

**INCOME TAX (EMPLOYMENTS) (CONSOLIDATED) REGULATIONS, 2001  
(S.I. No. 559 of 2001)**

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**S.I. No. 559 of 2001**

**INCOME TAX (EMPLOYMENTS) (CONSOLIDATED) REGULATIONS, 2001**

The Revenue Commissioners, in exercise of the powers conferred on them by section 986 of the Taxes Consolidation Act, 1997 (No. 39 of 1997), hereby make the following regulations:

**PART 1**

**General**

Citation and commencement.

1. (1) These Regulations may be cited as the Income Tax (Employments) (Consolidated) Regulations, 2001.

(2) These Regulations shall come into operation on 1 January 2002.

Interpretation.

2. (1) In these Regulations, except where the context otherwise requires —

“the Act” means the Taxes Consolidation Act, 1997;

“authorised officer” means an officer of the Revenue Commissioners authorised by them in writing for the purposes of these Regulations;

“authorised person” in relation to Regulations 29 and 30, means an employer who has been authorised in writing by the Collector-General for the purposes of Regulation 29 and, “authorise”, “authorised” and “authorisation” shall be construed accordingly;

“certificate of tax credits and standard rate cut-off point” has the

meaning specified in paragraph (2) of Regulation 11;

“Collector-General” means the Collector-General appointed under section 851 of the Act;

“cumulative emoluments” in relation to any date means the sum of all payments of emoluments made by the employer to the employee from the beginning of the year up to and including that date;

“cumulative gross tax” means the sum of cumulative tax due at the standard rate of tax and cumulative tax due at the higher rate of tax;

“cumulative standard rate cut-off point” in relation to any date means the sum of the standard rate cut-off point from the beginning of the year up to and including that date as specified on the employee’s tax deduction card;

“cumulative tax” means cumulative gross tax less cumulative tax credits;

“cumulative tax credits” in relation to any date means the sum of the tax credits from the beginning of the year up to and including that date as specified on the employee’s tax deduction card;

“cumulative tax due at higher rate of tax” in relation to any date means tax due at the higher rate of tax in respect of the cumulative emoluments to that date to the extent that they exceed the cumulative standard rate cut-off point to that date as specified on the employee’s tax deduction card;

“cumulative tax due at standard rate of tax” in relation to any date means tax due by reference to the standard rate of tax for the year in respect of the cumulative emoluments, to that date, up to the amount of the cumulative standard rate cut-off point to that date as specified on the employee’s tax deduction card;

“domestic employee” means an employee who is employed solely on domestic duties (including the minding of children) in the employer’s private dwelling house;

“domestic employment” means employment by reference to which an employee is a domestic employee;

“emoluments” means emoluments to which Chapter 4 of Part 42 of the Act applies;

“employee” means any person in receipt of emoluments;

“employer” means any person paying emoluments;

“general tax credit” has the same meaning as in section 3 of the Act;

“higher rate of tax” means the rate of income tax known by that description and provided for in section 15 of the Act;

“income tax month” means a calendar month;

“inspector” means an inspector of taxes;

“personal public service number” has the same meaning as in section 223 of the Social Welfare (Consolidation) Act, 1993;

“personal tax credit” has the same meaning as in section 3 of the Act;

“prescribed” means prescribed by the Revenue Commissioners;

“reliefs from income tax” means allowances, deductions and tax credits;

“standard rate cut-off point” in relation to an employee, means the standard rate cut-off point advised by the inspector on the certificate of tax credits and standard rate cut-off point;

“standard rate of tax” means the rate of income tax known by that description and provided for in section 15 of the Act;

“tax credits” in relation to an employee means the appropriate amount of personal tax credits and general tax credits to which the employee is entitled under the Act;

“temporary tax deduction form” means any form as may be prescribed on which particulars of emoluments paid and tax deducted are to be recorded by the employer pending receipt of a tax deduction card;

“total net tax deducted” means, in relation to the emoluments paid to any employee during any period, the total tax deducted from those emoluments less any tax repaid to the employee;

“year” means year of assessment;

(2) A word or expression that is used in these Regulations and is also used in the Income Tax Acts has, except where the context

otherwise requires, the same meaning in these Regulations that it has in those Acts.

Intermediate employers.

3. (1) Where an employee works under the general control and management of a person who is not his or her immediate employer, that person (referred to hereafter in this Regulation as the “principal employer”) shall be deemed to be the employer for the purposes of these Regulations, and the immediate employer shall furnish the principal employer with such particulars of the employee’s emoluments as may be necessary to enable the principal employer to comply with the provisions of these Regulations.

(2) If the employee’s emoluments are actually paid to him or her by the immediate employer —

- (a) the immediate employer shall be notified by the principal employer of the amount of tax to be deducted or repaid when the emoluments are paid to the employee, and shall deduct or repay accordingly the amount so notified, and
- (b) the principal employer shall make a corresponding deduction or addition on making to the immediate employer the payment out of which the said emoluments will be paid.

Liability for payment of deduction and entitlement to payment of repayment.

4. Persons who are required to make any deduction or repayment referred to in these Regulations shall, in the case of a deduction (whether or not made), be accountable for the amount of the tax, and liable to pay that amount, to the Revenue Commissioners and shall, in the case of a repayment, be entitled, if it has been made, to be paid it, or given credit for it, by the Revenue



Commissioners.

Powers of  
inspector.

5. Anything which is authorised or required by these Regulations to be done by the inspector shall be done by such inspector as the Revenue Commissioners may direct.

Service by post.

6. Any notice, notification, certificate, requirement or tax deduction card which is authorised or required to be given, served, made, sent or issued under these Regulations may be sent by post.

## **PART 2**

### **Register of employers and registers of employees**

Register of  
employers.

7. (1) (a) Every employer who makes a payment of emoluments to or on behalf of an employee at a rate exceeding a rate equivalent to a rate of €8 a week, or, in the case of an employee with other employment, €2 per week, shall send to the Revenue Commissioners a notification of his or her name and address and of the fact that he or she is paying such emoluments.
- (b) In the case of an employee paid monthly or at longer intervals, the references in subparagraph (a) of this paragraph to a rate of €8 a week and a rate of €2 a week shall be treated as references to a rate of €36 a month and a rate of €9 a month respectively.

(2) Where a change occurs in a name or address which has been notified under this Regulation, the employer shall send to the

Revenue Commissioners a notification of the change.

(3) An employer who is liable to send a notification under this Regulation shall do so within the period of 9 days beginning on the day on which the employer becomes so liable.

(4) The Revenue Commissioners shall keep and maintain a register in which names and addresses notified to them under this Regulation shall be registered and, when any name or address has been registered, they shall give notice of the registration to the employer.

Registers of employees.

8. (1) Every employer who in any year makes to an employee or employees such payments of emoluments as are referred to in Regulation 7 shall keep and maintain in respect of such employee or employees throughout the year (or throughout the part or parts of a year during which such payments of emoluments are made) a register for that year on the prescribed form.

(2) Where a register is kept and maintained under this Regulation —

- (a) the employer shall enter in the register, in relation to each employee, the particulars indicated by the form of the register as being required to be entered therein, and
- (b) the employer, on being required to do so by the Revenue Commissioners by notice, shall deliver the register to the Revenue Commissioners within the period specified in the notice.

