

Assessments to corporation tax. CTA76 s7 and s144; DCITPA96 s6; CABA96 s24(2) 919.—(1) Assessments to corporation tax shall be made by an inspector.

(2) (a) Where a company on whose profits the tax is to be assessed is resident in the State, the tax shall be assessed on the company.

(b) Where a company on whose profits the tax is to be assessed is not resident in the State, the tax shall be assessed on the company in the name of any agent, manager, factor or other representative of the company.

(3) The inspector shall give notice to the company assessed or, in the case of a company not resident in the State, to the agent, manager, factor or other representative of the company assessed of every assessment made by the inspector.

(4) (a) In this section, “information” includes information received from a member of the Garda Síochána.

(b) Where—

(i) a company makes default in the delivery of a statement in respect of corporation tax, or

(ii) the inspector is not satisfied with a statement which has been delivered, or has received information as to its insufficiency,

the inspector shall make an assessment on the company concerned in such sum as according to the best of the inspector's judgment ought to be charged on that company.

(5) (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 enactments relating to corporation tax; but a company shall be deemed not to have failed to do anything required to be done within a limited time if the company did it within such further time, if any, as the Revenue Commissioners or officer concerned may have allowed and, where a company had a reasonable excuse for not doing anything required to be done, the company shall be deemed not to have failed to do it if the company did it without unreasonable delay after the excuse had ceased.

(b) Where an inspector discovers that—

(i) any profits which ought to have been assessed to corporation tax have not been assessed,

(ii) an assessment to corporation tax is or has become insufficient, or

(iii) any relief which has been given is or has become excessive,

the inspector shall make an assessment in the amount or the further amount which ought in the inspector's opinion to be charged.

(c) Subject to paragraph (d) and any other provision allowing a longer period in any class of case, no assessment to corporation tax shall be made more than 10 years after the end of the accounting period to which it relates.

(d) In a case in which any form of fraud or neglect has been committed by or on behalf of any company in connection with or in relation to corporation tax, an assessment may be made on that company at any time for any accounting period for which by reason of the fraud or neglect corporation tax would otherwise be lost to the Exchequer.

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

(6) An assessment on a company's profits for an accounting period which falls after the commencement of the winding up of the company shall not be invalid because made before the end of the accounting period.