

31st October & 15th November 2012 Tax Deadline

Pension Advisory Services – Irish Life

An Opportunity to Reduce your 2011 Income Tax Bill

Individuals who both pay and file their tax returns through the Revenue On-line Service (ROS) have until the **15th November 2012** to pay a pension contribution and elect to backdate the income tax relief into the 2011 tax year. Those who do not qualify for the ROS extension must do this by **31st October 2012**.

Clients do not have the option to defer. If they do not take this opportunity, they will not get another chance to reduce their 2011 income tax liability.

How Much Can an Individual Contribute to a Personal Pension, PRSA, PRSA AVC or AVC?

For contributions paid in 2012 and set against 2011 earnings, an earnings cap of €115,000 applies for tax relief purposes to aggregate contributions to PRSAs, RACs and employee / AVC contributions to occupational pension schemes.

Age	% of Earnings
Under 30	15%
30 to 39	20%
40 to 49	25%
50 to 54	30%
55 to 59	35%
60 and over	40%

Note:

1. The above limits include any employer contributions to a PRSA
2. For occupational pension schemes the total contributions (employer, employee & AVC) must be within overall Revenue maximum contribution limits
3. The earnings limit does not apply to employer contributions to occupational pension schemes

Who Files a Self-Assessment Tax Return?

The self employed, proprietary directors (those who own more than 15% of a company) and people with non-PAYE income are required to file self-assessment tax returns under the Pay and File system with Revenue.

To avoid interest and surcharges they must by 31st October / 15th November 2012

- File their 2011 Income Tax Return
- Pay any balance of income tax outstanding for 2011
- Pay preliminary income tax for 2012

Employees and directors in occupational pension schemes can also reduce their 2011 tax bill if once they pay an AVC single premium on or before 31st October 2012 and file a return before 31st October 2012.

Recent Changes:

The Revenue introduced new regulations this year whereby certain individuals are now required to file their tax returns electronically through the ROS system. Those affected by the new regulations include self assessed individuals claiming income tax relief on personal pension, PRSA or AVC contributions as well as those claiming other reliefs such as artists exemption, woodlands exemption, patent income exemption etc. Revenue has written to affected clients and tax agents to advise them of this change. More information can be found on the Revenue's website www.revenue.ie

Those affected by these changes should ensure they are registered on the Revenue On-line Service (ROS) so they can file their returns electronically.

Does a client need anything from Irish Life to show they have paid a pension contribution by 31st October / 15th November?

No. Revenue no longer requires a person to submit RAC / PRSA / PRSA AVC Certificates with their final tax returns. However Revenue reserves the right to request them at any stage in the future. Irish Life will send a RAC / PRSA / PRSA AVC Certificate to clients. Clients should retain these documents in case they are requested by Revenue at a later date.

Summary of Backdating of Income Tax Relief

	Income Tax Relief
When do I make a claim?	<p>Must elect to backdate pension contribution prior to 31st October 2012 for 2011 tax year.</p> <p>Extension to 15th November 2012 for those who pay and file using Revenue On-Line Service (ROS)</p>
What do I send to make a claim?	<p>Self Employed and Proprietary Directors (more than 15%) need to complete Income Tax Form 11 or the shorter version Form 11E.</p> <p>PAYE Employees (including non-proprietary directors) need to complete Income Tax Form 12</p> <p>Clients should not include RAC / PRSA or PRSA AVC Certificates with their self assessment tax return.</p> <p>Clients should instead retain supporting documents, accounts, certificates, etc. in case they are subsequently requested by Revenue as part of an audit at a later date.</p>
How do I make a claim?	<p>Self Employed and Proprietary Directors will have to file their returns using ROS if they are looking to claim income tax relief on pension contributions.</p> <p>PAYE Employees should send their income tax form to their local Revenue office.</p> <p>See www.revenue.ie for more information.</p>

Backdating of Income Tax Relief – Personal Pension Plans (RACs), PRSAs, AVCs

A person who wishes to pay a pension contribution now and backdate relief against their 2011 income needs to do the following

1. Pay the contribution to the life office or PRSA provider on or before the return filing date (i.e. 31st October or 15th November 2012 for those qualifying for the ROS deadline extension).
2. Send in their tax return to Revenue on or before the return filing date (i.e. 31st October or 15th November 2012 for those qualifying for the ROS deadline extension).

If there is any doubt on qualifying for the ROS extension we would recommend individuals pay their pension contributions and file their tax return by 31st October to ensure they meet the deadline.

Late Returns – Tax Relief disallowed

Revenue will not permit tax relief to be granted in the preceding tax year (even though the pension contribution has been paid before 31st October 2012), if the client has not elected to claim the tax relief in that tax year in his final tax return, or if he has not filed the tax return on time.