Domestic  
employments.

9. Regulations 7 and 8 shall not apply to an employer (being an individual) who pays emoluments to an employee engaged by that employer in a domestic employment where —

- (a) the emoluments from that employment are less than €40 per week, and
- (b) the employer has only one such employee.

### **PART 3**

#### **Tax credits and standard rate cut-off point**

Determination of  
appropriate tax  
credits and  
standard rate cut-  
off point by  
inspector.

10. (1) The amount of the tax credits and standard rate cut-off point appropriate to an employee for any year shall be determined by the inspector who for that purpose may have regard to any of the following matters, namely —

- (a) the reliefs from income tax to which the employee is entitled for the year in which the amount of the tax credits and standard rate cut-off point is determined, so far as the employee's title to those reliefs has been established at the time of the determination, but, where the amount of the tax credits and standard rate cut-off point is determined before the beginning of the year for which it is to have effect, the inspector shall disregard any such relief from income tax if he or she is not satisfied that the employee will be entitled to it for that year;
- (b) the emoluments of the employee;

- (c) where the employee has income (other than emoluments in relation to which the amount of the tax credits and standard rate cut-off point is being determined) the tax credits and standard rate cut-off point appropriate to that employee may be adjusted as necessary to collect the tax due on such income;
- (d) where the employee is entitled to reliefs from income tax at the higher rate of tax, the tax credits and standard rate cut-off point appropriate to that employee may be adjusted as necessary to give effect to the relief;
- (e) any tax overpaid for any previous year which has not been repaid;
- (f) any tax remaining unpaid for any previous year which is not otherwise recovered;
- (g) such other adjustments as may be necessary to secure that, so far as possible, the tax in respect of the employee's emoluments for the year to which the tax credits and standard rate cut-off point relate shall be deducted from the emoluments paid during the year.

(2) When an employee requests the inspector to disregard any particular relief or income referred to in subparagraph (a) or (c) of the foregoing paragraph, the inspector shall disregard it for the purposes of that paragraph.

(3) The inspector may disregard part or all of any expenses in respect of which the employee may be entitled to relief from income tax if it is impracticable to take account of all those

expenses in determining the appropriate amount of tax credits and standard rate cut-off point, and, where he or she does so, shall direct the employer to disregard an equivalent amount of the employee's emoluments in calculating the tax to be deducted or repaid when any payment of emoluments is made to the employee.

Notice of determination of tax credits and standard rate cut-off point.

11. (1) After the inspector has determined the amount of the tax credits and standard rate cut-off point for any year in accordance with Regulation 10, he or she shall send notice of his or her determination to the employee.

(2) The inspector shall send to the employer of the employee either a certificate (in these Regulations referred to as a "certificate of tax credits and standard rate cut-off point"), or a tax deduction card incorporating a certificate of tax credits and standard rate cut-off point, certifying the amount of the tax credits and standard rate cut-off point of the employee as determined by the inspector.

(3) If it appears to the inspector that the employee has more than one employment, he or she shall send, in respect of each employment, to the employer a separate certificate of tax credits and standard rate cut-off point or a separate tax deduction card, as appropriate, showing the tax credits and standard rate cut-off point applicable to the particular employment, but the aggregate amount of the tax credits and standard rate cut-off point on the separate certificates of tax credits and standard rate cut-off point or separate tax deduction cards, as the case may be, shall not exceed the total amount of the tax credits and standard rate cut-off point of the employee for the year.

Objection and appeal against amount of tax credits and standard rate cut-off point.

12. (1) If the employee is aggrieved by the inspector's determination, he or she may give notice in writing of his or her objection to the inspector, stating the grounds of the objection, within 21 days of the date on which the determination was notified to him or her.

(2) On receipt of the notice of objection, the inspector may amend his or her determination by agreement with the employee, and in default of such agreement the employee, on giving notice in writing to the inspector, may appeal to the Appeal Commissioners.

(3) The Appeal Commissioners on appeal shall determine either or both the amount of tax credits and standard rate cut-off point having regard to the same matters as the inspector may have regard to when the amount of the tax credits and standard rate cut-off point is determined by the inspector, and, subject to the provisions of Regulation 13, their determination shall be final.

(4) Where either or both the amount of the tax credits and standard rate cut-off point is amended, either by the inspector or by the Appeal Commissioners, the inspector shall send to the employee a notice of the new determination.

(5) A certificate of tax credits and standard rate cut-off point or a tax deduction card appropriate to the amount of the tax credits and standard rate cut-off point of an employee as determined by the inspector may be issued to the employer, notwithstanding that the inspector's determination is the subject of an objection or appeal.

(6) An appeal under this Regulation may be heard and determined by one Appeal Commissioner.

Amendments of amount of tax credits and standard rate cut-off point.

13. (1) If either or both the amount of tax credits and standard rate cut-off point is found not to be appropriate because the actual circumstances are different from the circumstances by reference to which it was determined by the inspector or the Appeal Commissioners, the inspector may, and if so required by the employee shall, by reference to the actual circumstances, amend, by way of increase or reduction, the previous determination.

(2) After the inspector has amended the determination of the amount of tax credits and standard rate cut-off point, he or she shall give notice of the new determination to the employee not later than the date on which a new certificate of tax credits and standard rate cut-off point or new tax deduction card, as the case may be, is sent to the employer under Regulation 14.

(3) The provisions of Regulation 12 regarding objections and appeals shall apply in relation to the amended determination as they applied in relation to the previous determination.

Notice to employer of amended amount of tax credits and standard rate cut-off point.

14. Where a determination of the inspector or of the Appeal Commissioners is amended after a certificate of tax credits and standard rate cut-off point or tax deduction card has been issued, the inspector shall send to the employer, and the employer shall thereafter use, such new certificate of tax credits and standard rate cut-off point or tax deduction card, as may be appropriate.

Special provisions for notices and

15. (1) A determination of the amount of the tax credits and

for notices and certificates.

standard rate cut-off point appropriate to an employee for any year under paragraph (1) of Regulation 10 shall, if the inspector deems it proper, have effect for each subsequent year as if a separate determination had been duly made for each such year.

(2) Where the inspector has made a determination of the amount of the tax credits and standard rate cut-off point and the determination is to have effect for each subsequent year under the provisions of paragraph (1) of this Regulation, the notice of determination and the certificate or certificates of tax credits and standard rate cut-off point shall state that the amount of tax credits and standard rate cut-off point indicated thereon shall have effect for that year and for each subsequent year.

(3) The provisions of paragraph (2) of this Regulation shall not preclude an employee from requiring the inspector to determine the amount of the tax credits and standard rate cut-off point for any of the years after the first year included in a notice issued in accordance with the provisions of that paragraph and to send to the employee concerned a notice of such determination, and the provisions of Regulation 12 shall apply to any such determination.

(4) The provisions of Regulation 13 shall apply in relation to each year after the first year included in a notice, certificate or certificates issued under paragraph (2) of this Regulation as they apply in relation to the first year.

(5) The provisions of paragraphs (3) and (4) of this Regulation shall, with the necessary modifications, apply to any new determination of the amount of the tax credits and standard rate cut-off point for any year under Regulation 12 or Regulation 13



as if it were a determination under paragraph (1) of Regulation 10.

