

No. 719

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
IRELAND**

**Agreement in respect of double income tax. Signed at London
and Dublin on 14 April 1926**

**Agreement amending the above-mentioned Agreement.
Signed at London and Dublin on 25 April 1928**

Authentic texts: English.

*Filed and recorded at the request of the United Kingdom of Great Britain
and Northern Ireland on 8 May 1974.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
IRLANDE**

**Convention relative à la double imposition des revenus. Si-
gnée à Londres et à Dublin le 14 avril 1926**

**Accord modifiant la Convention susmentionnée. Signé à
Londres et à Dublin le 25 avril 1928**

Textes authentiques : anglais.

*Classés et inscrits au répertoire à la demande du Royaume-Uni de Grande-
Bretagne et d'Irlande du Nord le 8 mai 1974.*

AGREEMENT¹

The British Government and the Government of the Irish Free State, being desirous of concluding an agreement for the reciprocal exemption from income tax and super-tax of persons who are resident in Great Britain (including Northern Ireland) or in the Irish Free State but are not resident in both countries and for the reciprocal granting of relief from double taxation in respect of income tax (including super-tax) to persons who are resident in both countries, and being desirous of making such supplemental consequential and incidental provisions as appear necessary or proper for the purposes of such agreement, have agreed as follows:

1. (a) Any person who proves to the satisfaction of the Commissioners of Inland Revenue that for any year he is resident in the Irish Free State and is not resident in Great Britain or Northern Ireland shall be entitled to exemption from British income tax for that year in respect of all property situate and all profits or gains arising in Great Britain or Northern Ireland and to exemption from British super-tax for that year.

(b) Any person who proves to the satisfaction of the Revenue Commissioners that for any year he is resident in Great Britain or Northern Ireland and is not resident in the Irish Free State shall be entitled to exemption from Irish Free State income tax for that year in respect of all property situate and all profits or gains arising in the Irish Free State, and to exemption from Irish Free State super-tax for that year.

(c) Exemption under this article may be given either by discharge or by repayment of tax, or otherwise, as the case may require.

2. Relief from double taxation in respect of income tax (including super-tax) in the case of any person who is resident both in Great Britain or Northern Ireland and in the Irish Free State shall be allowed from British income tax and Irish Free State income tax respectively in accordance with and under the provisions of section 27 of the Finance Act, 1920, provided, however, that

(a) The rate of relief to be allowed from British income tax shall be one-half of that person's appropriate rate of British tax or one-half of his appropriate rate of Irish Free State tax, whichever is the lower.

(b) The rate of relief to be allowed from Irish Free State income tax shall be one-half of that person's appropriate rate of British tax or one-half of his appropriate rate of Irish Free State tax, whichever is the lower.

(c) For the purpose of determining that person's appropriate rate of British tax, the rate of British income tax shall be ascertained by dividing by the amount of his total income from all sources as estimated for income tax purposes the amount of tax payable by him on that income before deduction of any relief granted in respect of life assurance premiums or any relief granted under the provisions of the said section 27 as amended by this article, and the rate of British super-tax shall be ascertained by dividing the amount of the super-tax pay-

¹ Came into force on 4 August 1926, the date on which the legislation confirming it became effective in both States, in accordance with article 8.

able by that person by the amount of his total income from all sources as estimated for super-tax purposes.

(d) For the purpose of determining that person's appropriate rate of Irish Free State tax, the rate of Irish Free State income tax shall be ascertained by dividing by the amount of his total income from all sources as estimated for income tax purposes the amount of tax payable by him on that income before deduction of any relief granted in respect of life assurance premiums or any relief granted under the provisions of the said section 27 as amended by this article, and the rate of Irish Free State super-tax shall be ascertained by dividing the amount of the super-tax payable by that person by the amount of his total income from all sources as estimated for super-tax purposes.

3. (a) Any person who is entitled to exemption from British income tax by virtue of article 1 (a) of this Agreement in respect of property situate and profits or gains arising in Great Britain or Northern Ireland shall, if and so far as the Oireachtas of the Irish Free State so provides, and subject to any exemption or relief to which he may be entitled under the laws in force in the Irish Free State, be chargeable to Irish Free State income tax in respect of such property profits or gains.

