

CHAPTER 1

INTRODUCTION

Revised September 2015

General

1.1

The legislation governing the tax treatment of pensions is contained in Part 30, Taxes Consolidation Act 1997:

Chapter 1 Occupational Pension Schemes

Chapter 2 Retirement Annuities and Approved Retirement Funds

Chapter 2A Personal Retirement Savings Accounts

Chapter 2B Overseas Pensions Plans: Migrant Member Relief

Chapter 2C Limit on Tax Relieved Pension Funds

Chapter 4 Miscellaneous

The Act grants discretionary powers to Revenue in relation to the approval of occupational pension schemes, personal pension contracts and Personal Retirement Savings Account products. The Revenue Pensions Manual gives general guidance on, among other things, how these powers are exercised. While the Manual reflects the current tax position at the time of writing, it is not binding in law. Revenue reserves the right to apply different treatment where appropriate in any particular case.

All enquiries in relation to matters covered by the Manual should be addressed to the Office of the Revenue Commissioners, Financial Services (Pensions), Large Cases Division, Ballaugh House, 73-79 Lower Mount St. Lower, Dublin 2, Ireland.

Email: lcdretirebens@revenue.ie Telephone: 00 353 1 6131800.

Please refer to Part 9.6 of the Stamp Duty Manual for information in respect of the levy on pension schemes under section 125B of the Stamp Duties Consolidation Act 1999.

How to use the Manual

1.2

The list of Contents details the various topics covered. The Glossary, (Appendix 1), defines all words which are printed in italics.

Outline of Part 30 Taxes Consolidation Act 1997

1.3

The principal provisions of Part 30 are as follows:

Chapter 1 Occupational Pension Schemes

Section 770	Interpretation and supplemental
Section 771	Definition of retirement benefits scheme
Section 772	Conditions for approval of schemes and discretionary approval
Section 772A	Approval of Retirement Benefits Products
Section 773	General Medical Services: superannuation scheme
Section 774	Certain approved schemes: exemptions and reliefs
Section 775	Certain approved schemes: employer contributions
Section 776	Certain statutory schemes: exemptions and reliefs
Section 777	Charge to tax in respect of certain relevant benefits provided for employees
Section 778	Exceptions from charge to tax under Section 777
Section 779	Charge to tax of pensions under Schedule E
Section 779A	Transactions deemed to be pensions in payment
Section 780	Charge to tax on repayment of employee's contributions
Section 781	Charge to tax on commutation of entire pension in special circumstances
Section 782	Charge to tax: repayments to employer
Section 782A	Pre-retirement access to AVCs

Chapter 2 Retirement Annuities & Approved Retirement Funds

Section 783	Interpretation and General
Section 784	Retirement Annuities: relief for premiums
Section 784A	Approved Retirement Fund
Section 784B	Conditions relating to an approved retirement fund
Section 784C	Approved Minimum Retirement Fund
Section 784D	Conditions relating to an approved minimum retirement fund
Section 785	Approval of contracts for dependants or for life assurance
Section 786	Approval of certain other contracts
Section 787	Nature and amount of relief for qualifying premiums

Chapter 2A Personal Retirement Savings Accounts

Section 787A	Interpretation and supplemental
Section 787B	Relevant earnings and net relevant earnings
Section 787C	Granting relief for PRSA contributions
Section 787D	Claims to relief
Section 787E	Extent of relief
Section 787F	Transfers to PRSAs
Section 787G	Taxation of payments from a PRSA
Section 787H	Approved Retirement Fund option
Section 787I	Exemption of PRSA
Section 787J	Allowance to employer
Section 787K	Revenue approval of PRSA products
Section 787L	Transfers to and from a PRSA

Chapter 2B Overseas Pension Plans: Migrant Member Relief

Section 787M	Interpretation and General
Section 787N	Qualifying overseas pension plans: relief for contributions

Chapter 2C Limit on Tax-Relieved Pension Funds

Section 787O	Interpretation and General
Section 787P	Maximum tax-relieved pension fund
Section 787Q	Chargeable excess
Section 787R	Liability to tax and rate of tax on chargeable excess
Section 787RA	Credit for tax paid on an excess lump sum
Section 787S	Payment of tax due on chargeable excess
Section 787T	Discharge of administrator from tax
Section 787TA	Encashment option
Section 787U	Regulations (Chapter 2C)

Chapter 4 Miscellaneous

Section 790	Liability of certain pensions, etc. to tax
Section 790A	Limit on earnings
Section 790AA	Taxation of lump sums in excess of the tax free amount
Section 790B	Exemption of cross-border scheme
Section 790C	Relief for deduction under Financial Emergency Measures in the Public Interest Act 2009
Section 790D	Imputed distribution from certain funds
Section 790E	Taxation of certain investment returns to relevant pension arrangements

Schedule 23 Occupational Pension Schemes

1. Application for approval of a scheme
2. Information about payments under approved schemes
3. Information about schemes other than approved schemes or statutory schemes
4. Responsibility of administrator of a scheme
5. Regulations
- 6-9. Charge to tax in respect of unauthorised and certain other payments

Schedule 23A Specified Occupations and Professions

Schedule 23B Limit on Tax-Relieved Pension Funds

1. Calculation of the uncrystallised pension rights of an individual on the specified date
2. Occurrence of benefit crystallisation event
3. Calculation of amount crystallised by a benefit crystallisation event
4. Amount of standard fund threshold or personal fund threshold that is available at the date of a current event
5. Meaning of previously used amount

Schedule 23C Information to be provided in respect of pre-retirement access to additional voluntary PRSA contributions