#### **PART 4**

##### **Deduction and repayment of tax**

General provision for deductions and repayments.

16. On payment of emoluments referred to in Regulation 7, deductions or repayments of tax shall be made subject to, and in accordance with, the subsequent provisions of this Part of these Regulations.

Calculation and making of deduction or repayment where tax deduction card held.

17. (1) On any payment of emoluments to or on behalf of an employee in respect of whom the employer holds a tax deduction card, the employer, except where these Regulations otherwise provide, shall ascertain—

- (a) firstly, the cumulative emoluments of that employee at the date of the payment,
- (b) secondly, by reference to the cumulative standard rate cut-off point specified on the tax deduction card corresponding to the date of payment, the cumulative gross tax in respect of the cumulative emoluments, and
- (c) finally, by reference to the cumulative tax credits specified on the tax deduction card corresponding to the date of payment, the cumulative tax in respect of the cumulative emoluments.

(2) If the cumulative tax ascertained in accordance with paragraph (1) of this Regulation, exceeds the cumulative tax corresponding to the employee's cumulative emoluments at the

date of the last preceding payment of emoluments (hereafter in this Regulation referred to as the “previous cumulative tax”), the employer shall deduct the excess from the emoluments on making the payment in question.

(3) If the cumulative tax as so ascertained is less than the previous cumulative tax, the employer shall repay the difference to the employee on making the payment in question.

(4) If the cumulative tax is equal to the previous cumulative tax, no tax shall be either deducted or repaid when the payment in question is made.

(5) Where the payment in question is the first payment in the year, paragraphs (2), (3) and (4) of this Regulation shall not apply, but the employer shall deduct the cumulative tax as ascertained in accordance with paragraph (1) of this Regulation from the emoluments on making the payment in question.

(6) The employer shall record, either on the tax deduction card or in such other form as may be authorised by the Revenue Commissioners, the following particulars regarding every payment of emoluments which the employer makes to or on behalf of the employee, namely –

- (a) the date of the payment;
- (b) the gross amount of the emoluments;
- (c) in relation to the date of payment—
  - (i) the cumulative emoluments;

- (ii) the cumulative tax due at the standard rate of tax;
  - (iii) the cumulative tax due at the higher rate of tax;  
and
  - (iv) the cumulative gross tax;
- (d) the corresponding cumulative tax; and
- (e) the amount of tax, if any, deducted or repaid on making the payment.

Subsidiary emoluments of employee paid monthly, etc.

18. (1) If the employer makes a payment in respect of overtime or other extra earnings to or on behalf of an employee whose main emoluments are paid monthly, and that payment is made at an earlier date in the income tax month than the date on which the main emoluments are paid, the employer shall repay no tax to the employee on the occasion of that payment, notwithstanding that tax may be repayable under the provisions of Regulation 17, but in such a case, that Regulation shall have effect as if that payment was made on the same date in that income tax month as the date on which the main emoluments are paid.

(2) The provisions of this Regulation shall apply with the necessary modifications to payments in respect of overtime or other extra earnings which are made to or on behalf of an employee whose main emoluments are paid at intervals greater than a month.

Deduction in special cases.

19. (1) This Regulation applies to —

- (a) payments of emoluments made on 31 December in any year or, if that year is a leap year, on 30 or 31 December in that year, to an employee who is paid weekly;
- (b) payments of emoluments made to or on behalf of an employee after he or she has ceased to be employed by the person making the payments; and
- (c) any other payments of emoluments made to or on behalf of any employee to which the inspector directs that this Regulation shall apply.

(2) Regulation 17 shall not apply to payments of emoluments to which this Regulation applies, and on making any such payment the employer shall deduct therefrom—

- (a) by reference to the amount of the employee's tax credits and standard rate cut-off point, the amount of tax which would have been deductible therefrom if the payment had been made on the preceding 1 January or,
- (b) where the employee has ceased to be employed by the employer and no deduction card is held, tax in accordance with paragraph (2) of Regulation 22.

(3) On making any such payment as mentioned in paragraph (1) of this Regulation, the employer shall record either on the tax deduction card or in such other form as may be authorised by the Revenue Commissioners—

- (a) the date of the payment,

- (b) the gross amount of the emoluments,
- (c) the amount of the appropriate tax credits and standard rate cut-off point, and
- (d) the amount of tax (if any) deducted on making the payment.

(4) Where the employee has ceased to be employed by the employer and no tax deduction card is held, the particulars referred to in paragraph (3) of this Regulation, except the amounts of the tax credits and standard rate cut-off point, shall be recorded on the emergency card referred to in Regulation 22.

Change of employment where certificate of tax credits and standard rate cut-off point or tax deduction card held.

20. (1) If an employer ceases to employ an employee in respect of whom a certificate of tax credits and standard rate cut-off point or tax deduction card has been issued to him or her, he or she shall immediately send to the inspector by whom the certificate of tax credits and standard rate cut-off point or tax deduction card was issued a certificate on the prescribed form containing the following particulars:

- (a) the name of the employee;
- (b) the date on which the employment ceased;
- (c) the week or income tax month in respect of which the last payment of emoluments was recorded on the tax deduction card and the cumulative emoluments at the date of that payment;

and any other particulars as to tax credits and standard rate cut-

off point, tax or any other matters which are indicated by such form as being required to be entered thereon.

(2) The employer shall make on the prescribed form 2 copies of the certificate required by paragraph (1) of this Regulation and shall deliver them to the employee on the date the employment ceases.

(3) Immediately on commencing his or her next employment the employee shall deliver to the new employer the 2 copies of the certificate prepared by the former employer and, subject to the provisions of paragraph (4) of this Regulation, the following provisions shall have effect:

- (a) the new employer shall insert on one copy of the certificate the address of the employee, the date of which the new employment commenced, and the manner in which payment of emoluments is made to the employee, that is to say, weekly, monthly or as the case may be, and shall immediately send that copy to the inspector by whom certificates of tax credits and standard rate cut-off point or tax deduction cards are ordinarily issued to the employer;
- (b) the inspector shall send to the new employer a certificate of tax credits and standard rate cut-off point or tax deduction card, as appropriate, for the employee;
- (c) pending the receipt of the certificate of tax credits and standard rate cut-off point or tax deduction card from the inspector, the new employer shall prepare a temporary tax deduction form and, in relation to payments of

emoluments by him or her, record on it —

- (i) the date of payment,
- (ii) the gross amount of emoluments, and
- (iii) as respects each week or income tax month (as may be appropriate), the tax credits and standard rate cut-off point for Week 1 or Month 1 as specified on the copies of the certificate prepared by the former employer,

and having regard to the standard rate cut-off point as specified on the copies of the certificate prepared by the former employer, the new employer shall deduct tax on the aggregate amount of the emoluments for the week or income tax month (as may be appropriate) by reference to the tax due at the standard rate of tax and the higher rate of tax (as may be appropriate) on such emoluments reduced by the tax credits for Week 1 or Month 1 as specified on the copies of the certificate prepared by the former employer;

- (d) when the new employer has received a certificate of tax credits and standard rate cut-off point or tax deduction card from the inspector, he or she shall, having ascertained the aggregate of the amounts of the emoluments and the aggregate of the amounts of the tax by reference to the relevant entries on the copies of the certificate prepared by the former employer and on the temporary tax deduction form (if any), record on the tax deduction card or such other record as may be authorised

those aggregates, and those aggregates shall be deemed respectively to be the cumulative emoluments paid and the cumulative tax deducted by him or her.