(b) Any person who is entitled to exemption from Irish Free State income tax by virtue of article 1 (b) of this Agreement in respect of property situate and profits or gains arising in the Irish Free State shall, if and so far as the British Parliament so provides, and subject to any exemption or relief to which he may be entitled under the laws in force in Great Britain and Northern Ireland, be chargeable to British income tax in respect of such property profits or gains.

(c) Any person who is entitled to relief by virtue of article 2 of this Agreement shall, subject to such relief, be chargeable, if and so far as the British Parliament so provides, to British income tax in respect of property situate and profits or gains arising in the Irish Free State in like manner in all respects as if he were resident in Great Britain or Northern Ireland but not resident in the Irish Free State and shall, subject to such relief as aforesaid, be chargeable, if and so far as the Oireachtas of the Irish Free State so provides, to Irish Free State income tax in respect of property situate and profits or gains arising in Great Britain or Northern Ireland in like manner in all respects as if he were resident in the Irish Free State but not resident in Great Britain or Northern Ireland.

4. For the purposes of this Agreement a company, whether incorporated by or under the laws of Great Britain or of Northern Ireland or of the Irish Free State or otherwise, shall be deemed to be resident in that country only in which its business is managed and controlled.

5. The Commissioners of Inland Revenue and the Revenue Commissioners may from time to time make arrangements generally for carrying out this Agreement and may in particular make such arrangements as may be practicable to avoid the collection of both British and Irish Free State income tax on the same income without allowance for any relief due under this Agreement, and the Commissioners of Inland Revenue and the Revenue Commissioners may make such regulations as they respectively think fit for carrying out such arrangements.

6. The obligation as to secrecy imposed by any enactment with regard to income tax shall not prevent the disclosure by any authorised officer of the British Government to any authorised officer of the Government of the Irish Free

State or by any authorised officer of the Government of the Irish Free State to any authorised officer of the British Government of such facts as may be necessary to enable full effect to be given to this Agreement.

7. Any question that may arise between the Parties to this Agreement as to the interpretation of this Agreement or as to any matter arising out of or incidental to the Agreement shall be determined by such tribunal as may be agreed between them, and the determination of such tribunal shall, as between them, be final.

8. This Agreement shall be subject to confirmation by the British Parliament and by the Oireachtas of the Irish Free State and shall have effect only if and so long as legislation confirming the Agreement is in force both in Great Britain and Northern Ireland and in the Irish Free State.

DATED this 14th of April, 1926.

WINSTON S. CHURCHILL
Chancellor of the Exchequer

EARNÁN DE BLAGHD
Minister for Finance
Saorstát Éireann

AGREEMENT¹ MADE THE 25TH DAY OF APRIL, 1928, BETWEEN THE BRITISH GOVERNMENT AND THE GOVERNMENT OF THE IRISH FREE STATE AMENDING THE AGREEMENT MADE ON THE 14TH DAY OF APRIL, 1926² BETWEEN THE SAID GOVERNMENTS IN RESPECT OF DOUBLE INCOME TAX

With a view to making such alterations in the Agreement made the 14th April 1926,² between the British Government and the Government of the Irish Free State in respect of double income tax as may be necessary in consequence of the alterations in the British Income Tax Acts effected by the British Finance Act, 1927, and of the alterations contemplated in the Irish Free State Income Tax Acts, it is hereby agreed between the said Governments that the said Agreement shall be amended as follows:

1. (a) In article 1(a) of the said Agreement the words "British income tax" shall as respects the year 1928-29 and any subsequent year be construed as meaning British income tax charged or chargeable at the standard rate and the expression "British super-tax" shall for the year 1928-29 include British sur-tax and shall for subsequent years mean British sur-tax.

(b) In article 1(b) of the said Agreement the expression "Irish Free State super-tax" shall for the year 1928-29 include Irish Free State sur-tax and shall for subsequent years mean Irish Free State sur-tax.

