

Additional assessments. ITA67 s186; F(MP) A68 s4(1); FA69 s65(1) and Sch5 Ptl; CTA76 s140(1) and Sch2 Ptl par8; FA96 s132(2) and Sch5 PtlI 924.—(1) (a) Where the inspector discovers that—

(i) any properties or profits chargeable to income tax have been omitted from the first assessments,

(ii) a person chargeable—

(I) has not delivered any statement,

(II) has not delivered a full and proper statement,

(III) has not been assessed to income tax, or

(IV) has been undercharged in the first assessments, or

(iii) a person chargeable has been allowed, or has obtained from and in the first assessments, any allowance, deduction, exemption, abatement or relief not authorised by the Income Tax Acts,

then, where the tax is chargeable under Schedule D, E or F, the inspector shall make an additional first assessment.

(b) Any additional first assessment made by the inspector in accordance with paragraph (a) shall be subject to appeal and other proceedings as in the case of a first assessment.

(2) (a) In this subsection, “neglect” means negligence or a failure to give any notice, to make any return, statement or declaration, or to produce or furnish any list, document or other information required by or under the Income Tax Acts; but a person shall be deemed not to have failed to do anything required to be done within a limited time if such person did it within such further time, if any, as the Revenue Commissioners or officer concerned may have allowed and, where a person had a reasonable excuse for not doing anything required to be done, such person shall be deemed not to have failed to do it if such person did it without unreasonable delay after the excuse had ceased.

(b) Subject to paragraph (c) and any other provision allowing a longer period in any class of case, an assessment or an additional first assessment may be made at any time not later than 10 years after the end of the year to which the assessment relates.

(c) 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 income tax, an assessment or an additional first assessment may be made at any time for any year for which by reason of the fraud or neglect income tax would otherwise be lost to the Exchequer.

(d) (i) In a case in which emoluments to which this subparagraph applies are received in a year of assessment subsequent to that for which they are assessable, paragraph (b) shall apply in the case of

assessments or additional first assessments in respect of the emoluments subject to the substitution of a reference to the end of the year of assessment in which the emoluments were received for the reference to the end of the year to which the assessment relates.

(ii) The emoluments to which subparagraph (i) applies are emoluments within the meaning of section 112 (2), including any payments chargeable to tax by virtue of section 123 and any sums which by virtue of Chapter 3 of Part 5 are to be treated as perquisites of a person's office or employment, being emoluments, payments or sums other than those taken into account in an assessment to income tax for the year of assessment in which they are received, and for the purposes of this paragraph—

(I) any such payment shall, notwithstanding anything in section 123 (4), be treated as having been received at the time it was actually received, and

(II) any such sums which are not actually paid to that person shall be treated as having been received at the time when the relevant expenses were incurred or are treated for the purposes of Chapter 3 of Part 5 as having been incurred.

(e) An objection to the making of any assessment or additional first assessment on the ground that the time limited for the making of that assessment has expired shall only be made on appeal against the assessment.

(3) Any assessments not made at the time when the first assessments are made shall as soon as they are made be added to the first assessments by means of separate forms of assessment.