

Appendix 4(i) - A person (including a company) who is non-resident at the time of inception of a life policy

Declaration for the purposes of section 730D(2) Taxes Consolidation Act 1997

Policyholders resident outside Ireland are required by the Irish Revenue Commissioners to make the following declaration, which is in a format authorised by them, in order to receive payments without deduction of Irish tax.

I/we* declare that

- I/we* have read the explanation of the terms detailed in the note entitled "Residence Definitions" attached;
- I am/we are/the company is* the policyholder in respect of which this declaration is being made;
- I am/we are/the company is* not resident or ordinarily resident in Ireland.

If you are making this declaration whilst in the process of setting up your policy, setting up a series of regular withdrawals or making a first partial encashment:

- I/we/the company* hereby undertake to inform the insurance company of any change in my/our/the company's* country of residence during the life of the policy.

*Delete as appropriate.

Name and principal place of residence/address of Policyholder:

Signature of Policyholder or Authorised Signatory: _____

Capacity in which declaration is made:

_____ Date: _____

Joint Policyholders:

Names & Principal places of residence Signatures

NOTES:

1. This is a form authorised by Revenue. It may be subject to inspection by Revenue. It is an offence under Irish law to make a false declaration.
2. This declaration must be signed by policyholders who are neither resident nor ordinarily resident in Ireland or by personal representatives signing on behalf of deceased persons. Where the policyholder is a company, the declaration must be signed by the company secretary or other such authorised officer. It may also be signed by a person who holds power of attorney from the policyholder. A copy of the power of attorney should be furnished with this declaration.

Residence – Individual

An individual will be regarded as being **resident** in Ireland for a tax year if s/he:

- spends **183** days or more in the State in that tax year;
- **or**
- has a combined presence of **280** days in the State, taking into account the number of days spent in the State in that tax year **together with** the number of days spent in the State in the preceding year.

Presence in a tax year by an individual of not more than **30** days in the State will not be reckoned for the purpose of applying the two-year test. Up to 31 December 2008, presence in the State for a day means the personal presence of an individual at the end of the day (midnight). **From 1 January 2009, presence in the State for a day means the personal presence of an individual at any time during the day.**

Ordinary Residence – Individual

The term “ordinary residence” as distinct from “residence” relates to a person’s normal pattern of life and denotes residence in a place with some degree of continuity.

An individual who has been resident in the State for three consecutive tax years becomes ordinarily resident with effect from the commencement of the fourth tax year.

An individual who has been ordinarily resident in the State ceases to be ordinarily resident at the end of the third consecutive tax year in which s/he is not resident. Thus, an individual who is resident and ordinarily resident in the State in 2004 and departs from the State in that year will remain ordinarily resident up to the end of the tax year in 2007.

Residence – Company

Prior to Finance Act 2014, company residence was determined with regard to the long established common law rules based on central management and control. These rules were significantly revised in the Finance Act 2014 to provide that a company incorporated in the State will be regarded as resident for tax purposes in the State, unless it is treated as a resident in a treaty partner country by virtue of a double taxation treaty. While the common law rule based on central management and control remains in place, it is subject to the statutory rule for determining company residence based on incorporation in the State set out in the revised section 23A TCA 1997.

The new incorporation rule for determining the tax residence of a company incorporated in the State will apply to companies incorporated on or after 1 January 2015. For companies incorporated in the State before this date, a transition period will apply until 31 December 2020.