qualified for it.

[2] Section 462B TCA 1997 provides for the SPCCC valued €1,900 for the tax year 2025 and subsequent years.

# 4. Subsequent years - basis of assessment

## 4.1 Overview

The assessment options available to married couples and civil partners are:

- joint assessment (also known as aggregation) – see paragraph 4.2,
- separate assessment - see paragraph 4.3, and
- separate treatment (i.e., treated as single persons) – see paragraph 4.4.

While the paragraphs mentioned above provide detailed information pertaining to each basis of assessment option, paragraph 1.1 provides a summary of each available option in tabular form.

A taxpayer may choose the option best suited to her or his circumstances.

## 4.2 Joint assessment

Under joint assessment a spouse or civil partner is chargeable to tax, not only on her or his own income, but also on the total income of her or his spouse or civil partner.

The rules for joint assessment for married couples are set out in sections 1017 and 1019 TCA 1997. The rules for joint assessment for civil partners are set out in section 1031C TCA 1997.

Joint assessment is the best option for most couples as it allows them to split their tax credits and standard rate band.
Revenue will automatically apply this basis of assessment once a taxpayer gives notification that she or he has married unless a notification is made to elect or apply for separate treatment or separate assessment respectively.

In the absence of an election or application for another basis of assessment, joint assessment will apply regardless of whether:

- one or both spouses or civil partners have taxable income; or
- either or both individuals are self-employed or taxed under the PAYE system.

However, this treatment by Revenue does not prevent a taxpayer from electing for separate assessment or separate treatment.

In order to make an election for joint assessment the couple must make a joint election in writing to Revenue before **31 December** in the relevant tax year.

In cases where a spouse or civil partner has previously applied to be separately treated and wishes to be subject to joint assessment, the spouse who made the application for separate treatment must withdraw it by **31 December** in the relevant tax year.

In cases where a spouse or civil partner has previously applied for separate assessment and wishes to be subject to joint assessment, the person who made the election must withdraw the application for separate assessment on or before **31 March** in the relevant year.

The above mentioned elections, application and withdrawals can be submitted in writing via MyAccount using the MyEnquiries function.

### 4.2.1 Assessable spouse or nominated civil partner

In the case of married persons, the spouse who is chargeable to tax on the income of both spouses is known as the “assessable spouse”.

In the case of civil partners, the partner who is chargeable to tax on the income of both civil partners is known as the “nominated civil partner”.

Revenue will automatically select the spouse or civil partner with the higher income to be the chargeable person for tax purposes. The person chargeable to tax

continues in this role unless the couple jointly elect to nominate the other person. She or he is responsible for filing tax returns, if required to do so, and paying any tax due.

#### 4.2.2 Nomination of assessable spouse or nominated civil partner

In cases where a couple are jointly assessed, they may elect which of them shall be assessable and charged to tax. This nomination for assessable spouse or nominated civil partner is made jointly by married couples by completing an Assessable Spouse Election Form or by civil partners by completing a Nominated Civil Partner's Election Form. The forms can be submitted to Revenue via MyAccount using the MyEnquiries function.

A couple must do this **on or before 31 March in the year** they want the election to apply.

Where the nomination for assessable spouse or nominated civil partner is made before the commencement of the tax year (1 January) a couple can ensure that the correct tax credits and standard rate band are allocated to each spouse or civil partner from the commencement of the tax year.

Where such an election is made, the nominated person will continue to be the assessable spouse (and charged to tax) until:

- the couple jointly elects that the other spouse is to be assessable and charged to tax, or
- either spouse or civil partner opts for either Separate Assessment or Separate Treatment.

Where an e-Form 12[3] is submitted by a couple after the end of the tax year (for example, to claim health expenses) either spouse or civil partner may complete the form. If the spouse who completes the form is not currently assessable and charged to tax (i.e., the assessable spouse or nominated civil partner), she or he will become assessable and charged to tax for that tax year only.

**Example 4**
Roger and Anna married in 2019 and are jointly assessed. Following their marriage, Roger and Anna jointly elected for Roger to be the assessable spouse.

In 2024, Anna incurred significant medical bills as a result of an accident. Anna completed an e-Form 12 in April 2025 (for the year 2024) to claim tax relief on her medical expenses. Following the submission of this form, Anna became the assessable spouse for 2024 only.

Roger will continue to be the assessable spouse for tax years 2025 onwards unless:

[3] Where either spouse or civil partner, who are jointly assessed to tax, is a chargeable person within the meaning of section 959A TCA 1997 the option to change assessable spouse or nominated civil partner for a prior year does not apply.

- Anna submits an e-Form 12 for any future year,
- the couple jointly elects that Anna shall become the assessable spouse, or
- either spouse opts for either separate assessment or separate treatment.

### 4.2.3 Application of credits, reliefs and rate bands

In joint assessment cases the following rate bands and basic credits apply:

**Standard rate band (section 15 TCA 1997)**
Where one spouse or civil partner is in receipt of income, the following amount is chargeable to income tax at the standard rate, currently 20%:

| | |
|---|---|
| 2025 | €53,000 |
| 2024 | €51,000 |
| 2023 | €49,000 |
| 2022 | €45,800 |
| 2019 to 2021 | €44,300 |

Where both spouses or civil partners are in receipt of income, the standard rate band is increased **by** the following amount:

| | |
|---|---|
| 2025 | The lesser of €35,000 or the income of the lower-earning spouse or civil partner |
| 2024 | The lesser of €33,000 or the income of the lower-earning spouse or civil partner |
| 2023 | The lesser of €31,000 or the income of the lower-earning spouse or civil partner |
| 2022 | The lesser of €27,800 or the income of the lower-earning spouse or civil partner |
| 2019 to 2021 | The lesser of €26,300 or the income of the lower-earning spouse or civil partner |

This increase is non-transferrable.

