

## CHAPTER 2 Corporation tax: returns of profits

Particulars to be supplied by new companies. CTA76 s141(1), (1A), (1B) and (3) and s154; FA95 s58 882.—(1) In this section, “secretary” includes persons mentioned in section 1044(2) and, in the case of a company not resident in the State, the agent, manager, factor or other representative of the company.

(2) Every company which commences to carry on a trade, profession or business shall, within 30 days from the date of such commencement, deliver to the Revenue Commissioners a statement in writing containing the following particulars—

(a) the name of the company,

(b) the address of its registered office in the State or, in the case of a company not resident in the State, the address of its principal place of business in the State,

(c) the name of the secretary or, in the case of a company not resident in the State, the name and address of the agent, manager, factor or other representative of the company,

(d) the date of commencement of the trade, profession or business or, in the case of a company not resident in the State, the date of commencement of its trade or profession in the State,

(e) the nature of the trade, profession or business, and

(f) the date to which the first accounts relating to such trade, profession or business will be made up;

but this subsection shall not apply to a company which is neither resident nor incorporated in the State unless it commences to carry on a trade, profession or business in the State.

(3) Subject to subsection (4), every company which is incorporated in the State and is neither resident in the State nor carrying on a trade, profession or business in the State shall, in every case within 30 days of—

(a) the date on which it commences to carry on a trade, profession or business, wherever carried on,

(b) any time at which there is a material change in information previously delivered by the company under this subsection, and

(c) the giving of a notice to the company by an inspector requiring a statement under this subsection,

deliver to the Revenue Commissioners a statement in writing containing particulars of—

(i) the name of the company,

(ii) the address of its registered office in the State and the address of its principal place of business,

(iii) the nature of the trade, profession or business,

(iv) the name and address of the secretary of the company,

(v) (I) where the company is controlled by a company the shares in which are listed in the official list of a recognised stock exchange and have been the subject of dealings on such an exchange in the period of 12 months ending at the time at which the statement is delivered, the name of that company and the address of its registered office, and

(II) in any other case, the name and address of any individual or individuals who have control of the company,

(vi) the territory in which the central management and control of the company is normally carried out, and

(vii) such other information as the Revenue Commissioners consider necessary for the purposes of determining the territory in which the company is resident for the purposes of tax.

(4) Subsection (3) shall not apply to a company (in this subsection referred to as “the first-mentioned company”) if, at the time at which a statement under that subsection would apart from this subsection have to be delivered, there is a company which is a 90 per cent subsidiary of the first-mentioned company carrying on a trade or profession in the State.

(5) For the purposes of this section—

(a) sections 412 to 418 shall apply for the purposes of this paragraph as they would apply for the purposes of Chapter 5 of Part 12 if section 411 (1) (c) were deleted, and

(b) control shall be construed in accordance with section 432.