(4) (a) Where the 2 copies of the certificate prepared by the former employer show that the last payment of emoluments was in the year preceding that in which the new employment commences, the new employer shall comply with the provisions of paragraph (3) of this Regulation with the modification that he or she shall not record, or have regard to, the cumulative emoluments and cumulative tax shown on the copies of the certificate.

(b) Where the 2 copies of the certificate prepared by the former employer show that the last payment of emoluments was in a year earlier than the year preceding that in which the new employment commences, the new employer shall comply with the provisions of subparagraph (a) of paragraph (3) of this Regulation but deduct tax from each payment of emoluments made by him or her to the employee, and keep records on the emergency card referred to in Regulation 22, as if those payments had been payments to which paragraph (2) of that Regulation applied.

(5) If the new employer ceases to employ the employee before he or she receives a certificate of tax credits and standard rate cut-off point or tax deduction card from the inspector, he or she shall comply with the provisions of paragraphs (1) and (2) of this Regulation as if a certificate of tax credits and standard rate



cut-off point or tax deduction card in respect of the employee had been issued to him or her by the inspector, but —

(a) for the purposes of subparagraph (c) of paragraph (1) of this Regulation, the cumulative emoluments shall be taken to be the aggregate of the cumulative emoluments shown on the copies of the certificate prepared by the former employer and the gross emoluments paid by the new employer; and

(b) where, as respects the certificate on the prescribed form referred to in that paragraph (1), entry of particulars of the cumulative tax is required to be made thereon, that tax shall be taken for the purposes of that entry to be the aggregate of the cumulative tax shown on those copies and any tax deducted by the new employer.

(6) If the employee objects to the disclosure to the new employer of his or her cumulative emoluments, he or she may deliver the 2 copies of the certificate prepared by the former employer to the inspector before he or she commences his or her new employment, and the inspector shall send in respect of the employee to the new employer a certificate of tax credits and standard rate cut-off point or tax deduction card not stating the employee's cumulative tax credits and standard rate cut-off point or cumulative emoluments and direct that Regulation 19 shall apply to all payments of emoluments which the new employer makes to or on behalf of the employee.

(7) Retirement on pension shall not be treated as a cessation of employment for the purposes of this Regulation or of Regulation 19 if the emoluments are paid by the same person both before

and after the retirement.

Death of employee. 21. (1) On the death of an employee in respect of whom an employer holds a certificate of tax credits and standard rate cut-off point or tax deduction card or in respect of whom a temporary tax deduction form has been prepared by the employer under subparagraph (c) of paragraph (3) of Regulation 20 or to whom the provisions of paragraph (2) of Regulation 22 apply, the employer shall immediately send to the inspector by whom certificates of tax credits and standard rate cut-off point or tax deduction cards are ordinarily issued to the employer the certificate (relating to cessation of employment) mentioned in paragraph (1) of Regulation 20 or in paragraph (6) of Regulation 22, as the case may require, and shall insert thereon the name and address of the personal representative of the deceased employee, if they are known to the employer.

(2) If any emoluments are paid by the employer after the date of the employee's death in respect of his or her employment with the employer, the employer shall, on making any such payment, deduct or repay tax as if the deceased employee was still in the employer's employment at the date of the payment, and—

- (a) if the amount of those emoluments and the date on which they will be paid are known at the time the certificate mentioned in paragraph (1) of this Regulation is completed, the employer shall include thereon the amount of the emoluments, the date on which they will be paid, and the amount of tax which will be deducted or repaid, and
- (b) in any other case, the employer shall indicate on the

certificate that a further payment of emoluments will be made.

Emergency basis of deduction.

22. (1) If the employer makes such payments of emoluments as are referred to in Regulation 7 to or on behalf of an employee in respect of whom the employer has not received either a certificate of tax credits and standard rate cut-off point, a tax deduction card or copies of a certificate made by a former employer under paragraph (2) of Regulation 20, the employer on the occasion of the first such payment, shall immediately send to the inspector, by whom certificates of tax credits and standard rate cut-off point or tax deduction cards are ordinarily issued to the employer, a return stating the name and address of the employee, the date on which his or her employment commenced, and such other particulars as may be necessary to secure the issue to the employer of the appropriate certificate of tax credits and standard rate cut-off point or tax deduction card.

(2) (a) Until a certificate of tax credits and standard rate cut-off point or a tax deduction card is received from the inspector, the employer, on making any payment of emoluments to or on behalf of an employee referred to in paragraph (1) of this Regulation, shall deduct tax from such payment in accordance with the following provisions of this paragraph.

(b) Subject to subparagraph (c) of this paragraph —

(i) during the period of 4 weeks, or in the case of an employee paid monthly, 1 month, from the day on which the employee first holds an employment with the employer in a year, or

until the certificate of tax credits and standard rate cut-off point or a tax deduction card is received from the inspector, the employer shall deduct tax at the standard rate of tax and keep records on an emergency card on the basis that the amount of the tax credits is—

- (I) an amount per week equal to one fifty-second of the basic tax credit specified in section 461 of the Act, as it applies for that year, or
- (II) if the employee is paid monthly, an amount equal to one-twelfth of that tax credit,

and in determining the amount of any tax credits under clause (i) or (ii) of this subparagraph any part of a euro shall be treated as a whole euro, and

- (ii) if, within the period of 4 weeks or 1 month referred to in subparagraph (b)(i) of this paragraph, the employer has not received the certificate of tax credits and standard rate cut-off point or tax deduction card, the employer shall, until a certificate of tax credits and standard rate cut-off point or tax deduction card is received from the inspector, on making any payment of emoluments to or on behalf of the employee, deduct tax and keep records in accordance with the subsequent provisions of

this subparagraph, that is to say—

- (I) in the period of 4 weeks or, in a case where the employee is paid monthly, 1 month, commencing on the day after the end of the period mentioned in subparagraph (b)(i) of this paragraph , deduct tax at the standard rate of tax, and
- (II) thereafter deduct tax at the higher rate of tax,

and the employer shall keep records on an emergency card on the basis that the employee's tax credits are nil.

- (c) In the case of an employee who first holds an employment with an employer on or after 1 January, 2003 and for whom the employer has not been provided with the employee's personal public service number, the provisions of subparagraph (b) of this paragraph shall not apply until such time as that number is provided to the employer and the employer shall, until such time, on making any payments of emoluments to or on behalf of the employee, deduct tax at the higher rate of tax and maintain records on an emergency card on the basis that the employee's tax credits are nil.

(3) For the purposes of paragraph 2 of this Regulation —

- (a) all employments which the employee holds with the employer in a year of assessment shall be deemed to be one employment, and
- (b) that employment, notwithstanding that for a part or parts of the year the employee does not hold an employment with the employer, shall be deemed to be held for a continuous period commencing on the day on which the employee first holds an employment with the employer in that year and ending on the day on which the employee last holds an employment with the employer in that year.