**Basic personal credit (section 461 TCA 1997)**
A married person's basic personal tax credit of €4,000 is applicable to jointly assessed couples for the 2025 year of assessment and subsequent years. This replaces the individual basic personal tax credit of €2,000[4] that would have been available to each individual prior to their marriage or registration of their civil partnership.

Most reliefs and credits from income tax may be granted to the assessable spouse or nominated civil partner for the period they are jointly assessed. However, jointly assessed couples cannot transfer:

- the employee tax credit[5];
- the earned income tax credit[6];
- employment expenses[7]; or
- the increase in the standard rate band[8].

Where a couple does not request tax credits and reliefs to be allocated in a particular way, Revenue will normally give all credits and reliefs (other than those listed above - the other spouse's or civil partner's employee tax credit, earned income tax credit, employment expenses and standard rate band increase) to the assessable spouse or civil partner.

[4] Section 461(c) TCA 1997 provides for a basic personal tax credit of €2,000 for the tax year 2025 and subsequent years.
[5] Section 472 TCA 1997 provides for the employee tax credit of €2,000 for the tax year 2025 and subsequent years.
[6] Section 472AB TCA 1997 provides for the earned income tax credit of €2,000 for the tax year 2025 and subsequent years.
[7] Section 114 TCA 1997 provides for employment expenses.
[8] Section 15(3) TCA 1997 provides for an increase to the standard rate band of the lower of the €35,000 or the income of the lower earner for the tax year 2025 and subsequent years.

Couples taxed under joint assessment can specify how they wish their tax credits and standard rate band to be allocated between them (other than employee tax credit, earned income tax credit, employment expenses and standard rate band increase) online during the year using myAccount.

Where changes are made, a new Tax Credit Certificate will issue within a few days with the amended details included.
If a refund is due at the end of the year, this will be repaid to each person in proportion to the amount of tax each has paid.

**Example 5**
Philip and Mark are jointly assessed. Philip's total income for 2025 is his employment income of €45,000. His civil partner Mark has investment income of €27,000. Tax payable under joint assessment in the year 2025 is as follows:

| | |
|---|---|
| Total Income for Philip and Mark: | €72,000 |
| €72,000 x 20% | €14,400 |
| Total Tax | €14,400 |
| Less: | |
| Personal Tax Credit | €4,000 |
| PAYE Tax Credit | €2,000 |
| Total Credits | €6,000 |
| Tax payable (€14,400-€6,000) | €8,400 |

## 4.3 Separate assessment

Under separate assessment, each spouse or civil partner is assessed on her or his own income with tax credits and reliefs divided between them in accordance with rules set out in legislation. For married couples, the provisions are set out in section 1024 TCA 1997, and for civil partners the provisions are set out in section 1031I TCA 1997.

If separately assessed, each spouse or civil partner is taxed as a single person during the tax year and they can complete a single tax return.

The following tax credits are divided equally:

- married person's or civil partner's basic personal tax credit[9];
- age tax credit[10];

[9] Section 461(a)(i) TCA 1997 provides a married person's basic personal tax credit of €4,000 for the tax year 2025 and subsequent years.
[10] Section 464 TCA 1997 provides an age tax credit of €490 in the case of a married person and civil partner or €245 in any other case for the tax year 2011 and subsequent years.

- blind person's tax credit[11];
- incapacitated child tax credit[12].

Any unused tax credits and reliefs (other than the employee tax credit, earned income tax credit, employment expenses and standard rate band increase) can be transferred to the other spouse or civil partner. The tax credits may not be adjusted until after the end of the tax year.

Unused tax credits, reliefs and rate bands of one spouse or civil partner may be transferred in the same manner as in joint assessment cases. Separate assessment is also known as "separate assessment within joint assessment". The aggregate of the tax payable by each spouse or civil partner under separate assessment cannot exceed the tax payable had the parties elected to be jointly assessed.

### 4.3.1 Election for separate assessment

An election / application for separate assessment can be submitted in writing via MyAccount using the MyEnquiries function. The application to Revenue can be made by either spouse or civil partner and must be made between 1 October of the preceding year and 31 March in the year that the couple wants separate assessment to apply.

An election to be assessed under separate assessment cannot be backdated and, once granted, it remains in place until it is withdrawn. Whichever spouse or civil partner initially makes the election must also be the one to withdraw it.

**Example 6**

As in Example 5, Philip's total income for 2025 is his employment income of €45,000 and his civil partner Mark has investment income of €27,000. However, here they have opted for separate assessment rather than joint assessment. Tax payable under separate assessment for the year 2025 is as follows:

| | |
|---|---|
| Philip's Income | |
| €44,000 x 20% | €8,800 |
| €1,000 x 40% | €400 |
| Total Tax | €9,200 |
| | |
| Less | |
| Personal Tax Credit | €2,000 |
| PAYE Tax Credit | €2,000 |
| Total Credits | €4,000 |
| | |
| Tax payable (€9,200 - €4,000) | **€5,200** |

[11] Section 468 TCA 1997 provides a blind person's tax credit of €1,950 for the tax year 2025 and subsequent years for an individual or €3,900 for a married couple or civil partners where both spouses are blind for the tax year 2025 and subsequent years.