2. The following article shall be substituted for article 2 of the said Agreement:

2. (1) Relief from double taxation in respect of income tax (including sur-tax) in the case of any person who is resident both in Great Britain or Northern Ireland and in the Irish Free State shall be allowed from British income tax and Irish Free State tax respectively in accordance with and under the provisions of section 27 of the Finance Act, 1920, provided that

(a) The rate of relief to be allowed from British income tax shall be one half of that person's appropriate rate of British income tax or one half of his appropriate rate of Irish Free State tax, whichever is the lower.

(b) The rate of relief to be allowed from Irish Free State tax shall be one half of that person's appropriate rate of British income tax or one half of his appropriate rate of Irish Free State tax, whichever is the lower.

(c) The appropriate rate of British income tax for any year shall in the case of a person whose income is chargeable to British income tax at the standard rate only be a rate ascertained by dividing the amount of tax payable by him for that year in respect of his total income (before deduction of any relief granted in respect of life assurance premiums or any relief granted under the provisions of section 27 of the Finance Act, 1920, as amended by this article) by the amount of his total income, and shall in the case of a

¹ Came into force on 3 August 1928, the date on which the legislation confirming it became effective in both States, in accordance with article (3).

² See p. 170 of this volume.

person part of whose total income is chargeable to British income tax at a rate or rates in excess of the standard rate be the sum of the following rates:

- (i) the rate which would have been the appropriate rate in the case of that person if his income had been chargeable at the standard rate only, and
- (ii) the rate ascertained by dividing the amount of the British sur-tax payable by that person for that year by the amount of his total income for that year.

(d) The appropriate rate of Irish Free State tax for any year shall in the case of a person whose income is chargeable in the Irish Free State to income tax only be a rate ascertained by dividing the amount of tax payable by him for that year in respect of his total income (before deduction of any relief granted in respect of life assurance premiums or any relief granted under the provisions of section 27 of the Finance Act, 1920, as amended by this article) by the amount of his total income, and shall in the case of a person whose income is chargeable to Irish Free State sur-tax be the sum of the following rates:

- (i) the rate which would have been the appropriate rate in the case of that person if his income had been chargeable to income tax only, and
- (ii) the rate ascertained by dividing the amount of the Irish Free State sur-tax payable by that person for that year by the amount of his total income for that year.

(e) Relief under this article from British income tax allowable to any person for any year shall be given as to such an amount as would be due if his income for the year were chargeable to British income tax at the standard rate only and to Irish Free State income tax only by repayment of or set off against the tax at the standard rate payable by him for that year, and as to any balance by repayment of or set off against any British sur-tax payable by him for that year.

(f) Relief under this article from Irish Free State tax allowable to any person for any year shall be given as to such an amount as would be due if his income for the year were chargeable to British income tax at the standard rate only and to Irish Free State income tax only by repayment of or set off against the income tax payable by him for that year, and as to any balance by repayment of or set off against any Irish Free State sur-tax payable by him for that year.

(2) Relief from double taxation to super-tax for the year 1928–29 in the case of any person who is resident both in Great Britain or Northern Ireland and in the Irish Free State shall be allowed, in accordance with and under the provisions of section 27 of the Finance Act, 1920, so far as applicable, from British super-tax for that year and Irish Free State super-tax for that year respectively at one half of the lower of the two following rates:

- (a) that person's rate of British super-tax for the year 1928–29 ascertained by dividing the amount of the super-tax payable by him for that year by the amount of his total income from all sources for that year as estimated for super-tax purposes;
- (b) that person's rate of Irish Free State super-tax for the year 1928–29 ascertained by dividing the amount of the super-tax payable by him for

that year by the amount of his total income from all sources for that year as estimated for super-tax purposes.

(3) For the purposes of this article references to section 27 of the Finance Act, 1920, shall in relation to British taxation be construed as references to that section subject to the amendments thereof effected by the British Finance Act, 1927, other than the amendment of the said section numbered (iv) in part II of the fifth schedule to the said Act of 1927.

3. This Agreement shall be subject to confirmation by the British Parliament and by the Oireachtas of the Irish Free State and shall have effect only if and so long as legislation confirming the Agreement is in force both in Great Britain and Northern Ireland and in the Irish Free State.

DATED this 25th day of April, nineteen hundred and twenty-eight.

WINSTON S. CHURCHILL
Chancellor of the Exchequer

EARNÁN DE BLAGHD
Minister for Finance
Saorstát Éireann