

Penalties. CATA 1976 s63 58.—(1) (a) Any person who contravenes or fails to comply with any requirement or provision under section 46 shall be liable to a penalty of €2,535.

(b) Where the contravention or failure referred to in paragraph (a) continues after judgment has been given by the court before which proceedings for the penalty have been commenced, the person concerned shall be liable to a further penalty of €30 for each day on which the contravention or failure so continues.

(2) Where, under, or for the purposes of, any of the provisions of this Act, a person is authorised to inspect any property for the purpose of reporting to the Commissioners the market value of that property and the person having custody or possession of that property prevents such inspection or obstructs the person so authorised in the performance of that person's functions in relation to the inspection, the person so having custody or possession is liable to a penalty of €1,265.

(3) Where an accountable person fraudulently or negligently—

(a) delivers any incorrect return or additional return,

(b) makes or furnishes any incorrect statement, declaration, evidence or valuation in connection with any property comprised in any disposition,

(c) makes or furnishes any incorrect statement, declaration, evidence or valuation in connection with any claim for any allowance, deduction, exemption or relief, or

(d) makes or furnishes any incorrect statement, declaration, evidence or valuation in connection with any other matter,

on the basis of which the amount of tax assessable in respect of a taxable gift or taxable inheritance would be less than it would have been if the correct return, additional return, statement, declaration, evidence or valuation had been delivered, made or furnished, that person is liable to a penalty of—

(i) €6,345, and

(ii) the amount, or in the case of fraud, twice the amount, of the difference specified in subsection (5).

(4) Where any such return, additional return, statement, declaration, evidence or valuation as is mentioned in subsection (3) was delivered, made or furnished neither fraudulently nor negligently by a person and it comes to that person's notice that it was incorrect, then, unless the error is remedied without unreasonable delay, such matter is treated, for the purposes of this section, as having been negligently done by that person.

(5) The difference referred to in subsection (3) is the difference between—

(a) the amount of tax payable in respect of the taxable gift or taxable inheritance to which the return, additional return, statement, declaration, evidence or valuation relates, and

(b) the amount which would have been the amount so payable if the return, additional return, statement, declaration, evidence or valuation as made or submitted had been correct.

(6) For the purpose of subsection (3), where anything referred to in that subsection is delivered, made or furnished on behalf of a person, it is deemed to have been delivered, made or furnished by that person unless that person proves that it was done without that person's knowledge or consent.

(7) Any person who assists in or induces the delivery, making or furnishing for any purposes of the tax of any return, additional return, statement, declaration, evidence or valuation which that person knows to be incorrect shall be liable to a penalty of €1,265.

(8) This section shall not affect any criminal proceedings.

(9) Subject to this section, sections 987 (4), 1061 , 1062 , 1063 , 1064 , 1065 , 1066 and 1068 of the Taxes Consolidation Act 1997 , shall, with any necessary modifications, apply to a penalty under this Act as if the penalty were a penalty under the Income Tax Acts.