[12] Section 465 TCA 1997 provides for an incapacitated child tax credit of €3,800 for the tax year 2025 and subsequent years.

| | |
|---|---|
| Mark's Income | |
| €27,000 x 20% | €5,400 |
| | |
| Less | |
| Personal Tax Credit | €2,000 |
| | |
| Tax payable (€5,400 - €2,000) | **€3,400** |
| | |
| Combined Tax Payable (€5,200 + €3,400) | €8,600 |

Additional tax relief is available in the form of unused tax credits, reliefs and standard rate band. In this example, Mark has unutilised €17,000 of his standard rate tax band (€44,000 - €27,000), a portion of which he can transfer to Philip. This is however subject to a maximum transferrable amount of €9,000, which gives Philip a revised standard rate band of €53,000 (€44,000 + €9,000). Philip can then recalculate his liability as follows:

| | |
|---|---|
| Philip's Income | |
| €45,000 x 20% | €9,000 |
| | |
| Less | |
| Personal Tax Credit | €2,000 |
| PAYE Tax Credit | €2,000 |
| Total Credits | €4,000 |
| | |
| Tax payable (€9,000 - €4,000) | €5,000 |

Mark can transfer the maximum amount allowable in respect of his unutilised standard rate band to Philip because the amount of Philip's income taxed at the standard rate band will remain less than the standard rate band available to the higher earner in a married couple, which is €53,000 for 2025.

Revised Combined Tax Payable

| | |
|---|---|
| Philip | €5,000 |
| Mark | €3,400 |
| Total | €8,400 |

The net combined tax payable will be €8,400, the same amount of tax payable as under joint assessment (see Example 5).

Philip and Mark may transfer the rate bands by completing a Form 12 online using myAccount.

## 4.4 Separate treatment (assessed as single individuals)

Under separate treatment, also known as single assessment, each spouse or civil partner is assessed and charged to tax on her or his own income.

The rules for single assessment for married couples are set out in section 1016 TCA 1997, and for civil partners in section 1031B TCA 1997.

When separate treatment applies each spouse or civil partner:

- is taxed on her or his own income;
- receives tax credits and the standard rate band due to a single person,
- pays her or his own tax; and
- completes her or his own return of income form and claims her or his own tax credits.

The main difference between separate treatment and separate assessment is that, under separate treatment, one spouse's or civil partner's unused tax credits, reliefs and rate bands **cannot** be transferred to the other spouse or civil partner.

Separate treatment can result in a higher aggregate tax liability for the couple as compared with separate assessment or joint assessment, if one spouse or civil partner does not earn sufficient income to avail of all her or his personal tax credits, reliefs or rate bands.

The home carer's tax credit[13] cannot be claimed in respect of a spouse or civil partner who cares for a dependent person and who might otherwise qualify for the relief if assessed jointly or under separate assessment.

### 4.4.1 Election for separate treatment

Separate treatment must be applied for in writing. This can be submitted to Revenue via MyAccount using the MyEnquiries function. Either spouse or civil partner can make the application, and the election remains until withdrawn by the spouse or civil partner that made the election. An election for separate treatment must be made within the tax year (preferably at the beginning).

[13] Section 466A TCA 1997 provides for a home carer tax credit of €1,950 for the tax year 2025 and subsequent years.

**Example 7**
As in Examples 5 and 6, Philip's total income for 2025 is employment income of €45,000 and his civil partner Mark has investment income of €27,000, but in this example they have elected for separate treatment. Tax payable under separate treatment in the year 2025 is as follows:

| | |
|---|---|
| Philip's Income | |
| €44,000 x 20% | €8,800 |
| €1,000 x 40% | €400 |
| Total Tax | €9,200 |
| | |
| Less | |
| Personal Tax Credit | €2,000 |
| PAYE Tax Credit | €2,000 |
| Total Credits | €4,000 |
| | |
| Tax payable (€9,200 - €4,000) | **€5,200** |
| | |
| Mark's Income | |
| €27,000 x 20% | €5,400 |
| | |
| Less | |
| Personal Tax Credit | €2,000 |
| | |
| Tax payable (€5,400 - €2,000) | **€3,400** |
| | |
| Combined Tax Payable (€5,200 + €3,400) | €8,600 |

Compared to both joint assessment and separate assessment, Philip and Mark have a higher overall liability for 2025 under separate treatment – i.e., €8,600 as opposed to €8,400, a difference of €200.

# 5. Non-residence – aggregation of income where one or both spouses or civil partners is or are non-resident

Entitlement to the married person's basic personal tax credit and standard rate bands is dependent upon the assessable spouse or nominated civil partner being chargeable to tax in accordance with the aggregation basis of assessment or joint assessment. For married couples the rules are set out in section 1017 TCA 1997 and for civil partners they are contained in 1031C TCA 1997.

The following material is either exempt from or not required to be published under the Freedom of Information Act 2014.

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## 5.1 Tax treatment where only one spouse or civil partner is resident in the State and has income chargeable to tax in the State.

Where only one spouse or civil partner is resident in the State and in receipt of income chargeable to tax in the State, she or he-

- is chargeable on that income on the basis of separate treatment as a single person; and
- may be granted single person's basic personal tax credits and reliefs, subject to the practice outlined hereunder.