(4) Where the inspector sends a certificate of tax credits and standard rate cut-off point or tax deduction card the employer shall enter on the tax deduction card or such other record as may be authorised the particulars of emoluments and tax deducted as shown on the relevant emergency card.

(5) On making payments of emoluments to or on behalf of the employee after a certificate of tax credits and standard rate cut-off point or tax deduction card relating to the employee sent under paragraph (4) of this Regulation has been received, the following provisions shall have effect for the purposes of Regulation 17 —

- (a) any cumulative emoluments notified to the employer by the inspector shall be entered by the employer on the tax deduction card and shall be treated as if they represented emoluments paid by the employer, and
- (b) the cumulative tax before the first of the said payments

shall be taken to be the sum of any cumulative tax notified to the employer by the inspector and entered by the employer on the tax deduction card and any tax which the employer was liable to deduct from the employee's emoluments under paragraph (2) of this Regulation.

- (6) (a) Where paragraph (2) of this Regulation applies and the employer ceases to employ the employee before a certificate of tax credits and standard rate cut-off point or tax deduction card in respect of the employee has been received, the employer shall immediately send to the inspector a certificate on the form prescribed for the purposes of paragraph (1) of Regulation 20 and shall make on the prescribed form 2 copies of that certificate which the employer shall deliver to the employee on the date the employment ceases and the said certificate —
- (i) shall not contain particulars of the cumulative emoluments or cumulative tax but shall contain particulars of the emoluments paid and tax deducted by the employer, and
  - (ii) shall indicate that an emergency card was in use when the employment ceased.
- (b) Immediately on commencing his or her next employment the employee shall deliver to his or her new employer the 2 copies of the certificate referred to above and the new employer —

- (i) shall insert on one copy of the certificate the address of the employee, the date on which the new employment commenced, and the manner in which payments of emoluments are made to the employee, that is to say, weekly, monthly or as the case may be, and
- (ii) immediately send that copy to the inspector by whom certificates of tax credits and standard rate cut-off point or tax deduction cards are ordinarily issued to him or her,

and paragraphs (2), (3), (4) and (5) of this Regulation shall apply as if the employee had not submitted to the new employer copies of a certificate by a former employer under paragraph (2) of Regulation 20.

(7) This Regulation shall not apply where —

- (a) the employee performs the duties of his or her employment wholly outside the State, or
- (b) the employee is outside the State and the emoluments are paid outside the State.

(8) In this Regulation "emergency card" means a card in the form prescribed for the purposes of this Regulation.

Emoluments not paid weekly or monthly.

23. Where emoluments are paid at regular intervals other than regular intervals of a week or a month, any payment of such emoluments shall be deemed for the purposes of these Regulations to be made on the date on which it would have been



made if a payment had been made on the last day of the preceding year, but the employer shall record the actual date of every such payment.

Aggregation of emoluments in non-cumulative cases.

24. Where under these Regulations tax is deductible otherwise than by reference to cumulative emoluments and cumulative tax, the amount of tax to be deducted in any week or income tax month shall be calculated by reference to the aggregate of the emoluments paid to or on behalf of the employee in that week or month.

Tax-free emoluments.

25. Where the employer makes a payment to or for the benefit of the employee in respect of his or her tax, the amount of the emoluments which the employer pays to or on behalf of the employee shall be deemed for the purposes of deduction and repayment of tax under these Regulations to be such a sum as will include the amount assessable on the employee in respect of the payment made by the employer in respect of the employee's tax.

Repayment during sickness and unemployment.

26. (1) If, owing to the absence from work through sickness or other similar cause, the employee is entitled to receive no emoluments on the usual pay day, the employer shall, on application being made in person by the employee or his or her authorised representative, make such repayment of tax to the employee as may be appropriate, having regard to his or her cumulative emoluments at the date of the pay day in question and the corresponding cumulative tax.

(2) If, owing to absence from work otherwise than mentioned in paragraph (1) of this Regulation, the employee is entitled to receive no emoluments on the usual pay day, the employer

either—

- (a) shall make any such repayment of tax to the employee as would be appropriate under paragraph (1) if the absence from work was due to sickness, or
- (b) not later than the first usual pay day on which no emoluments will be payable to the employee, shall send, to the inspector by whom certificates of tax credits and standard rate cut-off point or tax deduction cards are ordinarily issued to the employer, a notification of the employee's absence from work and of the employer's intention to make no repayment to the employee under subparagraph (a) of this paragraph, together with a return containing the same particulars with respect to the employee as the employer would be liable to certify under paragraph (1) of Regulation 20 if the employment had ceased on the day on which emoluments were last paid to or on behalf of the employee.

(3) Where the notification and return referred to in subparagraph (b) of paragraph (2) of this Regulation are sent within the time limited by that subparagraph, the employer shall be relieved of the liability to make any repayment under the provisions of subparagraph (a) of that paragraph.

(4) On the employee's return to work the employer shall immediately notify the inspector and for the purpose of deducting or repaying tax on the occasion of any subsequent payment of emoluments to or on behalf of the employee during the year shall take into account the amount of any repayment which has been made under paragraph (5) of this Regulation of

which he or she is notified by the inspector.

(5) In the case of a person who has ceased to be employed or with respect to whom a notification and return have been sent under the provisions of subparagraph (b) of paragraph (2) of this Regulation, any repayment which may be appropriate at any date, having regard to the person's cumulative emoluments at that date and the corresponding cumulative tax, shall be made to him or her by the Revenue Commissioners, and a person who has ceased to be employed shall, on applying for repayment, produce to the inspector the copies of the certificate mentioned in Regulation 20 and such evidence of his or her unemployment as the inspector may require.

Certificate of tax deducted.

27. (1) Within 46 days from the end of the year the employer shall give to the employee a certificate showing the total amount of the emoluments paid by the employer to or on behalf of the employee during the year, the amount of the employee's tax credits and standard rate cut-off point and the total net tax deducted from the emoluments.

(2) In the case of an employee taken into employment after the beginning of the year, the certificate shall include any emoluments paid to the employee by any previous employer during the year and any tax deducted from those emoluments, being emoluments and tax which the employer giving the certificate was required to take into account for the purposes of deducting or repaying tax in the case of the emoluments paid by him or her.

(3) A certificate shall be given under this Regulation to every employee who is in the employer's employment on the last day

of the year and from whose emoluments any tax has been deducted during the year.

## **PART 5**

### **Payment and recovery of tax, etc.**

Payment of tax by employer.

28. (1) Within 14 days from the end of every income tax month the employer shall remit to the Collector-General all amounts of tax which he or she was liable under these Regulations to deduct from emoluments paid by him or her during that income tax month, reduced by any amounts which he or she was liable under these Regulations to repay during that income tax month.

(2) On payment of tax, the Collector-General shall furnish the employer concerned with a receipt in respect of that payment which shall consist of whichever of the following the Collector-General considers appropriate, namely —

- (a) a separate receipt on the prescribed form in respect of each such payment, or
- (b) a receipt on the prescribed form in respect of all such payments that have been made within a period specified in the receipt.

