

Recovery of tax from trustee and payment to trustee of excess tax recoupment. ITA67 s446; F(MP)A68 s3(2) and Sch Ptl; FA74 s86 and Sch2 Ptl; FA97 s146(1) and Sch9 Ptl par1(29) 797.—(1) Where by virtue of this Chapter any income tax becomes chargeable on and is paid by a settlor, such settlor shall be entitled—

(a) to recover from any trustee or other person to whom the income is payable by virtue or in consequence of the settlement the amount of the tax so paid, and

(b) for that purpose to require the Revenue Commissioners to furnish to such settlor a certificate specifying the amount of the income in respect of which such settlor has so paid tax and the amount of the tax so paid, and every certificate so furnished shall be evidence until the contrary is proved of the matters of fact stated in the certificate.

(2) Where any person obtains in respect of any allowance or relief a repayment of income tax in excess of the amount of the repayment to which that person would but for this Chapter have been entitled, an amount equal to the excess shall be paid by that person to the trustee or other person to whom the income is payable by virtue or in consequence of the settlement and, where there are 2 or more such trustees or other persons, in such proportions as the circumstances may require.

(3) Where any question arises as to the amount of any payment or as to any apportionment to be made under subsection (2), that question shall be decided by the Appeal Commissioners whose decision on that question shall be final.

(4) Any income which by virtue of this Chapter is treated as income of any person shall be deemed to be the highest part of that person's income.

(5) No repayment shall be made under paragraph 21 of Schedule 32 on account of tax paid in respect of any income which has by virtue of this Chapter been treated as income of a settlor.