Contributions by Employees

Chapter 3

This document should be read in conjunction with Chapter 1, Part 30 of the Taxes Consolidation Act 1997 (TCA)

Document last updated June 2022

Revenue
Cáin agus Custaim na hÉireann
Irish Tax and Customs

Table of Contents

3.1 Ordinary contributions: relief from Income Tax

Contributions to an exempt approved scheme (as defined in section 774 Taxes Consolidation Act 1997 (TCA)) are allowable as an expense in assessing the member's liability to income tax under Schedule E. As with other pension products, tax relief for contributions to an exempt approved scheme is subject to two main limitations.

The first, set out in sections 774 and 776 Taxes Consolidation Act 1997 (TCA), is an age-related percentage limit of an individual's earnings in respect of the office or employment for the year for which the contributions are paid. The maximum amount of pension contributions in respect of which an individual may claim tax relief may not exceed the relevant age-related percentage of the individual's earnings in any year of assessment.

The age-related percentage limits are:

Under 30	15%
30-39	20%
40-49	25%
50-54	30%
55-59	35%
60 or over	40%

A 30% limit applies below the age of 50 years to certain categories of professional sportspersons.[1]

Secondly, section 790A TCA places an overall upper limit on the amount of earnings that may be taken into account for tax relief purposes. The earnings limit is set at €115,000 for 2011 and subsequent years. This limit applies whether an individual is contributing to one or more than one pension product.

Where an individual is contributing solely to an exempt approved scheme, the maximum amount of tax relievable contributions is the relevant age-related percentage of the lower of:

- the individual's earnings in respect of the office or employment, and
- the earnings limit.

[1] Athletes, badminton players, boxers, cricketers, cyclists, footballers, golfers, jockeys, motor racing drivers, rugby players, squash players, swimmers and tennis players – see section 787(8A)-(8C) and schedule 23A TCA.

Where an individual has two or more sources of income (for example, earnings from employment and profits from self-employment) and is making pension contributions to an occupational pension scheme and to an RAC and/or a PRSA, the single aggregate earnings limit of €115,000 applies in determining the amount of tax relievable contributions.[2]

For years of assessment prior to 2011, the earnings limits were:

2003 to 2006:	€254,000
2007:	€262,382
2008:	€275,239
2009 and 2010:	€150,000[3]

Contributions are allowable in the year of assessment in which they are paid (but see **paragraph 3.4**).

3.2 Ordinary contributions: no relief from PRSI or USC

There is no relief from Pay Related Social Insurance (PRSI) or the Universal Social Charge (USC) for contributions made to occupational pension schemes.

3.3 Net pay arrangement

Tax relief for ordinary annual contributions, including regular additional voluntary contributions, is granted by operation of the net pay arrangement. The relief is provided through payroll deductions, which may reduce the amount of income tax a member will pay. The amount of income tax relief a member will receive will depend on their gross pay, the rate of tax paid, the amount contributed by the member to the scheme, personal tax

[2] Please refer to Chapter 26 for detailed information and examples on how the age-related and earnings limits are applied in respect of contributions to one or more pension products.

[3] For the year of assessment 2010, the earnings limit is deemed to be €115,000 for determining how much of a qualifying contribution paid by an individual in the year of assessment 2011 is to be treated as paid in the year of assessment 2010. For example:

A, who is aged 27 had net relevant earnings of €160,000 for 2010. He paid pension contributions of €20,000 in 2010 and €2,000 in 2011 and wanted to claim relief in respect of both for 2010.

Full relief was due for the contributions paid in 2010 as they were less than the maximum allowable tax relievable amount of €22,500 for payments made in that year (i15% of €150,000). However as regards the €2,000 paid in 2011, the maximum tax relievable amount allowable for 2010 for the purposes of determining how much relief could be claimed for the amount paid in 2011 was €17,250 (15% of €115,000).

As the amount of the contributions actually paid in 2010 already exceeded €17,250, no additional relief could be claimed for 2010 in respect of the amount paid in 2011. The relief due for 2010 was €20,000.

credits available and the limits on tax relief on contributions outlined in paragraph 3.1 above.

The net pay arrangement can only be operated by an employer following application to Large Cases – High Wealth Individuals Division, Financial Services (Pensions) Branch for scheme approval. Employers should advise Revenue when operation of the arrangement commences.

Scheme members may also get relief through the net pay arrangement for additional voluntary contributions to the scheme.

Example

John is a member of his occupational pension scheme and is aged 42 in 2022. He earns €50,000 per year.

The maximum annual contribution available to John for tax relief purposes is:

€50,000 x 25% = €12,500

[25% is the maximum percentage relief available for individuals aged between 40 and 49 years.]

John's contribution to the scheme in 2022 through net pay arrangement is 5% of his basic salary:

5% x basic salary = €2,500

John has not exceeded his maximum allowable contributions for tax relief purposes.

Therefore, John could contribute up to a further €10,000 (maximum relief of €12,500 minus ordinary contributions of €2,500) in Additional Voluntary Contributions (AVCs) and receive this additional tax relief against his renumeration through payroll in 2022.

3.4 Relief for special contributions

Relief for special contributions (or for a contribution not made under the net pay arrangement as in **paragraph 3.3**) is given by way of adjustment to the employee's tax credit certificate. If aggregate contributions exceed the annual relief limit, relief will be given on a spread forward basis.