(3) If the amount which the employer is liable to remit to the Collector-General under paragraph (1) of this Regulation exceeds the amount actually deducted by the employer from emoluments paid during the relevant income tax month, the Revenue Commissioners, on being satisfied that the employer took reasonable care to comply with the provisions of these Regulations and that the under-deduction was due to an error

made in good faith, may direct that the amount of the excess shall be recovered from the employee, and where they so direct, the employer shall not be liable to remit the amount of the excess to the Collector-General.

(4) If the amount which the employer is liable to remit to the Collector-General under paragraph (1) of this Regulation exceeds the amount actually deducted by the employer from emoluments paid during the relevant income tax month and the Revenue Commissioners are of the opinion that an employee has received his or her emoluments knowing that the employer has wilfully failed to deduct therefrom the amount of tax which the employer was liable to deduct under these Regulations, the Revenue Commissioners may direct that the amount of the excess shall be recovered from the employee, and where they so direct, the employer shall not be liable to remit the amount of the excess to the Collector-General.

(5) If a difference arises between the employer and the employee as to whether the employer has deducted tax, or having regard to Regulation 25 is deemed to have deducted tax, from emoluments paid to or on behalf of the employee, or as to the amount of the tax that has been so deducted or is so deemed to have been deducted, the matter shall, for the purposes of ascertaining the amount of any tax to be recovered from the employee under paragraph (3) or (4) of this Regulation, be determined by the Appeal Commissioners.

(6) If the total of the amounts which the employer was liable to repay during any income tax month exceeds the total of the amounts which the employer was liable to deduct during that income tax month, the employer shall be entitled to deduct the

excess from any amount which he or she is subsequently liable to remit to the Collector-General under paragraph (1) of this Regulation or to recover it from the Revenue Commissioners.

(7) A determination under paragraph (5) of this Regulation may be made by one Appeal Commissioner.

Payment of tax for periods greater than one month but not exceeding one year.

29. (1) Notwithstanding the provisions of Regulation 28, the Collector-General may, from time to time, authorise, in writing, an employer (unless the employer objects) to remit to him or her within 14 days from the end of a period longer than an income tax month but not exceeding a year (which in this Regulation and in Regulation 30 is referred to as the "accounting period") all amounts of tax which the employer was liable under these Regulations to deduct from emoluments paid by the employer during that accounting period, reduced by any amounts which the employer was liable under these Regulations to repay during the accounting period.

(2) For the purposes of issuing an authorisation to an employer pursuant to this Regulation, the Collector-General shall, where he or she considers it appropriate, have regard to the following matters:

- (a) he or she has reasonable grounds to believe that —
  - (i) the authorisation will not result in a loss of tax,  
and
  - (ii) the employer will meet all obligations imposed on the employer under the authorisation,

and

- (b) the employer —
  - (i) has been a registered employer within the meaning of Regulation 7 during all of the period consisting of one year immediately preceding the year in which an authorisation for the purposes of this Regulation would, if it were issued, have effect, and
  - (ii) has made all returns which the employer is required to make in accordance with the provisions of Regulation 31(1).

(3) An authorisation for the purposes of this Regulation may —

- (a) be issued either without conditions or subject to such conditions as the Collector-General, having regard in particular to the matters set out in paragraph (2) of this Regulation, considers proper and specifies in writing to the employer concerned when issuing the authorisation, and
- (b) without prejudice to the generality of the foregoing, require an authorised person to agree with the Collector-General a schedule of amounts of money which he or she undertakes to pay on dates specified by the Collector-General by direct debit from his or her account with a financial institution and the total of the amounts specified in that schedule shall be that person's best estimate of his or her total tax liability for his or her accounting period and he or she shall review on an

ongoing basis whether the total of the amounts specified in that schedule is likely to be adequate to cover his or her actual liability for his or her accounting period and where this is not the case or is not likely to be the case, he or she shall agree a revised schedule of amounts with the Collector-General and adjust his or her direct debit amounts accordingly.

(4) The Collector-General may terminate an authorisation by notice in writing and, where an employer requests him or her to do so, the Collector-General shall terminate the authorisation.

(5) For the purposes of terminating an authorisation issued pursuant to this Regulation, the Collector-General shall, where he or she considers it appropriate, have regard to the following matters:

(a) he or she has reasonable grounds to believe that the authorisation has resulted or could result in a loss of tax,

(b) the employer —

(i) has failed to remit to the Collector-General within 14 days from the end of the preceding accounting period all amounts of tax which the employer was liable under these Regulations to deduct from emoluments paid by the employer during that accounting period, reduced by any amounts which the employer was liable under these regulations to repay during that accounting period, or

(ii) has furnished, or there is furnished on the



employer's behalf, any incorrect information for the purposes of the issue to the employer of an authorisation, or

(iii) has failed to make within the required time limit all returns which the employer is required to make in accordance with the provisions of Regulation 31(1), or

(iv) has not complied with the conditions, if any, specified by the Collector-General under paragraph (3) of this Regulation in relation to the issue to the employer of an authorisation.

(6) In relation to each income tax month in respect of which he or she has not remitted an amount of tax in accordance with paragraph (1) of this Regulation or paragraph (1) of Regulation 28, an employer whose authorisation is terminated shall be deemed to have complied with paragraph (1) of Regulation 28 if he or she remits to the Collector-General, within 14 days of issue of a notice of termination, the amount of tax which he or she would have been required to remit in accordance with the provisions of paragraph (1) of Regulation 28 if he or she were an employer to whom an authorisation had not been issued.

(7) (a) An authorisation shall be deemed to have been terminated by the Collector-General on the date that an authorised person ceases to be an employer.

(b) An employer whose authorisation is deemed to have been terminated shall, in relation to any income tax month (or part of an income tax month) comprised in

the accounting period which was in operation in his or her case on the date of such termination, comply with paragraph (1) of Regulation 29 as if he or she were an authorised person whose accounting period ended on the last day of the income tax month during which the termination occurred.

- (c) The personal representative of a deceased employer shall be deemed to be the employer for the purposes of subparagraph (b).

(8) The provisions of paragraphs (2) to (7) of Regulation 28 shall apply to this Regulation as if references therein to "income tax month" were references to "accounting period".

Employer failing to pay tax.

30. (1) If within 14 days from the end of any income tax month or accounting period (as provided for in Regulation 29) the employer has remitted no amount of tax to the Collector-General under Regulation 28 or 29 for that income tax month or accounting period, as the case may be, and the Collector-General is unaware of the amount, if any, which the employer is liable so to remit, the Collector-General may give notice to the employer requiring him or her to send to the Collector-General, within the time limited in the notice, a return showing the name of every employee to whom or on behalf of whom he or she made any payment of emoluments or repayment of tax in the period from the preceding 1 January to the day (being the last day of an income tax month or of an accounting period) specified by the notice, together with such particulars with regard to each such employee as the notice may require, being particulars of —

- (i) the amount of the tax credits and standard rate cut-off point appropriate to the employee's case;
- (ii) the payments of emoluments made to or on behalf of him or her during that period; and
- (iii) any other matter affecting the calculation of the tax which the employer was liable under these Regulations to deduct or to repay to the employee during that period,

and the employer shall comply with the requirements of the notice.

