



Ms. Cora O'Brien,
Director,
Irish Tax Institute,
South Block,
Longboat Quay,
Grand Canal Harbour,
Dublin 2.

20th November 2015

**Re: Operational Instruction (OI)
Revenue Referrals to Professional Bodies**

Dear Cora,

I refer to your letter dated 21st August 2015 which was also referred to during the TALC Audit sub-committee meeting on 29th September 2015.

We appreciate the Institute's wish to be informed of instances of serious failure by a member to meet the professional standards expected of them as provided for in section 851A TCA 1997. We also note your acknowledgement of the revisions made to the draft Operational Instruction dated 4th August 2015 (now part of Revenue's Tax Manual and available through the link to the revised Code of Practice) to address concerns raised by the Institute directly and, with other bodies, through TALC.

We have also addressed a number of other issues highlighted by you in your correspondence – i) to reflect the fact that the ITI is based on individual membership and ii) amended the designatory letters for members to AITI Chartered Tax Adviser (CTA) and/or FITI.

In relation to your suggestion that the OI should include references to attendance at Court in the context of section 851A referrals, Revenue caseworkers are experienced in attending Court and giving evidence and this issue is well understood by caseworkers and covered in other Revenue guidance.

On the question of the use of the Tax Disciplinary Board to initially investigate any complaints made to the Institute, as set out in section 851A TCA 1997, we will make any referrals directly to the Institute who need to consider themselves what steps they need to take in each particular case. It's not Revenue's role to advise the Institute on how they should meet the requirements of a legislative provision.

As regards agents/tax practitioners who are members of the legal profession, you will be aware that the Minister for Finance tabled a Committee stage amendment to Finance Bill 2015 to amend section 851A TCA 1997 to include the Law Society as a professional body for the purposes of the section.



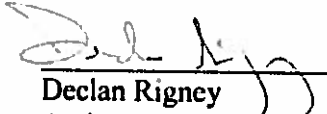
Revenue



The OI also addresses the issue of agents/tax practitioners who are not members of a professional body. See paragraphs 11-13 of the Instruction which provides guidance to Revenue staff for dealing with instances of unprofessional behavior by such parties. We believe that Revenue caseworkers are well aware of the relevant provisions in this context and when these sanctions should be used.

I attach for your information a link to the revised Code of Practice for Revenue Audit and Other Compliance Interventions, which has now been published. I also attach, for comparative purposes, a list of amendments made to the previous version of the Code of Practice for Revenue Audits and other Compliance Interventions (2014).

Yours sincerely,


Declan Rigney
Assistant Secretary
Planning Division.