In cases where only one spouse or civil partner is resident in the State and has income chargeable to tax in the State, where Revenue is satisfied that the other spouse or civil partner has no income and the earnings of the person working in the State are the only source of income of the couple, aggregation basis may be applied (that is, the married person's basic personal tax credit and the increased rate band may be given).

Aggregation may only be applied after the end of the tax year. The resident spouse or civil partner will need to complete a return of income, including a declaration of her or his spouse's or civil partner's income to receive the married person's basic personal tax credit and the increased rate band.

If the non-resident spouse or civil partner has income, a measure of relief may be due where the Irish tax payable under separate treatment in respect of the income chargeable to Irish tax exceeds the tax that would have been payable in respect of that income, had the total income of the couple been chargeable to tax on the basis of aggregation. The amount of relief due will depend on the amount of income of the non-resident spouse or civil partner.

To avail of this treatment, the couple should make a specific election for aggregation basis after the end of the tax year. The resident spouse or civil partner will need to complete a return of income, including a declaration of her or his spouse's or civil partner's income in order to receive the married person's basic personal tax credit and the increased rate band.

**Example 8**
In 2025, Peter has income of €45,000 from an Irish employment. Peter's spouse Paula, who is non-resident, has foreign investment income of €10,000. Peter's income tax liability on the basis of separate treatment is:

| | |
|---|---|
| Peter's Income for 2025: €45,000 | |
| €44,000 x 20% | €8,800 |
| €1,000 x 40% | €,400 |
| | €9,200 |
| Less | |
| Personal Tax Credit | €2,000 |
| PAYE Tax Credit | €2,000 |
| Total Credits | €4,000 |
| Tax payable for 2025 (€9,200 - €4,000) | €5,200 |

At the start of 2026, Peter makes a claim for aggregation relief for tax year 2025 by completing an Income Tax Return.

| | |
|---|---|
| Resident spouse (Peter's) Earnings | €45,000 |
| Non-resident spouse's investment income | €10,000 |
| | €55,000 |
| Taxed as follows: | |
| €55,000 x 20% | €11,000 |
| Less: | |
| Personal Tax Credit | €4,000 |
| PAYE Tax Credit | €2,000 |
| Total Credits | €6,000 |
| Tax payable (€11,000 – €6,000) | €5,000 |
| Tax attributable to Irish income €5,000 x (€45,000/€55,000) | €4,091 |
| Additional relief due to the resident spouse (€5,200 - €4,091) | €1,109 |

Peter is entitled to additional relief of €1,109 after filing a return of income.

## 5.2 Cases where both spouses or civil partners are non-resident, but one spouse or civil partner has income chargeable to tax in the State

Where neither spouse or civil partner is resident in the State, but one spouse or civil partner is in receipt of income chargeable to tax in the State (for example, income from exercising an employment in the State or Irish rental income), she or he:

- is generally chargeable to Irish tax on that income on the basis of separate treatment as a single person; and
- may be granted the single person's basic personal tax credits and reliefs, or a proportion thereof, in accordance with the provisions of section 1032 TCA 1997, which entitles a non-resident individual to claim tax credits and allowances in certain circumstances. For further information, please refer to Tax and Duty Manual ("TDM") Part 45-01-01 - Non-Residents and Tax Credits.

Section 1032 TCA 1997 provides that Irish citizens wherever resident, or citizens or residents of another member state of the European Union or the United Kingdom, are entitled to full personal tax credits and reliefs in respect of any tax year in which 75% or more of their worldwide income is taxable in the State.

Where section 1032 TCA 1997 applies, any apportionment of the tax credits, reliefs, etc., should be carried out by reference to the world-wide income of the spouse or civil partner with the Irish source of income. The income of the other spouse or civil partner should not be taken into account.

Where the couple is non-resident but one spouse or civil partner has income chargeable to tax in the State, if Revenue is satisfied that the other spouse or civil partner has no income and the earnings of the spouse or civil partner working in the State is the only source of income, aggregation basis may be applied in the normal way; that is, the married person's basic personal tax credit and the increased rate band should be applied.

If the other spouse or civil partner has income, a measure of relief may be due (depending on the level of that income) where the Irish tax payable under separate treatment in respect of the income chargeable to Irish tax exceeds the tax that would have been payable, in respect of that income, had the total income of the couple been chargeable to tax on the basis of aggregation.

To avail of this treatment, the couple should make a specific election for aggregation basis and the spouse or civil partner with income chargeable to Irish tax should be requested to give details of the couple's total income. This means the income of both parties including any income not chargeable to Irish tax. In cases of difficulty, a separate return should be requested from each spouse or civil partner.

**Example 9**
For 2025, both spouses are resident in the United Kingdom. One spouse has income of €10,000 from an Irish non-proprietary directorship and €22,000 from a UK employment. The other spouse has no income.