(2) In a case referred to in paragraph (1) of this Regulation the Collector-General shall ascertain, in like manner as the employer should, under these Regulations, have ascertained, the amount of tax which the employer should have deducted from the emoluments, and shall notify the amount to the employer.

(3) A notice given by the Collector-General under paragraph (1) of this Regulation may extend to two or more consecutive income tax months or two or more accounting periods, as the case may be.

(4) A notice may be given by the Collector-General under paragraph (1) of this Regulation notwithstanding that an amount of tax has been remitted to the Collector-General by the employer under Regulations 28 or 29 for any income tax month or accounting period, if the Collector-General is not satisfied that the amount so remitted is the full amount which the employer is liable to remit to him for that income tax month or accounting period, as the case may be, and the provisions of this

Regulation shall have effect accordingly.

Return by  
employer at end of  
year.

31. (1) Within 46 days from the end of the year, or from the date on which the employer ceases permanently to be an employer to whom Regulation 7(1) applies, whichever is the earlier, the employer shall send to the Collector-General —

- (a) in such form as the Revenue Commissioners may approve or prescribe, a return in respect of each employee showing the total amount of the emoluments paid by the employer to or on behalf of the employee during the year and the total net tax deducted from the emoluments,
- (b) any temporary tax deduction form, or such other document corresponding to a temporary tax deduction form as may be authorised by the Revenue Commissioners, used by the employer during the year for an employee in respect of whom a tax deduction card was not received,
- (c) any emergency card, or such other document corresponding to an emergency card as may be authorised by the Revenue Commissioners, used by the employer during the year for an employee in respect of whom a tax deduction card was not received, and
- (d) a statement, declaration and certificate in the prescribed form showing the total net tax deducted or repaid by the employer in respect of every employee during the year.

(2) Where the employer is a body corporate, the declaration and

the certificate referred to in subparagraph (d) of paragraph (1) of this Regulation shall be signed either by the secretary or by a director of the body corporate.

Inspection of employer's records.

32. (1) Upon request made to him or her at any premises of an employer by an authorised officer, any person, being the employer or a person employed by the employer at the premises, shall produce to the authorised officer for inspection all wages sheets, certificates of tax credits and standard rate cut-off point, tax deduction cards, and other documents and records whatsoever relating to the calculation or payment of the emoluments of employees of the employer or the deduction of tax therefrom as may be in that person's powers, possession or procurement.

(2) Where in pursuance of this Regulation an authorised officer requests production of any documents or records, he or she shall, on request, show his or her authorisation for the purposes of this Regulation to the person concerned.

(3) The documents and records specified in paragraph (1) of this Regulation, other than certificates of tax credits and standard rate cut-off point and the temporary tax deduction forms, and emergency cards, and the documents corresponding to those forms and cards, referred to in Regulation 31, shall be retained by the employer for a period of six years after the end of the year to which they refer, or for such shorter period as the Revenue Commissioners may authorise by notice in writing to the employer.

Death of employer.

33. If the employer dies, anything which the employer would have been liable to do under these Regulations shall be done by

the employer's personal representative, or, in the case of an employer who paid emoluments on behalf of another person, by the person succeeding the employer or, if there is no such person, the person on whose behalf the employer paid emoluments.

Succession to a business, etc.

34. (1) This Regulation applies where there has been a change in the employer from whom an employee receives emoluments in respect of his or her employment in any trade, business, concern or undertaking, or in connection with any property, or from whom an employee receives any annuity or pension.

(2) Where this Regulation applies, the change shall not be treated as a cessation of employment for the purposes of Regulation 20, but, in relation to any matter arising after the change, the employer after the change shall be liable to do anything which the employer before the change would have been liable to do under these Regulations if the change had not taken place.

(3) The employer after the change shall not be liable for the payment of any tax which was deductible from emoluments paid to the employee before the change took place.

## **PART 6**

### **Assessment**

Assessment of emoluments.

35. (1) Nothing in these Regulations shall prevent an assessment under Schedule E being made on a person in respect of his or her emoluments (income assessed to tax) for any year.

(2) Any assessments on an employee in respect of emoluments may be made in any income tax district and shall be valid notwithstanding that the employee was not in that district, or in the State, during the year in which the assessment was made.

(3) All the emoluments of an employee may be included in one assessment.

Return of certain emoluments by employer.

36. The inspector may give notice to the employer requiring the employer to send a return of any emoluments paid by the employer to or on behalf of any employee for any year, being emoluments which are not paid to or on behalf of the employee until after the end of that year, and any such return shall be sent to the inspector within the time limited in the notice.

Notification of liability.

37. The inspector shall, in any case where he or she does not propose to make an assessment on an employee with respect to whom tax was deducted during a year, send to the employee, as soon as possible after the end of the year, a statement of his or her liability for the year and showing how it is proposed to deal with any overpayment or underpayment of tax.

Objections and appeals against assessment.

38. The provisions of Part 40 of the Act shall, with any necessary modifications, apply in relation to an appeal by an employee against an assessment of emoluments.

Recovery of underpayments.

39. (1) If the tax payable under the assessment exceeds the total net tax deducted from the employee's emoluments during the year, the inspector, instead of taking the excess into account in determining the appropriate amount of tax credits and standard rate cut-off point for a subsequent year, may require the employee to remit it to the Collector-General, and, where the

inspector so requires, the employee shall remit the excess accordingly on demand made by the Collector-General.

(2) For the purposes of determining the amount of any such excess, any necessary adjustment shall be made to the total net tax in respect of any tax overpaid or remaining unpaid for any year.

Recovery of tax from employee.

40. (1) Any tax which is to be remitted to the Collector-General by any employee may be recovered in the manner provided by the Income Tax Acts.

(2) Any tax which is to be remitted to the Collector-General under paragraph (1) of Regulation 39, shall be remitted within 14 days of the date on which the Collector-General first makes application therefor.

## **PART 7**

### **Contributions by employees to certain superannuation funds and schemes**

Interpretation (Part 7).

41. In this Part of these Regulations “allowable contribution” means a contribution payable by an employee and deductible by an employer from emoluments of the employee and which is —

- (a) an ordinary annual contribution, or any other contribution treated by the Revenue Commissioners, as respects the year in which it is paid, as an ordinary annual contribution paid in that year, allowable by virtue of section 774 or 776 of the Act, as a deduction from such emoluments for the purposes of assessment under Schedule E, or



- (b) by virtue of section 471 of the Act, allowable as a deduction from such emoluments for the purposes of assessment under Schedule E.

Deduction or repayment by reference to superannuation contribution.

42. When making a deduction or repayment of tax in accordance with the provisions of Part 4 of these Regulations from or in respect of emoluments to which Chapter 4 of Part 42 of the Act, applies, an employer shall make such deduction or repayment as would require to be made if the amount of the emoluments were those emoluments reduced by the amount of the allowable contribution deductible from those emoluments.

## **PART 8**

### **Special provisions where employees are in receipt of or are entitled to receive certain benefits payable under the Social Welfare Acts**

Interpretation (Part 8).