If a contribution is paid after the end of the year, but before 31 October of the following year, relief may be claimed for the previous year provided an election to do so is made by the individual on or before 31 October of the following year. As the payment of a qualifying contribution is a pre-condition to the availability of relief, an election cannot be made in advance of such a payment.

Taxpayers who file and pay online via the Revenue Online Service (ROS) or myAccount may avail of the extended return filing and payment date to make an election and pay a contribution.

The date for making an election in respect of contributions paid in the year of retirement may be extended to 31 December of that year in certain circumstances (see Appendix III of the Pensions Manual).

Tax relief is not transferable between spouses or civil partners.

Sections 774 and 776 TCA provide that relief may be allocated to earlier years in certain circumstances. The circumstances are:

(a) A scheme that requires benefits for widows, widowers, surviving civil partners, children or dependants to be paid for by deduction from the employee's lump sum benefit.

(b) A repayment by the employee to the scheme of contributions which were previously refunded to the employee.

(c) Where the employee opted prior to 6 February 2003 to purchase additional years of service.

Section 776 also provides that:

- arrears of spouses' and children's contributions paid by retirees under the Incentivised Scheme of Early Retirement (Department of Finance Circular 12/09) from the 90% balance of their retirement lump sum payable at their preserved pension age may be allocated to earlier years for tax relief purposes (section 776(2)(ba) TCA), and

- contributions, which are not ordinary annual contributions, and which are paid or borne in the period 1 July 2008 to 31 December 2018 by individuals who were employed by the National University of Ireland, Galway (NUIG) under a contract governed by the Protection of Employees (Fixed-Term Work) Act 2003 at any time during the period beginning on 14 July 2003 and ending on 30 June 2008, in respect of a tax year, or part of a tax year, falling within the second mentioned period, other than contributions which are treated as ordinary annual contributions –

  1. in accordance with section 776(2)(b)(i) or (ii)(II) TCA, or

  2. following an election under section 776(3) TCA,

  are, to the extent that they have not otherwise been relieved from tax for any year, treated as having been paid in the year, or years, in respect of which they are paid.

In applying the time limits in respect of repayment claims in section 865(4) TCA, non-ordinary contributions, which were made before 1 January 2015 by the fixed-term NUIG employees referred to above, are treated as having been made in 2014.

A claim for tax relief must be made within four years of the end of the year of assessment in which a contribution is made or is treated as having been made.

3.5 Repayment of scheme benefits

An employee may be re-admitted to a scheme and required to repay a benefit, including a refund of contributions, previously made. Normally relief is due only on the interest element of the amount repayable to the scheme's administrator. Relief will be given by either of the methods described in **paragraphs 3.3** ***(***the net pay arrangement) or **3.4** (relief for special contributions) depending on how the interest is repaid, either by single payment or deduction from salary.

3.6 Periods of temporary absence

During a period of temporary absence, a member's contributions may be either suspended or continued.

In certain situations, a non-Irish resident employee may be permitted to remain in an Irish occupational pension scheme while working overseas (see paragraphs 17.7 and 17.8 of Chapter 17).

An employee who is seconded or transferred by their employer to work overseas and who returns to live and work in Ireland for the same employer may claim tax relief in respect of contributions he or she makes to the employer's pension scheme in respect of the year in which he or she returns and any subsequent years in the normal manner.

Where an employee is not assessable to tax in Ireland in respect of their salary for the period of overseas employment, tax relief is not due under the TCA for contributions he or she made to the scheme in respect of that period. While a practice of taking credit for such contributions was operated in certain cases, there is no legislative basis for this. With effect from 6 June 2017, Revenue will not allow any such unrelieved pension contributions to be carried forward to the year in which an employee returns to Ireland. As such, they cannot be claimed in that year or in any subsequent year.

3.7 Limits on contributions

Employee contributions must be restricted, if necessary, to ensure that the member's aggregate benefits are within approvable limits and that the employer makes a meaningful contribution to the scheme (see Chapter 4.1). A funding review and maximum benefits test must take place before any Additional Voluntary Contribution (AVC - see definition in Chapter 23.2) is paid. It is the responsibility of the scheme trustees to ensure that excessive employee contributions are not made. The purpose of any AVC should be made clear to the employee. Please see Chapter 5.7 for the standard methodology for funding and benefit calculations.

3.8 Salary sacrifice

Any arrangement under which an employee waives an entitlement to remuneration or accepts a reduction in remuneration, in return for a corresponding payment by the employer into a pension scheme, is considered to be an application of the income earned by the employee rather than an expense incurred by the employer. Such arrangements are subject to the provisions of section 118B TCA, which deals with Revenue approved salary sacrifice arrangements.

3.9 Contributions after normal retirement age

A member of a pension scheme who remains in service after normal retirement age (usually between 60 and 70 years) may start or continue paying contributions to fund any shortfall of maximum benefits (See Chapter 8.8).

3.10 Approval of pension schemes not dependent on employee contributions

There is no requirement in either section 772 or section 774 TCA that members of an occupational pension scheme must contribute to the scheme in order for the scheme to obtain approval for tax purposes.