The spouse's income tax liability on the basis of separate treatment and relief under section 1032 TCA 1997 is:

| | |
|---|---|
| **Tax liability without aggregation** | |
| Income liable to Irish tax | Irish directorship Income €10,000 |
| €10,000 x 20% | €2,000 |
| | |
| Less | |
| Personal credit<br>(€2,000 x €10,000/€32,000) | €625 |
| | |
| PAYE credit<br>(€2,000 x €10,000/€32,000) | €625 |
| | |
| Total Credits | €1,250 |
| | |
| Tax payable<br>(€2,000 - €1,250) | €750 |
| | |
| **Tax liability on aggregation basis** | |
| Worldwide Income | |
| Irish directorship | €10,000 |
| UK employment | €22,000 |
| Total Income | €32,000 |
| | |
| €32,000 x 20% | €6,400 |
| | |
| Less | |
| Personal Tax Credit | €4,000 |
| PAYE Tax Credit | €2,000 |
| Total Credits | €6,000 |
| | |
| Tax chargeable<br>(€6,400 - €6,000) | €400 |
| | |
| Tax attributable to Irish income<br>(€400 x €10,000/€32,000) | €125 |
| | |
| Additional relief due<br>(€750 - €125) | €625 |

Where the operation of section 1032 TCA 1997 (applied on the basis of a single treatment) produces a lower liability, that liability should not be increased by reference to these procedures. If the calculation of tax under the separate treatment basis results in a lower liability than that which would be due under aggregation relief, then the liability shall remain as calculated under the separate treatment basis. Taking the above example, this means that if the calculation of tax under the separate treatment basis (e.g., €100) results in a lower liability than the tax due under the aggregation basis (€125), then the final liability shall remain at €100.

Normally, the tax attributable to the Irish income will be greater only in circumstances where part of the person's income is chargeable to tax at the higher rate.

# 6. Widowed persons or surviving civil partners

## 6.1 Tax treatment in year of death of spouse or civil partner

The tax treatment in the year of death will depend on how the couple was assessed prior to the death of the spouse or civil partner.

### 6.1.1 Joint assessment

Where the assessable spouse or nominated civil partner dies, the surviving spouse or civil partner will be entitled to the increased basic personal tax credit in accordance with section 461(b) TCA 1997[14]. She or he will be assessed on her or his income for the period from the date of death to the end of the year.

**Example 10**
Kris and Ashley are taxed under joint assessment. Kris, who is the nominated civil partner, dies during 2025. Kris is taxed on his and Ashley's income until his death of death. Ashley is taxed on his own income from the date of Kris' death to 31 December. This can be seen as follows:

| Year | Rate Band | Personal credits | Taxable income |
|---|---|---|---|
| 2025 (year of death) | Kris - €53,000 @ 20% plus increase up to €35,000. Balance taxed @ 40%. | Married person's basic personal tax credit €4,000. | Joint income from 1 January to Kris's death in 2025. |
| 2025 (year of death) | Ashley - €44,000 @ 20% Balance @ 40% | Increased basic personal tax credit €4,000. | Own income from date of Kris's death to 31 December 2025. |

In the case of the death of the non-assessable spouse or non-nominated civil partner, the surviving spouse or civil partner continues to be entitled to the married person's basic personal tax credit and appropriate standard rate band for the full year. She or he will be assessed on her or his own income for the full tax year, plus the late spouse or civil partner's income from 1 January to the date of death.

[14] Section 461(b) TCA 1997 provides an increased basic personal tax credit of €4,000 where the claimant is widowed person or surviving civil partner whose spouse or civil partner has died in the year of assessment, for the tax year 2025 and subsequent years.

**Example 11**
Kris and Ashley are taxed under joint assessment. Kris is the nominated civil partner. Ashley dies during 2025. Kris is taxed as follows:

| Year | Rate Band | Personal credits | Taxable income |
|---|---|---|---|
| 2024 | €51,000 @ 20% plus increase up to €33,000. Balance taxed at @ 40%. | Married person's basic personal tax credit €3,750. | Joint income from 1 January to 31 December 2024. |
| 2025 (year of death) | €53,000 @ 20% plus increase up to €35,000. Balance taxed @ 40%. | Married person's basic personal tax credit. €4,000. | Joint income from 1 January to date of death, plus own income from Ashley's date of death to 31 December. |

### 6.1.2 Separate treatment

If the couple was assessed on the basis of separate treatment prior to the date of death, the only alteration in the tax credits and rate bands by reason of the death of either spouse or civil partner is that the surviving spouse or civil partner is entitled to the increased basic personal tax credit of €4,000[15], as set out in section 461(b) TCA 1997 in substitution for the single person's basic personal tax credit for the year of death.

### 6.1.3 Separate assessment

In the case of the death of a spouse or civil partner where separate assessment is applicable, the status of the couple should be examined to determine which person would have been the assessable spouse or civil partner under joint assessment – that is, if separate assessment had not been applied. This is to ensure that the tax payable in the year under joint assessment is the same as tax payable under separate assessment.

The person who would have been the assessable spouse or nominated civil partner is:

- the person who was the assessable spouse or nominated civil partner prior to the election for separate assessment being made; or
- in the absence of a prior election, the spouse or civil partner with the higher income.

If the person who died would have been the non-assessable spouse or non-nominated civil partner:

[15] €4,000 for 2025, €3,750 for 2024, €3,550 for 2023, €3,400 for 2022 and €3,300 for 2019 to 2021.

- The deceased spouse or civil partner is assessable on her or his income from 1 January to the date of death and is entitled to the single person's basic personal tax credit and single rate band. Unused allowances, reliefs and rate bands are transferrable (in accordance with the rules of joint assessment generally) to the surviving spouse or civil partner.
- The surviving spouse or civil partner is assessable on her or his income for the full year and is entitled to the single person's basic personal tax credit and single rate band as well as the unused allowances, reliefs and rate bands of the deceased spouse or civil partner.

