

153. Deputy Pearse Doherty asked the **Minister for Finance** the number of appeals before the Tax Appeals Commission on the first day of each of the past 12 months; and if he will make a statement on the matter. [7181/17]

Minister for Finance (Deputy Michael Noonan): I am advised by the Tax Appeals Commission that the number of appeals before the Commission on the first day of each of the past twelve months is as follows:

	01-Feb	01-Mar	01-Apr	01-May	01-Jun	01-Jul	01-Aug	01-Sep	01-Oct	01-Nov	01-Dec	01-Jan	Totals
2016 Cases	2016 25	2016 57	2016 94	2016 168	2016 228	2016 303	2016 392	2016 449	2016 516	2016 572	2016 626	2017 690	690
Open cases received from Revenue							381		961		1,385		2,727

In addition to the foregoing, as at 31 December, 2015 the Appeal Commissioners had approximately 425 cases on hand. A month-by-month breakdown of the disposal of these pre-2016 appeals is not available at present. However, as of 31 December 2016 the 425 had reduced to 186 cases. Essentially, it would be appropriate to add this 186 to the totals in the above table. I am further advised that the above figures include significant numbers of appeals relating to a common net legal issue and/or a common set of circumstances. It is anticipated that many of these appeals will be settled or withdrawn following the hearing and determination of appropriate test cases.

In relation to the open appeal cases received from Revenue in 2016, I understand that the Tax Appeals Commission has been advised by Revenue that a significant number of these appeals will not require hearing and determination following the outcome of certain legal proceedings in the civil courts, and that a further significant number is likely to be resolved by agreement between Revenue and the taxpayers depending on the outcome of further legal proceedings which have yet to be concluded.

The latest information received from Revenue indicates that there are 2,058 open cases (rather than the 2,727 in the table above) which will require the attention of the Commission. The latter is in the process of reviewing and analysing the appeal details received from Revenue and is not yet in a position to express a view on the exact number of transferred appeals which are likely to require hearing and determination.

I have sanctioned the provision of significant additional personnel resources, at both temporary Appeal Commissioner level and at support staff level, specifically to deal with the large numbers of open cases that were transferred from Revenue. I understand that it is the Commission's intention that the role of the additional temporary Appeal Commissioners will be to focus solely and exclusively on addressing these cases.

Section 21 of the Finance (Tax Appeals) Act 2015 requires the Appeals Commissioners to prepare and present an Annual Report to the Minister for Finance on or before 31 March in each year post commencement. I understand that the Annual Report will include comprehensive statistics in relation to the processing of appeals by the Commission.

Legislative Measures

154. Deputy Pearse Doherty asked the **Minister for Finance** if his Department or the Revenue Commissioners have identified any issues of concern with regard to the Finance (Tax Appeals) Act 2015; and his plans to amend the legislation. [\[7182/17\]](#)

Minister for Finance (Deputy Michael Noonan): The objectives of the Finance (Tax Appeals) Act 2015 were to bring reform of the role, functions and structure of the Office of the Appeal Commissioners and of the tax appeals system with a view to ensuring an enhanced and cost effective appeal mechanism for tax cases. The Act, which was commenced on 21st March 2016, inter alia provides for the establishment of the Tax Appeals Commission (TAC) which was established on the same date. The legislation has therefore been in operation for less than one year. I understand that Revenue has not identified any issues of concern with the Finance (Tax Appeals) Act 2015. I further understand that the TAC proposes to undertake a consultative process related to the operation of its Rules of Procedure involving all stakeholders around the first anniversary of the coming into force of the legislation. This will be a listening exercise which will consider submissions and contributions and publish a report of the exercise on the TAC website. I expect that this exercise will provide an opportunity to raise issues about the operation of the reformed tax appeals system including any issues arising that are of relevance to the legislation. My Department will of course consider the findings of this consultative process in due course.