

Relief for gifts for education in the arts. ITA67 s195B(3) and (6); FA84 s32; FA93 s10(1) 484.—(1) In this section—

“approved body” means any body or institution in the State which may be approved of for the purposes of this section by the Minister for Finance and which—

(a) provides in the State any course one of the conditions of entry to which is related to the results of the Leaving Certificate Examination, a matriculation examination of a recognised university in the State or an equivalent examination held outside the State, or

(b) (i) is established on a permanent basis solely for the advancement wholly or mainly in the State of one or more approved subjects,

(ii) contributes to the advancement of that subject or those subjects on a national or regional basis, and

(iii) is prohibited by its constitution from distributing to its members any of its assets or profits;

“approved subject” means—

(a) the practice of architecture,

(b) the practice of art and design,

(c) the practice of music and musical composition,

(d) the practice of theatre arts,

(e) the practice of film arts, or

(f) any other subject approved of for the purpose of this section by the Minister for Finance.

(2) This section shall apply to a gift of money which—

(a) is made to an approved body for the purpose of assisting that body to promote the advancement in the State of any approved subject,

(b) is applied by the approved body for that purpose, and

(c) is not deductible in computing for the purposes of tax the profits or gains of a trade or profession or is not income to which section 792 applies.

(3) (a) Where a person proves to have made a gift to which this section applies and claims relief from

tax by reference to the gift, subsection (4) or, as the case may be, subsection (5) shall apply.

(b) In determining the net amount of the gift for the purposes of subsection (4) or (5), the amount or value of any consideration received by the person as a result of making the gift, whether received directly or indirectly from the approved body to which the gift was made or otherwise, shall be deducted from the amount of the gift.

(4) (a) For the purposes of income tax for the year of assessment in which a person makes a gift to which this section applies, the net amount of the gift shall, subject to subsection (5), be deducted from or set off against any income of the person chargeable to income tax for that year and tax shall where necessary be discharged or repaid accordingly, and the total income of the person or, where the person is a married person whose spouse is assessed to income tax in accordance with section 1017, the total income of the spouse shall be calculated accordingly.

(b) Notwithstanding paragraph (a), relief under this section shall not be given to a person for a year of assessment—

(i) if the net amount of the gift (or the aggregate of the net amounts of gifts) made by the person in that year, being a gift or gifts, as the case may be, to which this section applies, does not exceed £100, or

(ii) to the extent to which the net amount of the gift (or the aggregate of the net amounts of gifts) made by the person in that year, being a gift or gifts, as the case may be, to which this section applies, exceeds £10,000.

(5) Where a gift to which this section applies is made by a company—

(a) the net amount of the gift shall for the purposes of corporation tax be deemed to be a loss incurred by the company in a separate trade in the accounting period of the company in which the gift is made, and

(b) the references in subsection (4)(b) to a year of assessment shall be construed as references to an accounting period of the company.

(6) (a) The Minister for Finance may, by notice in writing given to the body or institution, as the case may be, withdraw the approval of any body or institution for the purposes of this section, and on the giving of the notice the body or institution shall cease to be an approved body as respects any gifts made after the date of the notice referred to in paragraph (b).

(b) Where the Minister for Finance withdraws the approval of any body or institution for the purposes of this section, notice of its withdrawal shall be published as soon as may be in *Iris Oifigiúil*.