If the spouse or civil partner who died would have been the assessable spouse or nominated civil partner:

- The deceased spouse or civil partner is assessable on her or his income from 1 January to the date of death and is entitled to the single person's basic personal tax credit and single rate band. Unused allowances, reliefs and rate bands are transferrable to the surviving spouse or civil partner for the pre-death period.
- The surviving spouse or civil partner:
    - in the pre-death period, is assessable on her or his income from 1 January until the date of death and is entitled to the single person's basic personal tax credit and single rate band as well as the unused allowances, reliefs and rate bands of the deceased spouse or civil partner;
    - in the post death period, is assessable on her or his income from the date of death to 31 December and is entitled to a new single person's rate band and increased basic personal tax credit of €4,000 for this period.

### 6.1.4 Age exemption and marginal relief

Even though a widowed spouse or surviving civil partner may be in receipt of a higher basic personal tax credit, the exemption limit applicable to that person for the purposes of section 188 TCA 1997, is the limit applicable to a single person. This is the case because, although the basic personal tax credit she or he receives is the same amount as that allowed to a married person or a civil partner, the credit is granted under paragraph (b) rather than paragraph (a) of section 461 TCA 1997.

In joint assessment cases, where the non-assessable spouse or non-nominated civil partner dies, the surviving spouse or civil partner will retain her or his higher exemption limit for the year of bereavement as she or he remains entitled to the married person's basic personal tax credit under section 461(a) TCA 1997 in that year.

See TDM Part 07-01-18 – Tax Exemption and Marginal Relief – for further information.

## 6.2 Single person child carer credit

In the year of bereavement, the single person child carer credit ("SPCCC") cannot be granted to a surviving spouse or civil partner with children. This is because the SPCCC cannot be claimed by someone who is either:

- claiming an increased basic personal tax credit under section 461(b) TCA 1997; or
- retaining the married person's basic personal tax credit under section 461(a) TCA 1997 in the year of bereavement.

In the years following the year of bereavement, the credit may be available where the criteria are met (see TDM Part 15-01-41 – Single person child carer credit - for further information). The individual may be able to claim both:

- the SPCCC and
- the widowed parent tax credit (section 463 TCA 1997) - (see paragraph 6.4 below).

## 6.3 Additional tax credit for certain widowed persons or surviving civil partners

Following the year of bereavement, a widowed person or a surviving civil partner who does not qualify for the single person child carer credit ("SPCCC") as set out in paragraph 6.2 is entitled to the following basic personal tax credits:

- the single person basic personal tax credit under section 461(c) TCA 1997, currently €2,000;
- an additional credit under section 461A TCA 1997, currently €540[16].

This additional €540 credit is not available to a widowed person or a surviving civil partner who re-marries and was not previously available to anyone who entered a new civil partnership.

## 6.4 Widowed parent tax credit

The provisions covering the tax credit for a widowed person or a surviving civil partner who has a qualifying child resident with him or her are contained in section 463 TCA 1997.

To qualify for the credit for a tax year, the claimant must not have married (or previously entered into a civil partnership) before the commencement of the year. However, the credit is available to a claimant who marries during the year. The claimant must also have a qualifying child resident with her or him for all or part of the year.

The meaning of qualifying child for the purposes of this credit is the same as that for the SPCCC (see TDM Part 15-01-41 – Single person child carer credit - for further information).

This credit is in addition to the single person basic personal tax credit under section 461(c) TCA 1997, currently €2,000. The credit is not due in the year of bereavement. For details of personal credits due in year of bereavement (see paragraph 6.1 above). The SPCCC may also be claimed in addition to this credit (see paragraph 6.2 above). The credit is not due for any year where a claimant is cohabitating.

**Amount of the tax credit**

The tax credit is due for each of the five years following the year of bereavement as follows:

| | |
|---|---|
| First Year: | €3,600 |
| Second year: | €3,150 |
| Third year: | €2,700 |
| Fourth year | €2,250 |
| Fifth year | €1,800 |

[16] Section 461A TCA provides for an additional tax credit for certain widowed persons of €540 for the tax year 2011 and subsequent years.

**Example 12**
For a taxpayer, with qualifying children, bereaved in 2025 the widowed parent tax credit available for claiming amounts to:

2026: €3,600
2027: €3,150
2028: €2,700
2029: €2,250
2030: €1,800

# 7. Separation, divorce or dissolution

## 7.1 Income tax in year of separation, divorce or dissolution

The tax treatment in the year of separation, divorce or dissolution will depend on how the couple was assessed prior to the separation, divorce or dissolution.

### 7.1.1 Joint assessment

The assessable spouse or nominated civil partner continues to be entitled to the married person's basic personal tax credit and appropriate standard rate band for the full year. She or he will be assessed on her or his own income for the full tax year, plus the former spouse or civil partner's income from 1 January to the date of separation.

The non-assessable spouse or non-nominated civil partner will be assessed on her or his income for the period from the date of separation to the following 31 December. She or he will be entitled to a single person's basic personal tax credit under section 461(c) TCA 1997 (currently €2,000) and the single person child carer credit ("SPCCC") - (see TDM Part 15-01-41 single person child carer credit for further information) where the qualifying criteria are met.