43. In this Part of these Regulations—

"relevant period", in relation to an employee who is absent from work and who in respect of any part of that absence receives, or is entitled to receive, a taxable benefit, means the period commencing with the date on which such taxable benefit first becomes payable to the employee and ending on the earliest of the following dates, that is to say:

- (a) the date of cessation of employment,
- (b) the 31 December following the employee's return to work,  
or
- (c) such other date as the inspector may specify;

"taxable benefit", in relation to an employee, means any amount

payable under the Social Welfare Acts in respect of—

- (a) disability benefit, and
- (b) injury benefit which is comprised in occupational injuries benefit,

which is chargeable to income tax by virtue of section 126 of the Act.

Tax due in respect of disability or injury benefit.

44. Where, in respect of an absence from work, an employee receives or is entitled to receive a taxable benefit the following provisions shall, notwithstanding any other provision of these Regulations and unless the inspector otherwise directs, apply, that is to say:

- (a) any payment of emoluments made by the employer to the employee in the relevant period shall be treated as if it were a payment to which Regulation 19 applies,
- (b) (i) where the employee is entitled to receive payment of emoluments during such absence from work, the employer shall, in relation to such payments made by him or her to the employee during the relevant period, reduce the tax credits and standard rate cut-off point for Week 1 or Month 1, as may be appropriate, as specified on the tax deduction card held by the employer in respect of the employee by —
  - (A) such amount as the Revenue Commissioners, by general notice or otherwise, direct, or
  - (B) such other amount as the Minister for Social,

Community and Family Affairs may notify to the employer in relation to the employee, and

- (ii) the reduction of the employee's tax credits and standard rate cut-off point in accordance with the provisions of subparagraph (i) shall be treated as if it were a determination or, as the case may be, an amended determination of tax credits and standard rate cut-off point by the inspector but the inspector need not issue a notice of the determination or the amended determination, as may be appropriate, to the employee or a certificate of tax credits and standard rate cut-off point, an amended certificate of tax credits and standard rate cut-off point, a tax deduction card or an amended tax deduction card, as may be appropriate, to the employer,

and

- (c) where, on any usual pay day during the period of absence from work which falls within the relevant period, the employee is not entitled to receive payment of emoluments from the employer, the provisions of Regulation 26 shall not apply in respect of such pay day.

## **PART 9**

### **Miscellaneous**

Revocations. 45. The Regulations specified in the Schedule to these Regulations are revoked.

**Schedule**

<b>S.I. Number (1)</b>	<b>Regulations (2)</b>
28 of 1960	Income Tax (Employments) Regulations 1960
166 of 1960	Income Tax (Employments) (No. 2) Regulations, 1960
223 of 1970	Income Tax (Employments) Regulations, 1970
182 of 1971	Income Tax (Employments) Regulations, 1971
260 of 1972	Income Tax (Employments) Regulations, 1972
86 of 1974	Income Tax (Employments) Regulations, 1974
292 of 1974	Income Tax (Employments) (No. 2) Regulations, 1974
170 of 1975	Income Tax (Employments) Regulations, 1975
368 of 1977	Income Tax (Employments) Regulations, 1977
377 of 1978	Income Tax (Employments) Regulations, 1978
284 of 1980	Income Tax (Employments) Regulations, 1980
67 of 1984	Income Tax (Employments) Regulations, 1984
148 of 1985	Income Tax (Employments) Regulations, 1985
270 of 1987	Income Tax (Employments) Regulations, 1987
58 of 1989	Income Tax (Employments) Regulations, 1989
77 of 1993	Income Tax (Employments) Regulations, 1993
231 of 1997	Income Tax (Employments) Regulations, 1997
66 of 1999	Income Tax (Employments) Regulations, 1999
35 of 2001	Income Tax (Employments) Regulations, 2001

**Given this 12th day of December, 2001.**

**Frank M. Daly  
Revenue Commissioner**

## **Explanatory Note**

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations, which come into force on 1 January, 2002, revise and consolidate, subject to certain changes, the existing regulatory provisions which prescribe the manner in which the deduction of tax from salaries and wages under the “Pay As You Earn” system operates.

The main changes made are —

- (1) With effect from 1 January 2002, the special system for casual employees is abolished.
- (2) With effect from 1 January 2003, employees who do not supply their employer with a personal public service number (PPSN) will be subject to tax under the emergency system at the higher rate of tax.
- (3) There will be an obligation on employers paying their liability by direct debit to review the adequacy of the payment from time to time and make adjustments as appropriate.

*Part 1* of the Regulations contains definitions. It also covers the instance where an employee works under the management of a person who is not his or her immediate employer. In such circumstances the person under whose management the employee works is deemed to be his or her employer.

*Part 2* provides for the maintenance of registers of employers and of employees. The register of employers is to be kept by the Revenue Commissioners and registers of employees by employers. In certain circumstances where an employer employs only one domestic employee there is no obligation to keep a register.

*Part 3* requires inspectors of taxes to determine the amount of tax credits and standard rate cut-off point appropriate to the employee, to furnish the employee with a notice of this determination and with a certificate of tax credits and standard rate cut-off point and also to notify the employer of the amount of tax credits and standard rate cut-off

point. An employee may appeal to the Appeal Commissioners any determination of tax credits and standard rate cut-off point made by an inspector. Certificates of tax credits and standard rate cut-off point for any particular year will have effect for each subsequent year for which taxpayers' personal circumstances and relevant tax credits and reliefs remain unchanged.

*Part 4* concerns the deduction and repayment of tax under PAYE. Deductions and repayments are to be made by reference to cumulative emoluments and cumulative tax credits and standard rate cut-off point as specified on the employees tax deduction card. The required particulars are to be entered on the tax deduction cards on the occasion of every payment of emoluments. There are provisions regarding changes of employment and for deduction of tax on an emergency basis where the employee does not produce a certificate of tax credits and standard rate cut-off point or his or her personal public service number. At the end of each year employers are required to give every employee a certificate showing his or her emoluments, tax credits and standard rate cut-off point and the net tax deducted.

*Part 5* deals with payment and recovery of tax deducted under PAYE. Employers are required within 14 days from the end of every income tax month to pay over to the Collector General all tax which they were liable to deduct under PAYE, less any tax which they were liable to repay, during the month.

The Collector General may authorise an employer to make remittances of PAYE/PRSI at longer intervals (not exceeding one year) than the normal monthly remittance basis. Where an authorised employer arranges to pay by direct debit he or she must ensure that the amounts paid are sufficient to cover ongoing liability. The Collector-General may also terminate such authorisation.

Within 46 days from the end of the year employers are to send to the Collector-General returns, in the appropriate form, showing total emoluments paid to the employee during the year and total net tax deducted.

*Part 6* provides for the making of assessments on employees in special cases and, where assessments are not made, for supplying employees with statements of their liability. It also provides for an appeal by an employee against an assessment by an inspector; and for adjustment where underpayment of tax occurs.

*Part 7*, which provides for net pay arrangements, requires an employer when applying PAYE to an employee's earnings to make any necessary deduction or repayment of PAYE income tax by reference to the amount of the earnings reduced by the amount of any superannuation or Permanent Health Insurance contributions which relate to and are deducted from those earnings and which are allowable for income tax purposes.

*Part 8* sets out the manner in which any tax due in respect of disability benefit and injury benefit is to be collected from recipients in employment.

*Part 9* repeals all previous Regulations relating to the PAYE system.

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