

**Minutes of TALC Direct / Capital Taxes Sub-Committee Meeting**

**19<sup>th</sup> September 2019**

**Office of the Revenue Commissioners, Dublin Castle, Dublin 2 at 2:30pm**

**Item 1**

**Review of minutes from meeting of 27<sup>th</sup> June 2019**

- The minutes were agreed

**Item 2: Matters arising**

Matters arising were as follows:

- Stamp Duty – Section 83D SDCA 1999 – please refer to item 3.
- CGT Losses -Carry forward of losses – please refer to item 4.
- Film relief guidance – Revenue advised that the Film Sub-Group met on the 4<sup>th</sup> September 2019 to discuss a number of elements of the Draft Guidance. Work is continuing on the Guidance and it is the intention to publish a finalised Tax and Duty Manual in the coming weeks. The Film Sub-Group is scheduled to meet again on the 1<sup>st</sup> October 2019.
- Update on guidance arising from FRS 101 / 102 – A revised Tax and Duty Manual [Schedule 17A](#) was updated in July 2019
- Past leasing sector guidance – please refer to item 8.

**Item 3: Tax Clearance letters/Letter of “no audit”:**

Practitioners advised that ongoing discussions are continuing with Revenue and the meetings have been productive and they are close to a solution. The subgroup looking at this issue is to reconvene shortly. However, practitioners noted that there are still difficulties getting a timely appropriate response to letter of “no audit” requests.

**Item 4: Stamp Duty – Section 83D SDCA 1999:**

Revenue advised that the statutory reference on e-Stamping and e-Payments system has been removed. This item will be removed from the Agenda for the next TALC Direct / Capital Taxes Sub-Committee Meeting

**Item 5: CGT Losses – Carry forward of losses:**

Revenue advised that the carry forward of losses is still under consideration and it is expected that a Tax and Duty Manual will be published in due course.

**Item 6: SURE:**

Revenue advised that there is no change to the position as set out in [Tax and Duty Manual 16-00-11](#). The reference was removed from [Tax and Duty Manual 16-00-03](#) but is still included in SURE Notes for Guidance.

**Item 7: Form 21R Return of third-party information by nominee holders of securities:**

Revenue advised that the Form 21R should be completed in respect of all shares held by a company, in receipt of EII investment(s), who holds shares on a nominee basis.

**Item 8 Past Leasing Sector Guidance:**

Revenue advised that the sub-group is currently working through the previous various leasing sector specific guidance that was issued. Guidance will be issued as each issue has been reviewed.

IFRS16 is also being looked at within the sub-group and it is hoped publish guidance on IFRS16 shortly.

**Item 9(a) Revenue guidance on associated companies relief under section 79:**

Revenue advised that a Tax and Duty Manual will be published shortly and feedback on the published Tax and Duty Manual would be welcomed.

**Item 9(b) The impact of various merger/dissolution transactions on claims to associated companies relief:**

Revenue advised that a Tax and Duty Manual will be published shortly and feedback on the published Tax and Duty Manual would be welcomed.

**AOB****- Practitioners seeking clarification in relation to the €70,000 limit on stamp duty in the agricultural sector.**

Revenue advised that the €70,000 ceiling is being applied to claims for relief made in relation to stamp duty (young trained farmer relief) for transfers of land executed on or after 1 January 2019. Regard has to be made to the amount of relief already claimed since 1 July 2014 and any such relief must be aggregated with any later relief claimed.

If the €70,000 ceiling is exceeded, the restriction on relief is to the reliefs that brings the aggregate young trained farmer relief and income tax relief above the ceiling.

**- Practitioners looking for update in relation to accounting papers previously submitted to Revenue in relation to changes in accounting standards.**

Revenue advised that they are working through the accounting papers and asked that practitioners advise them as to the priority, if any, to the papers submitted.

**- Approved Retirement Funds (ARF's):**

Practitioners raised the issue of refunds of PAYE deducted on ARF's that are beneficially owned by non-residents and whether Double Taxation Agreements apply to ARF's. It was agreed that the issue would be added to the Agenda for the next TALC Direct / Capital Taxes Sub-Committee Meeting.

**- Technical Amendments:**

The timing of interest and interpretation of when a full and true return is made was raised by practitioners. Revenue advised that they were still of the view that the relevant legislation is specific in this regard and where there is uncertainty an Expression of Doubt should be filed. Practitioners stated that an interpretation is a different issue to that of a full and true return.

Practitioners agreed to submit a technical paper on the issue.

## **Attendees at the meeting**

### **CCAB-I**

- Kenneth Garvey
- Peter Vale
- Kimberley Rowan
- Colin Smith

### **Revenue**

- Philip Brennan [Chair]
- Sinead McNamara
- Lynda O'Keefe
- Áine Hollingsworth
- Dave Brennan

### **Law Society**

- Caroline Devlin
- Maura Dineen
- Pdraic Courtney

### **ITI**

- Clare McGuinness
- David Fennell
- Laura Lynch
- Sharon Burke
- David Moran
- Stephen Ruane