**Example 13**
Alex and Sam, who married in 2011, are jointly assessed for tax, with Alex being the assessable spouse.

Income Tax returns were filed by Alex and Sam for the years 2022, 2023 and 2024 on a joint assessment basis, showing the following income and liabilities:

| Year | Alex's Income | Sam's Income | Liability under Joint Assessment |
|---|---|---|---|
| 2022 | €51,000 | €10,000 | €6,440 |
| 2023 | €53,000 | €10,000 | €6,300 |
| 2024 | €55,000 | €10,000 | €6,300 |

Alex and Sam factually separated in June 2022 and became legally separated under a Court Order in June 2024. Alex advised Revenue of their separation in January 2025.

As Alex and Sam were factually separated[17] in June 2022, they can not avail of joint assessment from that date, regardless of when they advise Revenue. This means that from January 2023, Alex and Sam are taxed as single persons and the 0rules outlined above, apply for the year of separation.

Revised tax liabilities for Alex and Sam showing resulting over/underpayments are as follows:

[17] A couple can be factually separated when their married life has ended but where the separation has not been formalised in a legal agreement. Factual separation occurs in such circumstances that the separation is likely to be permanent.

| Year | Alex's Underpayments | Sam's Overpayments |
|---|---|---|
| 2022 | €2,000 | €300 |
| 2023 | €3,575 | €225 |
| 2024 | €3,675 | €125 |

### 7.1.2 Separate assessment

The rules for jointly assessed couples in the year of separation are similarly applied to separately assessed couples.

In the case of separation where separate assessment is applied, the status of the couple should be examined to determine which person would have been the assessable spouse or nominated civil partner under joint assessment, that is, if separate assessment had not been claimed. This is to ensure that the tax payable in the year under joint assessment is the same as tax payable under separate assessment.

The person who would have been the assessable spouse or nominated civil partner is:

- the person who was the assessable spouse or nominated civil partner prior to the election for separate assessment being made, or
- in the absence of a prior election, the spouse or civil partner with the higher income.

The assessable spouse or civil partner is assessable on her or his income from 1 January to the date of separation and is entitled to the single person's basic personal tax credit and single rate band. Unused allowances, reliefs and rate bands are transferrable to the non-assessable spouse or civil partner for the pre-separation period.

Before separation, the non-assessable spouse or civil partner is assessable on her or his income from 1 January until the date of separation and is entitled to the single person's basic personal tax credit and single rate band and any unused allowances, reliefs and rate bands are transferrable to the assessable spouse or civil partner for the pre-separation period.

After separation, the non-assessable spouse or civil partner is assessable on her or his income from the date of separation to 31 December and is entitled to a new single person's basic personal tax credit and single rate band for this period.

### 7.1.3 Separate treatment (single assessment)

If the couple was assessed on the basis of separate treatment prior to the date of separation, there should be no change in their tax treatment in the year of separation, except that the single person child carer credit ("SPCCC") may be available where the qualifying criteria have been met by either spouse or civil partner (see TDM Part 15-01-41 single person child carer credit, for further information).

## 7.2 Maintenance of spouses or civil partners living apart

Special income tax rules apply to:

- couples who are living apart;
- couples who have divorced or dissolved their civil partnership; and
- certain cohabitants who have ended their relationship

and who have entered legally enforceable maintenance arrangements.

For married couples, the relevant provisions are sections 1025 and 1026 TCA 1997; and for civil partners, the provisions are sections 1031J and 1031K TCA 1997.

The rules for maintenance payments between former cohabitants are set out in TDM Part 44B-01-01 - Tax Treatment of Former Cohabitants.

"Maintenance arrangement" means –

- an order of a court, rule of court, deed of separation, trust, covenant, agreement, arrangement or any other act giving rise to a legally enforceable obligation and made or done in consideration or in consequence of —
    - the dissolution or annulment of a marriage; or
    - such separation of the parties to a marriage as is referred to in section 1015(2) TCA 1997 (that is, legally separated or living apart permanently);
- an order of a court, under Part 5 or 12 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010; and
- a trust, covenant, agreement, arrangement or any other act giving rise to a legally enforceable obligation and made or done in consideration or in consequence of —
    - the dissolution or annulment of a civil partnership, or
    - living separately in the circumstances referred to in section 1031A(2) TCA 1997.

"Payment" means a payment or part of a payment, as the case may be.

Where legally enforceable maintenance payments are payable by one spouse or civil partner to her or his separated spouse or civil partner:

- the paying spouse or civil partner makes the payments gross;
- the paying spouse or civil partner is allowed, in computing her or his total income, a deduction for maintenance payments made in the year of assessment for the benefit of the other spouse or civil partner (see below - tax relief is confined to the amount referrable to the spouse - tax relief is not available in relation to payments for the benefit of children);
- the recipient is taxable under Case IV, Schedule D, in respect of such maintenance payments received; and
- both are taxed as single persons.

The same treatment will apply in respect of couples whose marriage or partnership have been dissolved or annulled and to couples who are living apart permanently provided the payments are:

1) made at a time when the couple is living apart;
2) legally enforceable;
3) annual or periodic; and
4) the agreement under which the payments are being made was entered into on or after 8 June 1983.

Tax relief may be granted in respect of direct and indirect payments; for example, medical insurance or mortgage payments paid by the former spouse or civil partner may be treated as maintenance payments.

