

113.—(1) An estimation or assessment of tax under section 110 or 111 may be made at any time not later than 4 years—

(a) after the end of the taxable period to which the estimate or assessment relates, or

(b) if the period for which the estimate or assessment is made consists of 2 or more taxable periods, after the end of the earlier or earliest taxable period within that period.

(2)(a) Subject to paragraphs (b) and (c), in this subsection “neglect” means negligence or a failure to give any notice, to furnish particulars, to make any return or to produce or furnish any invoice, credit note, debit note, receipt, account, voucher, bank statement, estimate or assessment, statement, information, book, document, record or declaration required to be given, furnished, made or produced by or under this Act or regulations.

(b) A person shall be deemed not to have failed to do anything required to be done within a limited time if the person did it within such further time (if any) as the Revenue Commissioners may have allowed.

(c) Where a person had a reasonable excuse for not doing anything required to be done, he or she shall be deemed not to have failed to do it if he or she did it without unreasonable delay after the excuse had ceased.

(d) Notwithstanding subsection (1), in a case in which any form of fraud or neglect has been committed by or on behalf of any person in connection with or in relation to tax, an estimate or assessment as referred to in that subsection may be made at any time for any period for which, by reason of the fraud or neglect, tax would otherwise be lost to the Exchequer.

(3)(a) Where a person dies, an estimation or assessment of tax under section 110 or 111, as the case may be, may be made on the person’s personal representative for any period for which such an estimation or assessment could have been made on him or her immediately before his or her death, or could be made on him or her if he or she were living, in respect of tax which became due by the person before his or her death, and the amount of tax recoverable under any such estimation or assessment shall be a debt due from and payable out of the estate of the person.

(b)(i) No estimation or assessment of tax shall be made by virtue of this subsection later than 3 years after the expiration of the year in which the deceased person died, in a case in which the grant of probate or letters of administration was made in that year.

(ii) No such estimation or assessment shall be made later than 2 years after the expiration of the year in which such grant was made in any other case.

(c) Notwithstanding paragraphs (a) and (b), where the personal representative—

(i) after the year in which the deceased person died, lodges a corrective affidavit for the purposes of the assessment of estate duty, or delivers an additional affidavit under section 48 of the Capital Acquisitions Tax Consolidation Act 2003 , or

(ii) is liable to deliver an additional affidavit under section 48 of the Capital Acquisitions Tax Consolidation Act 2003 , has been so notified by the Revenue Commissioners and did not deliver such additional affidavit in the year in which the deceased person died,

the estimation or assessment under section 110 or 111 may be made at any time before the expiration of 2 years after the end of the year in which the corrective affidavit was lodged or the additional affidavit was or is delivered.

(4) Subject to section 116 (10), proceedings for the recovery of any penalty under this Act may be commenced at any time within 6 years next after the date on which it was incurred.