

Returns of interest paid or credited without deduction of tax. ITA67 s175; FA83 s17(2); FA95 s168; Postal and Telecommunications Services Act, 1983 s8(1) and Sch4 Ptl 891.—(1) Subject to subsection (2), every person carrying on a trade or business who, in the ordinary course of the operations of the trade or business, receives or retains money in such circumstances that interest becomes payable on that money which is paid or credited without deduction of income tax, and in particular every person carrying on the trade or business of banking, shall, if required to do so by notice from an inspector, make and deliver to the inspector, within the time specified in the notice, a return of all interest so paid or credited by that person during a year specified in the notice in the course of that person's trade or business or any such part of that person's trade or business as may be so specified, giving the names and addresses of the persons to whom the interest was paid or credited and stating in each case the amount of the interest.

(2) (a) No interest paid or credited to any person shall be required to be included in any return under subsection (1) where the total amount of the interest paid or credited to that person which would otherwise have had to be included in the return does not exceed £50.

(b) The year specified in a notice under subsection (1) shall not be a year ending more than 3 years before the date of the service of the notice.

(3) Without prejudice to the generality of so much of subsection (1) as enables different notices to be served under that subsection in relation to different parts of a trade or business, separate notices may be served under that subsection as respects the transactions carried on at any branch or branches respectively specified in the notices, and any such separate notice shall, if served on the manager or other person in charge of the branch or branches in question, be deemed to have been duly served on the person carrying on the trade or business and, where such a separate notice is so served as respects the transactions carried on at any branch or branches, any notice subsequently served under subsection (1) on the person carrying on the trade or business shall not be deemed to extend to any transaction to which that separate notice extends.

(4) (a) This section shall, with any necessary modifications, apply in relation to the Post Office Savings Bank as if it were a trade or business carried on by An Post.

(b) This subsection shall apply notwithstanding section 4 of the Post Office Savings Bank Act, 1861 ; but, subject to paragraph (a), that section shall remain in full force and effect.

(5) Subsections (1) to (4) shall apply only to money received or retained in the State.

(6) (a) Subject to paragraphs (b) and (c), where a person to whom any interest is paid or credited in respect of any money received or retained in the State by notice in writing served on the person paying or crediting the interest—

(i) declares that the person who was beneficially entitled to that interest when it was paid or credited was not then resident in the State, and

(ii) requests that the interest shall not be included in any return under this section,

the person paying or crediting the interest shall not be required to include the interest in any such return.

(b) Where the person on whom a notice under paragraph (a) is served is not satisfied that the person who served the notice was resident outside the State when the interest was paid or credited—

(i) there shall be given to the person on whom the notice is served an affidavit, made by the person who served the notice, stating that person's name and address and the country in which that person was resident when the interest was paid or credited, and

(ii) if the person who served the notice was not beneficially entitled to that interest when it was paid or credited, the affidavit shall state, in addition to the particulars specified in subparagraph (i), the name and address of the person who was so entitled and the country in which that person was resident when the interest was paid or credited.

(c) Where the person on whom a notice under paragraph (a) is served is satisfied that the person who served the notice (in this paragraph referred to as “the server”) was not resident in the State when the interest was paid or credited and, if the server declares in the notice, or in a subsequent notice served on the person on whom the first-mentioned notice was served, that the server was not beneficially entitled to the interest when it was paid or credited, the server shall, if the person so entitled (in this paragraph referred to as “the beneficial owner”) is resident in the State, state in one of those notices or in a subsequent notice served on the person on whom the first-mentioned notice was served the name and address of the beneficial owner.

(7) A person to whom subsection (1) applies—

(a) shall keep and retain any notice served on that person in accordance with subsection (6), and any affidavit that accompanied the notice, for a period of 6 years from the date of the service of the notice,

(b) shall, if requested in writing by the Revenue Commissioners to do so, inform the Revenue Commissioners within the time specified in the request whether a notice has been served on that person in accordance with subsection (6) by such person as is named, and whose address is stated, in the request, and

(c) shall, if requested in writing by the Revenue Commissioners to do so, furnish to the Revenue Commissioners within the time specified in the request such notice served on that person in accordance with subsection (6) as is specified in the request and the affidavit that accompanied that notice.