

Duties in Ireland & Ireland's Taxing Rights

≤ 30 days

No requirement to operate PAYE under long standing Revenue Practice.

> 30 days and ≤ 60 days

No Requirement to operate Irish PAYE where: > 30 days and ≤ 60 days

- 1) Employee resident in Double Taxation Agreement (DTA) State and not resident in Ireland;
- 2) Genuine "foreign employment";
- 3) Individual not paid by an Irish Permanent Establishment (PE);
- 4) Duties performed in Ireland ≤ 60 days.

> 60 days and ≤ 183 days

Where the employee is in Ireland ≤ 183 days and PAYE is operated in the "home" State from 1 January 2007 there is no requirement to operate PAYE in Ireland provided the conditions at 1) – 3) above are met AND provided the foreign employer:

- Ø is registered in Ireland as an employer for PAYE; AND
- Ø maintains a record of the full name, latest Irish and overseas address, date of commencement and cessation of individual, location where individual carries out duties of temporary assignment and amount of earnings in relation to temporary assignment; AND
- Ø signs a written acknowledgement that in all cases where a liability is subsequently found to arise that they will pay any Irish PAYE that should have been paid; AND
- Ø supplies evidence (e.g. payslip/ statement from HM Revenue & Customs) of PAYE being operated in the UK on the duties performed in Ireland; AND
- Ø on request, supplies a copy of the contract relating to the employer's engagement in Ireland; AND
- Ø seeks clearance from Irish Revenue Commissioners by 21 days after the date the assignee takes up the duties in Ireland.

On receipt of written confirmation from the Revenue Commissioners, Irish PAYE need not be operated.

If the above conditions are not met, the employer should apply Irish PAYE by reference to the duties performed in Ireland, but should review the position after the end of the tax year to see if a refund is available under the relevant DTA.

> 183 days

Apply Irish PAYE by reference to duties performed in Ireland. The balance of employment income may be taxable in Ireland (Schedule D, Case III) if the individual is Irish tax resident.