

Interpretation of Income Tax Acts. ITA67 s1(1) and s2; FA69 s65 and Sch5; FA74 s1; CGTA75 s2(5); FA91 s2(3) and Sch1 Ptl par1; FA93 s2(2) and Sch1 Ptl; FA94 s2(2); FA96 s132(1) and Sch5 Ptl par1(1) 3.—(1) In the Income Tax Acts, except where otherwise provided or the context otherwise requires—

“higher rate”, in relation to tax, means the rate of tax known by that description and provided for in section 15;

“incapacitated person” means any minor or person of unsound mind;

“relative” includes any person of whom the person claiming a deduction had the custody and whom he or she maintained at his or her own expense while that person was under the age of 16 years;

“standard rate”, in relation to tax, means the rate of tax known by that description and provided for in section 15;

“tax” means income tax;

“taxable income” has the meaning assigned to it by section 458;

“total income” means total income from all sources as estimated in accordance with the Income Tax Acts;

“trade” includes every trade, manufacture, adventure or concern in the nature of trade.

(2) (a) Subject to subsection (3), in the Income Tax Acts, “earned income”, in relation to an individual, means—

(i) any income arising in respect of any remuneration from any office or employment of profit held by the individual, or in respect of any pension, superannuation or other allowance, deferred pay, or compensation for loss of office, given in respect of the past services of the individual or of the husband or parent of the individual in any office or employment of profit, or given to the individual in respect of the past services of any deceased person, whether or not the individual or husband or parent of the individual shall have contributed to such pension, superannuation allowance or deferred pay,

(ii) any income from any property which is attached to or forms part of the emoluments of any office or employment of profit held by the individual, and

(iii) any income charged under Schedule D and immediately derived by the individual from the carrying on or exercise by the individual of his or her trade or profession, either as an individual or, in the case of a partnership, as a partner personally acting in the partnership.

(b) In cases where the profits of a wife are deemed to be profits of the husband, any reference in this subsection to an individual includes either the husband or the wife.

(3) Without prejudice to the generality of subsection (2), in the Income Tax Acts, except where otherwise expressly provided, “earned income” includes—

(a) any annuity made payable to an individual under the terms of an annuity contract or trust scheme for the time being approved by the Revenue Commissioners for the purposes of Chapter 2 of Part 30 to the extent to which such annuity is payable in return for any amount on which relief is given under section 787, and

(b) any payment or other sum which is or is deemed to be income chargeable to tax under Schedule E for any purpose of the Income Tax Acts.

(4) References to profits or gains in the Income Tax Acts shall not include references to chargeable gains within the meaning of the Capital Gains Tax Acts.