

SCHEDULE 2 Machinery for Assessment, Charge and Payment of Tax Under Schedule C and, In Certain Cases, Schedule D

Sections 33 , 61 and 62.

ITA67 Sch1 PtsI and III to VI; F(MP) A68 s3(3) and Sch PtII, s3(4) and Sch PtIII and s3(5) and Sch PtIV;  
FA74 s11 and Sch1 PtII

PART 1

Interpretation of Parts 2 to 4

1. Section 32 shall apply for the interpretation of Parts 2 to 4 of this Schedule as it applies for the interpretation of Chapter 1 of Part 3 of this Act, except that in Part 4 of this Schedule “dividends” shall include all such interest, annuities or payments as are, within the meaning of section 60, dividends to which Chapter 2 of Part 4 of this Act applies.

PART 2

Public revenue dividends, etc., payable to the Bank of Ireland, or entrusted for payment to the Bank of Ireland

2. The Bank of Ireland, as respects the dividends and the profits attached to the dividends payable to the Bank out of the public revenue of the State, or payable out of any public revenue and entrusted to the Bank for payment and distribution, shall, when any payment becomes due, deliver to the Commissioners appointed to assess and charge the income tax on such dividends and the profits attached to such dividends in books provided for the purpose true accounts of—

(a) the amounts of the dividends, and profits attached to the dividends, payable to the Bank,

(b) all dividends entrusted to the Bank for payment to the persons entitled to such dividends, and

(c) the amount of income tax chargeable on such dividends and the profits attached to such dividends at the standard rate in force at the time of payment without any other deduction than is allowed by the Income Tax Acts.

3. The accounts referred to in paragraph 2 shall distinguish the separate account of each person.

4. The Commissioners shall assess the income tax chargeable on the accounts delivered to the best of their judgment and belief, and shall deliver the assessment books signed by them to the Revenue Commissioners.

5. The Revenue Commissioners shall cause to be made out a certificate showing the total amount of income

tax, the total amounts of the dividends and profits attached to the dividends charged with income tax, and the description of the persons or bodies of persons to whom such dividends and profits are payable or who have the distribution or are entrusted with the payment of such dividends.

6. The certificate shall be transmitted to the Commissioners whose duty it is to make the assessment.

7. (1) In the case of dividends and profits attached to dividends payable to the Bank of Ireland out of the public revenue of the State, the Bank of Ireland shall set apart the income tax in respect of the amount payable to the Bank.

(2) In the case of dividends and profits attached to dividends entrusted to the Bank of Ireland for payment and distribution—

(a) the Bank of Ireland shall before making any payment retain the amount of the income tax for the purposes of the Income Tax Acts,

(b) the retaining of the amount shall be deemed to be a payment of the income tax by the persons entitled to the dividends and shall be allowed by those persons on the receipt of the residue of the dividends, and

(c) the Bank of Ireland shall be acquitted and discharged of a sum equal to the amount retained as though that sum had been actually paid.

8. Money set apart or retained under paragraph 7 shall be paid into the general account of the Revenue Commissioners at the Bank of Ireland, and every such payment shall be accompanied by a certificate, under the hands of 2 or more of the Commissioners who made the assessment, of the amount of the assessment under which the payment is made.

9. Where the Bank of Ireland does all such things as are necessary to enable the income tax to be assessed and paid in respect of British Government Stocks and India Stocks inscribed in its books in Dublin, the Bank shall receive as remuneration an allowance, to be calculated by reference to the amount of dividends paid in respect of such Stocks from which income tax is deducted, and to be fixed by the Minister for Finance.

10. Except where otherwise provided in any other enactments in force at the commencement of this Act, no assessment, charge or deduction of income tax under this Part of this Schedule shall be made where any half-yearly payment in respect of any dividends does not exceed £2.50, but such dividends shall be assessed and charged under Case III of Schedule D.

### PART 3

Public revenue dividends payable by public offices and departments

11. Public revenue dividends payable by any public office or Department of State shall be charged under Schedule C by the Revenue Commissioners.

12. The Revenue Commissioners shall exercise the like powers and duties as are possessed by Commissioners empowered to charge dividends payable out of the public revenue in other cases.

13. When any payments of dividends referred to in paragraph 11 are made, the income tax on those payments shall be computed and certified to the proper officer for payment, who shall retain the tax and pay the tax into the general account of the Revenue Commissioners at the Bank of Ireland.

#### PART 4

Other public revenue dividends, dividends to which Chapter 2 of Part 4 applies, proceeds of coupons and price paid on purchase of coupons

14. (1) Every person, being—

(a) a person (other than the Bank of Ireland) entrusted with the payment of any dividends payable to any persons in the State out of any public revenue other than that of the State,

(b) a person in the State entrusted with the payment of any dividends to which Chapter 2 of Part 4 applies,

(c) a banker or other person in the State who obtains payment of any dividends in such circumstances that the dividends are chargeable to income tax under Schedule C or, in the case of dividends to which Chapter 2 of Part 4 applies, under Schedule D,

(d) a banker in the State who sells or otherwise realises coupons in such manner that the proceeds of the sale or realisation are chargeable to income tax under Schedule C or, in the case of dividends to which Chapter 2 of Part 4 applies, under Schedule D, and

(e) a dealer in coupons in the State who purchases coupons in such manner that the price paid on the purchase is chargeable to income tax under Schedule C or, in the case of dividends to which Chapter 2 of Part 4 applies, under Schedule D,

shall, within one month after being so required by notice published in *Iris Oifigiúil*, deliver to the Revenue Commissioners an account in writing giving such person's name and residence and a description of those dividends or proceeds or that price paid on purchase, and shall also, on demand by the inspector authorised for that purpose by the Revenue Commissioners, deliver to that inspector true and perfect accounts of the amount of all such dividends, proceeds or price paid on purchase.