If a client is not eligible for tax relief for any reason this is not grounds for a refund of contributions. If tax relief cannot be claimed currently, then the client can carry the relief forward, and may be eligible to claim relief against relevant earnings in the future.

Who can claim Income Tax Relief on Personal or PRSA Contributions?

In order to claim income tax relief on contributions to a personal pension or PRSA the individual must be “chargeable to tax in respect of relevant earnings”. Relevant earnings refers to income of individuals who are:

- Self employed (income from a trade or profession taxed under Schedule D, Case I or II)
- Employees (Schedule E, PAYE and not a member of a company pension scheme)
- Directors of companies (Schedule E, PAYE and not a member of a company pension scheme)

Net relevant earnings are relevant earnings less charges in income (e.g. covenant payments, tax deductible maintenance payments, allowable interest) and losses or capital allowances related to the individual's relevant earnings.

Income which is not relevant earnings include:

- Investment income (e.g. rental income)
- Sleeping partner
- Earnings from an investment company where the client directly or indirectly controls more than 20% of the company
- Pension income
- Spouse's income, you cannot take out a pension for your spouse's income

Can Employees Backdate Income Tax Relief on AVCs or PRSA AVCs?

Yes. AVC or PRSA AVC contributions paid before 31st October 2012 can be backdated to 2011 for income tax relief provided the individual is **still in the same employment**.

An employee has until 31st October 2012 to:

1. Pay a single premium AVC to their main company pension scheme (if the scheme offers this option), a PRSA AVC or through their existing AVC plan (if they have one), and claim income tax relief for 2011 tax year.
2. Send their tax return to Revenue, electing to backdate the pension contribution to 2011 tax year

If an employee elects to backdate a contribution to a previous tax year for income tax relief he needs to make sure that relief has not already been given in the current tax year. Where the contribution is paid through payroll under the net pay arrangement income tax relief is automatic and is given in the current tax year.

Who can claim Income Tax Relief on AVCs or PRSA AVCs

Income tax relief on AVCs or PRSA AVCs can be claimed by individuals who are:

- Employees (Schedule E, PAYE and a member of a company pension scheme)
- Directors of companies (Schedule E, PAYE and a member of a company pension scheme)

Examples of Schedule E income would include salary, bonuses and benefit-in-kind (BIK).

Where a client has changed employment recently this may affect his ability to make a pension contribution and / or his ability to backdate tax relief to the previous year. **Once a client leaves an employment where they were a member of a company pension scheme, they cannot make any further pension contributions in respect of the earnings from that employment.**

Note: a termination payment made to a client on leaving employment (taxed under S123 of TCA 1997) would not be considered remuneration for pension purposes. This would include termination payments on redundancy, payment in lieu of notice and other ex-gratia payments. However, part or all of such a termination payment may qualify for tax relief under other available exemptions.

Earnings Limit – Those with more than one source of income

Tax relief for pension contributions are subject to two limits:

1. The age related percentage of salary as shown on page 1
2. The earnings limit which is set at €115,000 for the 2011 and 2012 tax years

Where someone has two sources of earnings, one from an office of employment where the individual is a member of a contributory occupational pension scheme and the other from self employment, it is the pensionable earnings that uses up the earnings limit first.

Example 1– Pensionable earnings greater than the €115,000 earnings limit:

John aged 45 earns €150,000 from his employment. He is a member of his employer's occupational pension scheme; he pays employee contributions of 5% of his salary (€7,500) to the scheme. John also has self employed earnings of €45,000.

Based on his age the maximum contribution John can make to the occupational pension scheme and claim tax relief is 25% of his earnings, capped at €115,000. So John's maximum pension contribution is $25\% \times €115,000 = €28,750$. He is already contributing €7,500 so has scope to make further AVCs of €21,250.

John's pensionable income uses up the earnings limit first and as that income is greater than the earnings limit he cannot claim tax relief against any personal pension or PRSA contributions made in respect of his self employment earnings. This applies even if he does not maximise his AVC contributions to the company pension scheme.

Example 2 – Total Income over the €115,000 earnings limit:

Tom aged 45 earns €80,000 from his employment where he is a member of an occupational pension scheme. Tom currently pays 5% of salary (€4,000) to the pension scheme. Tom also has self employed earnings of €55,000.

Based on his age the maximum contribution Tom can make to the occupational pension scheme and claim tax relief is 25% of his salary i.e. $25\% \times €80,000 = €20,000$. He is already paying employee contributions of €4,000 so he has scope to make further AVCs of €16,000.

Tom's pensionable employment uses up the earnings limit first, so he can only make pension contributions against €35,000 of his self employed earnings i.e. $€115,000 - €80,000 = €35,000$. So the maximum pension contribution he can pay and claim tax relief on against his self employed earnings is $25\% \times €35,000 = €8,750$



The information contained in this document is based in Irish Life's understanding of legislation and Revenue practice as at August 2012 which may change in the future.