Introduction

Chapter 1

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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. Introduction

This chapter outlines the legislation governing the tax treatment of pensions. This legislation is contained in Part 30 of, and Schedules 23 to 23C of the Taxes Consolidation Act 1997 (TCA).

Part 30 is divided into seven chapters:

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 3   Purchased life annuities
Chapter 4   Miscellaneous

The TCA grants discretionary powers to Revenue in relation to the approval for tax purposes of occupational pension schemes, personal pension contracts and personal retirement savings account (PRSA) products. The Revenue Pensions Manual gives general guidance on 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.

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

The Glossary (Appendix 1) defines many of the terms used in the Pensions Manual.
2. Pension related provisions of the Taxes Consolidation Act 1997

Part 30: Occupational Pension Schemes, Retirement Annuities, etc.

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 Additional Voluntary Contributions (AVCs)

Chapter 2 Retirement annuities and 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 [PRSAs]
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 3 Purchased life annuities
Section 788 Capital element in certain purchased annuities
Section 789 Supplementary provisions (Chapter 3)

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 790CA Relief for additional superannuation contribution under Public Service Pay and Pensions Act 2017
Section 790D Imputed distribution from certain funds
Section 790E Taxation of certain investment returns to relevant pension arrangements
3. Schedules 23 to 23C TCA

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
[For the purposes of section 480A TCA – Relief on retirement for certain income of certain sportspersons.]

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  Pre-retirement access to PRSA AVCs
[additional voluntary contributions]

[Schedule 23C outlines the information to be provided to Revenue by PRSA administrators about pre-retirement access to AVCs to PRSAs]