Only payments made for the benefit of the other spouse or civil partner will qualify for tax relief. Where a maintenance arrangement provides for the payment for the benefit of a **child** of specified sums or of amounts which are quantifiable under the terms of the maintenance arrangement –

(a) the payments are to be made gross, without deduction of tax,
(b) the payer is not allowed a deduction for such payments, nor are they to be treated as income of the recipient,
(c) the payment does not count as income of the child, and
(d) the payer will be regarded as having contributed to the extent of such payments, to the maintenance of the child for the purposes of any claim to incapacitated child allowance or part thereof under section 465(6) TCA 1997.

Supporting documentation may be requested by Revenue to confirm the correct tax treatment.

### 7.2.1 Return of PRSI Contributions – maintenance payments

Section 37 of the Social Welfare Consolidation Act 2005 provides **for the return** of Pay Related Social Insurance (PRSI) contributions in respect of any payment made under or pursuant to a maintenance arrangement –

(a) within the meaning of Section 1025 TCA 1997 (spouses), unless Section 1026 applies to such payment (where the couple had elected for aggregation of their respective incomes),
(b) within the meaning of Section 1031J TCA 1997 (civil partners), unless Section 1031K applies to such payment (where the couple had elected for aggregation of their respective incomes), or
(c) within the meaning of Section 1031Q TCA 1997 (qualified cohabitants).

Where a taxpayer seeks a return of PRSI, he/she should contact the Department of Social Protection to arrange for the return of contributions that are due – see PRSI Refunds.

## 7.3 Foreign divorce or dissolution

Maintenance payments made under a settlement agreement arising from a divorce obtained outside the State will qualify for relief, provided the divorce is recognised in this State and the maintenance payments have been paid in accordance with the agreement.

## 7.4 Aggregation basis ('joint assessment for separated couples')

There is an alternative basis of assessment – aggregation - for couples who have a legally enforceable maintenance arrangement under section 1025 or 1031J TCA 1997.

This basis of assessment is set out in section 1026 TCA 1997 for separated or former married couples and in section 1031K TCA 1997 for separated or former civil partners.
This alternative basis of assessment applies to all couples who are legally separated or separated in such circumstances that the separation is likely to be permanent and couples whose marriage or civil partnership has been dissolved under any of the following:

- section 5 of the Family Law (Divorce) Act 1996;
- section 110 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, or deemed to be such a dissolution under Section 5(4) of that Act; and
- the law of a country or jurisdiction other than the State, being a divorce or dissolution that is entitled to be recognised as valid in the State.

This basis of assessment will apply provided a joint application, signed by both parties, is received and

- both parties are resident in the State for tax purposes for the year of assessment, and
- neither party has entered into another marriage (or previously, civil partnership).

Where an election is made by both parties for the aggregation basis of assessment, the maintenance payments are ignored for tax purposes; thus:

- the payer does not get a deduction for the maintenance payments; and
- the recipient is not taxable on the maintenance payment.

Where both individuals have income, the couple will be assessed as if an application for separate assessment had been made under section 1023 or 1031H TCA 1997 as appropriate.

## 7.5 Charging of recipient under Case IV in respect of maintenance payments

Where the recipient of a maintenance payment is in employment and the aggregate of the maintenance amount and any other non-PAYE income for the year of assessment is below the threshold for a "chargeable person" (€5,000 for 2016 and subsequent years of assessment - section 959B TCA 1997) the Case IV liability may be brought to account by way of restriction of tax credits.

## 7.6 Voluntary Maintenance Arrangements

Where a maintenance arrangement does not fall within the definition set out in paragraph 7.2 above, it will be regarded and treated as a voluntary maintenance arrangement, and thus disregarded for income tax purposes. In such cases, the paying spouse is not entitled to claim a deduction in respect of the amounts paid and the receiving spouse is not assessed to tax on the payments received.

However, where spouses or civil partners have entered into a voluntary maintenance arrangement, the paying spouse may be entitled to an increased basic personal tax credit[18] and the receiving spouse may also be entitled to a basic personal tax credit[19] in the same year of assessment.

Importantly, this is subject to a number of requirements.

In relation to the paying spouse or civil partner, he or she must prove that:

- his or her spouse or civil partner is not living with them; and
- the maintenance payments being made are sufficient to wholly or mainly maintain that spouse or civil partner

in order to be entitled to an increased basic personal tax credit of €4,000.

In considering if the maintenance payments being made are sufficient to wholly or mainly maintain the receiving spouse or civil partner, due regard must be had to any other sources of income that spouse or civil partner has in the year of assessment.

In relation to the receiving spouse or civil partner, he or she will be entitled to a basic personal tax credit of €2,000[19] provided that he or she does not remarry or enter into a new civil partnership.

[18] Section 461(a)(ii) provides for an increased basic personal tax credit of €4,000 for the tax year 2025 and subsequent years for the paying spouse.
[19] Section 461(c) provides for a basic personal tax credit of €2,000 for the tax year 2025 and subsequent years.

# Appendix - Foreign relationships recognised as civil partnerships in the State

Lists of legal relationships recognised as civil partnerships in the State are included in the following statutory instruments:

- S.I. No. 649 of 2010
- S.I. No. 642 of 2011
- S.I. No. 505 of 2012
- S.I. No. 490 of 2013
- S.I. No. 212 of 2014
- S.I. No. 132 of 2016

If any relationship listed in the above instruments is a marriage that was contracted lawfully between two persons of the same sex in another jurisdiction, that marriage will be recognised automatically in Ireland as a marriage from 16 November 2015, or from the date of marriage, if later.