(2) The accounts referred to in subparagraph (1) shall distinguish the separate accounts of each of the persons entitled to receive such dividends, proceeds or price paid on purchase, and state the name and address of each such person, and give particulars of the amounts payable and, in the case of amounts payable out of any public revenue other than that of the State, of the public revenue out of which each separate amount is payable.

15. Any person mentioned in clauses (a) to (e) of paragraph 14(1) is referred to in this Part as a

“chargeable person”.

16. The Revenue Commissioners shall—

(a) have all necessary powers in relation to the examining, auditing, checking and clearing the books and accounts of dividends, proceeds or price paid on purchase delivered under paragraph 14,

(b) assess and charge the dividends, proceeds or price paid on purchase at the rate of income tax in force at the time of payment, but reduced by the amount of the exemptions (if any) allowed by the Revenue Commissioners, and

(c) give notice of the amount so assessed and charged to the chargeable person.

17. The chargeable person shall out of the moneys in that person's hands pay the income tax on the dividends, proceeds or price paid on purchase on behalf of the persons entitled to the dividends, proceeds or price paid on purchase, and shall be acquitted in respect of all such payments, and the Income Tax Acts shall apply as in the case of dividends payable out of the public revenue of the State and entrusted to the Bank of Ireland for payment and distribution.

18. The chargeable person shall pay the income tax into the general account of the Revenue Commissioners at the Bank of Ireland, and in default of payment the income tax shall be recovered from the chargeable person in the like manner as other income tax assessed and charged on that person may be recovered.

19. A chargeable person who does all such things as are necessary to enable the income tax to be assessed and paid shall receive as remuneration an allowance, to be calculated by reference to the amount of the dividends, proceeds or price paid on purchase paid from which tax has been deducted, and to be fixed by the Minister for Finance at a rate not being less than £0.675 for every £1,000 of that amount.

20. Notwithstanding anything to the contrary in the Income Tax Acts, where the Bank of Ireland (in this paragraph referred to as “the Bank”) is entrusted with the payment of any dividends which are payable to any persons in the State out of any public revenue other than that of the State, this Part shall apply to the Bank and, where the Bank does all things required by this Part to be done by a person entrusted with the payment of such dividends, remuneration shall be payable to the Bank in accordance with paragraph 19.

21. Nothing in this Part shall impose on any banker the obligation to disclose any particulars relating to the affairs of any person on whose behalf that banker may be acting.

22. Where income tax in respect of the proceeds of the sale or realisation of any coupon or in respect of the price paid on the purchase of any coupon has been accounted for under this Part by any banker or any dealer in coupons and the Revenue Commissioners are satisfied that the dividends payable on the coupons in relation to which such proceeds or such price arises have been subsequently paid in such manner that income tax has been deducted from such dividends under any of the provisions of this Schedule, the income tax so deducted shall be repaid.

Relief from obligation to pay tax on certain interest, dividends and other annual payments in the case of persons entrusted with payment

23. When any interest, dividends or other annual payments payable out of any public revenue other than that of the State, or in respect of the stocks, funds, shares or securities of any body of persons not resident in the State, are entrusted to any person in the State for payment to any person in the State, the Revenue Commissioners shall have power to relieve the person so entrusted with payment from the obligation to pay the income tax on such interest, dividends or other annual payments imposed on such person by section 17 and Chapter 1 of Part 3, or Chapter 2 of Part 4 and this Schedule.

24. When granting the relief referred to in paragraph 23 the Revenue Commissioners shall have power to prescribe any conditions which may appear to them to be necessary to ensure the assessment and payment of any income tax assessable and payable in respect of such interest, dividends or other annual payments under the Income Tax Acts.

25. A letter signed by a Secretary or an Assistant Secretary of the Revenue Commissioners stating that the Revenue Commissioners have exercised all or any of the powers conferred by this Part on them or the publication of a notice to that effect in Iris Oifigiúil shall be sufficient evidence that they have done so.

26. When, under the powers conferred on the Revenue Commissioners by this Part, the person entrusted with the payment of the interest, dividends or other annual payments is relieved from payment of the income tax on such interest, dividends or other annual payments, that tax shall be assessable and chargeable under the appropriate case of Schedule D on the person entitled to receive such interest, dividends or other annual payments and shall be payable by that person.

27. Where the person entrusted with the payment of the interest, dividends or other annual payments complies with the conditions prescribed by the Revenue Commissioners under paragraph 24, such person shall be entitled to receive as remuneration an allowance, to be calculated by reference to the amount of the dividends, interest or other annual payments in respect of which such conditions have been complied with, and to be fixed by the Minister for Finance at a rate or rates not being in any case less than £0.675 for every £1,000 of that amount.