

SCHEDULE 1 Supplementary Provisions Concerning the Extension of Charge to Tax to Profits and Income Derived from Activities Carried On and Employments Exercised on the Continental Shelf

Sections 13 and 567 (4).

FA73 Sch3 pars1, 3, 4, 5, 7 and 8; CTA76 s140(1) and Sch2 Ptl par36(1) and (3) and s164 and Sch3 PtlI

Information

1. The holder of a licence granted under the Petroleum and Other Minerals Development Act, 1960 , shall, if required to do so by a notice served on such holder by an inspector, give to the inspector within the time limited by the notice (which shall not be less than 30 days) such particulars as may be required by the notice of—

(a) transactions in connection with activities authorised by the licence as a result of which any person is or might be liable to income tax by virtue of section 13 or to corporation tax by virtue of that section as applied by section 23, and

(b) emoluments paid or payable in respect of duties performed in an area in which those activities may be carried on under the licence and the persons to whom they were paid or are payable,

and shall take reasonable steps to obtain the information necessary to enable such holder to comply with the notice.

Collection

2. (1) Subject to the following provisions of this Schedule, where any income tax is assessed by virtue of section 13, or any corporation tax is assessed by virtue of that section as applied by section 23, on a person not resident in the State in respect of—

(a) profits or gains from activities authorised, or carried on in connection with activities authorised, by a licence granted under the Petroleum and Other Minerals Development Act, 1960 , or

(b) profits or gains arising from exploration or exploitation rights connected with activities so authorised or carried on,

and any of the tax remains unpaid later than 30 days after it has become due and payable, the Revenue Commissioners may serve a notice on the holder of the licence (in this paragraph referred to as “the holder”) specifying particulars of the assessment, the amount of tax remaining unpaid and the date when it became payable, and requiring the holder to pay that amount, together with any interest due on that amount under section 1080, within 30 days of the service of the notice.

(2) Any amount of tax which the holder is required to pay by a notice under this paragraph may be

recovered from the holder as if it were tax due and duly demanded from the holder, and the holder may recover any such amount paid by the holder from the person on whom the assessment was made as a simple contract debt in any court of competent jurisdiction.

3. Paragraph 2 shall not apply to any assessment to income tax on emoluments from an office or employment referred to in section 13 (5).

4. Paragraph 2 shall not apply if the profits or gains in respect of which the relevant assessment was made arose to the person on whom it was made in consequence of a contract made by the holder of the licence before the 16th day of May, 1973, unless that person is a person connected with the holder of the licence or the contract was varied on or after that date.

5. Where, on an application made by a person who will or might become liable to tax which if remaining unpaid could be recovered under paragraph 2 from the holder of a licence, the Revenue Commissioners are satisfied that the applicant will comply with any obligations imposed on the applicant by the Tax Acts, they may issue a certificate to the holder of the licence exempting that holder from the application of that paragraph with respect to any tax payable by the applicant and, where such a certificate is issued, that paragraph shall not apply to any such tax which becomes due while the certificate is in force.

6. The Revenue Commissioners may, by notice in writing given to the holder of a certificate issued under paragraph 5, cancel the certificate from such date, not earlier than 30 days after the service of the notice, as may be specified in the notice.