

Minutes of Main TALC Meeting

19 June 2018

Irish Tax Institute, Longboat Quay, Grand Canal Harbour, Dublin 2 at 2.30pm

Item 1 – Approval of minutes of meeting held 1 May 2018

- The minutes of the meeting held on 1 May 2018 were approved.

Item 2 – Matters arising

- It was noted at TALC Audit that the offshore disclosures were being worked as a priority and a significant number of cases had been closed.
- A Revenue Tax and Duty Manual on the EU Mandatory Disclosure rules (DAC 6) was published since the last meeting.

Item 3 – Letters of “no audit” procedure update

- Revenue has examined the history and prevalence of requests for letters of “no audit”. It appears that requests are made as a matter of routine in some cases, and in a broader range of circumstances than where secondary liability is imposed by the legislation. From Revenue’s perspective, issue of these letters is resource-intensive and arises from long-standing practice without a statutory basis.
- From practitioners’ perspective, the central issue is the availability of letters of “no audit” where secondary liability is imposed on the agent by legislation, i.e. where there is non-resident beneficiary or donor or a non-resident vendor. There are differing views on whether a solicitor can be an agent of their client. Practitioners would welcome the opportunity to discuss and identify practical ways to address the current impasse, which is resulting in the retention of funds by solicitors – a practice inconsistent with Solicitors Regulations. It was agreed that a small group should convene to review the various types of requests for tax clearance letters and to identify practical solutions.

Item 4 – Revenue IT development plans

- Practitioners queried how they might assist in accelerating Revenue IT developments that would be of mutual benefit, for example, an electronic PSWT regime, an online CG50 etc.
- Revenue has a significant IT budget; however, developments are subject to several constraints. These include access to skills and expertise and commitments to legislative-driven developments, for example, PAYE modernisation, automatic exchange of information, and annual updates to the CT1 and Form 11.

The outcome of Brexit may necessitate dedication of resources to specific developments in 2019 and reduce discretionary spending. However, practitioners’ feedback on the prioritisation of developments was welcome so that the requirements could be analysed. An online CG50 and an electronic PSWT regime were noted as priority issues for practitioners.

Revenue highlighted recent developments in the ROS 2020 project including:

- A “Frequently used services” panel in MyServices.
- An “Employers Service Section” with a list of employees per Revenue’s records.
- A PPS number checker.
- A priority email notification.
- eRegistration for payroll-only agents.
- Online applications for Certificates of residency.

Feedback on the recent developments was welcome.

Item 5 – Revenue Services

- Practitioners acknowledged the useful engagement at TALC Collections on Revenue’s Customer Engagement Strategy 2017 – 2019 (CES). Efforts to improve the response time on MyEnquiries and to improve the VAT registration process are particularly welcome. Main TALC will be updated on important developments on the CES as they arise.
- Design of a two-tier approach to VAT registrations is currently underway. The new approach is expected to be in place in early 2019.
- Revenue referred to the significant steps taken to improve the telephone service including, introduction of an 1890 business tax phonenumber, extension of access hours and improved call answering times. The telephone service will be kept under review as part of the CES. Practitioners requested further consideration of a dedicated telephone line for agents.

Item 6 – Tax and Duty manuals (TDM) update process

- Practitioners welcomed the work to update Revenue Tax and Duty Manuals (TDM) and sought an understanding of the update process.
- The TDM are reviewed on an ongoing basis and significant update work has been completed over the last 18 months. There are circa 1,400 TDM in total, 100 of which are currently unavailable pending update. Each TDM is refreshed on a two- year cycle, the TDM owner is alerted to review the TDM two months prior to the refresh date. The surge in the release of TDM at the beginning of June was due to the timing of an upgrade to Revenue’s software.
- It was agreed that eBriefs should alert readers to substantive changes to the TDM. However, practitioners noted inconsistencies in the extent to which the eBriefs detail the changes. In addition, if a TDM is unavailable it is unclear whether it is being updated or whether it has been permanently removed. A notification on the website to clarify the position would be helpful. Revenue agreed to consider the possible options. Revenue will review their internal instructions and practices on the level of detail to be included in eBriefs.

Item 7 – Communication of TALC developments/work

- The committee discussed the channels used by the professional bodies to communicate clarifications and developments at TALC. The professional bodies disseminate information via various channels, for example, publication and links to TALC minutes, topic-specific items, reminders and practice notes on eBriefs in electronic and paper publications, clarifications in seminars etc.

- Revenue will engage with one of the practitioner bodies about the possibility of publishing TALC minutes in hardcopy in the body's member magazine.

Item 8 – Update on consultations

Consultations on three Department of Finance consultations recently closed.

- 14 submissions were received on the review of the implementation of the Agri-taxation Review (2014) and income stabilisation and taxation measures.
- 17 submissions were received on the Review of the EII and the SURE. Indecon is currently reviewing these submissions.
- 12 submissions were received on the Review of LPT.

A report on the outcome of the consultations is to be produced for the Minister for Finance for consideration in advance of Budget 2019.

Item 9 – GDPR – the “current + 10” rule

- The standard retention period for all Revenue records under GDPR is the current year plus an additional ten years. Revenue clarified that “current” in relation to a Form 11, or Form CT1 refers to the 4-year period during which a return can be amended. As such, the retention period under GDPR will be 14 years after the filing date for a return. Where a Revenue audit or intervention is open on a specific year, the retention period includes the duration of the audit/intervention plus an additional 10 years.

AOB

- Tax Appeal Commission (TAC) personnel previously updated Main TALC on administrative aspects of the appeals regime. Main TALC would welcome a further update on administrative issues. The Chair will invite the Head of Administration of the TAC to attend the next meeting, which is provisionally scheduled for 24 October.

Attendees at the meeting of 19 June 2018

CCAB-I Sharon Burke
Brian Purcell

Kimberley Rowan

ITI Sandra Clarke (Chair)
Samantha Feely-Lenehan (Secretary)

Kieran Twomey
Clare McGuinness
Mary Healy

Law Society

Pat Bradley
Caroline Devlin

Revenue Brian Boyle
 Eugene Creighton
 Joe Howley
 Declan Rigney
 Sharonne O'Reilly

Apologies

Law Society James Somerville
ITI Pat Mahon
CCABI Paul Dillon
 Crona Brady
 Enda Faughnan