

Tax Relief for Donations to Certain Sports Bodies

1. Introduction

Section 41 of the Finance Act 2002 inserts a section 847A into the Taxes Consolidation Act 1997 providing for a scheme of tax relief for *relevant donations* to an *approved sports body* for the funding of *approved projects*. The scheme is applicable only to relevant donations received on or after 1 May 2002 in respect of expenditure incurred on *approved projects* on or after that date. The minimum qualifying total donation amount by a single donor in any year to an individual sports body is €250. No project will be approved which is estimated to cost in excess of €40m. However, where the aggregate cost of a project actually exceeds this amount, relief may only be claimed on donations up to the €40 million threshold.

2. What does it mean for my club/organisation?

If your club or organisation is acquiring land or a building, developing facilities or purchasing fixed, non-personal equipment for sports activities, or repaying a loan for these purposes, this provision in the Finance Act provides an incentive to individuals or companies to make a donation towards the cost of the project.

3. What is an approved sports body?

An *approved sports body* is one which holds –

- ✦ certification from the Revenue Commissioners that the body is one to which section 235 of the Taxes Consolidation Act 1997 applies, in other words, it is a body established and existing for the sole purpose of promoting an athletic or amateur game or sport whose income is exempt from income/corporation tax, and
- ✦ a current tax clearance certificate

A list of approved sports bodies is available on the Revenue website at www.revenue.ie

4. How does an organisation or club become an 'approved sports body'?

It is up to the organisation or the sports club to apply to the Revenue Commissioners to obtain the certificates outlined at 3 above. **This is the first step to be taken by the sports body.**

All applications for section 235 certification should be made to:

Office of the Revenue Commissioners
Games/Sports Exemption Section
Government Buildings
Nenagh
Co Tipperary.

All applications for Tax Clearance Certificates should be made to the body's Revenue Office, whose contact details may be found by referring to the "Contact Locator" on the home page of the Revenue Website www.revenue.ie

When the Revenue Commissioners have issued the appropriate certification, the applicant is then regarded as "an approved sports body" under the Act and will be allocated a GS (Games and Sports) exemption number to be used in all further correspondence.

5. **What is an approved project?**

An "approved project" in relation to an approved sports body, means one or more of the following:

- the purchase, construction or refurbishment of a building or structure, or part of a building or structure to be used for sporting or recreation activities provided by the approved sports body,
- the purchase of land to be used by the approved sports body in the provision of sporting or recreation facilities,
- the purchase of permanently based equipment (excluding personal equipment) for use by the approved sports body in the provision of sporting or recreation facilities,
- the improvement of the playing pitches, surfaces or facilities of the approved sports body,
and
- the repayment of, or the payment of interest on, money borrowed by the approved sports body on or after 1 May 2002 for any of the above purposes.

6. **How is the project approved?**

Projects coming under the categories outlined in 5, which are clearly undertaken by approved sports bodies to provide facilities to promote and develop athletic or amateur games or sports will be considered for approval for the purposes of this scheme by the Department of Transport, Tourism and Sport. The approved sports body must submit details of the capital project to the Sports Unit of the Department of Transport, Tourism and Sport on a standard application form (copy attached at **Appendix 3**). **This is the second step to be taken by the sports body.**

A checklist of the documents that must be submitted with each application for approval of a project is attached at **Appendix 4**.

If the Department of Transport, Tourism and Sport is satisfied that the project comes within any of the categories outlined in 5 above, a certificate will be issued to the approved sports body stating that the project is an approved project for the purpose of the tax relief.

The Minister for Transport, Tourism and Sport has the power to revoke a certificate.

7. Nature of Tax Relief and Issue of Receipts

The arrangements for allowing tax relief for donations will depend on whether the donor is:

- ✦ a PAYE taxpayer **or**
- ✦ an individual on self-assessment **or**
- ✦ a company

7.1. Paye Taxpayer For PAYE taxpayers, the relief will be given on a “grossed-up” basis to the approved sports body, rather than by way of a separate claim to tax relief by the donor. In other words, the donation will be treated as having been received by the approved sports body ‘net’ of income tax. For example, if an individual who pays income tax at the higher rate - 41% - makes a qualifying donation of €590 to an approved sports body, that body will be deemed to have received €1,000 less tax of €410. The body will then be able to claim a refund of €410 from the Revenue Commissioners at the end of the year i.e. the amount of tax already paid by the taxpayer on the net sum of €590.

The individual PAYE donor must complete an “**Appropriate Certificate**” – see **Appendix 1** – and forward it to the approved sports body, to allow it to claim the grossed up amount of tax associated with the donation. For repayment purposes, the details contained in the Appropriate Certificates must subsequently be forwarded by the approved sports bodies to Revenue with a declaration that the details are correct and complete. Each application for a repayment must be accompanied by a completed **form 847A "Claim for Repayment"** (available from the tax office). The repayment claims should be sent to the Sports Bodies Revenue Office. Please refer to the Contact Locator on the home page of the Revenue Website www.revenue.ie to obtain contact details of your Revenue Office.

(It should be noted that where sufficient tax has not been paid to cover the donation made, the refund of tax to the approved sports body will be limited to the amount of tax actually paid by the donor).

A donor who is taxed under the self-assessment system (see 7.2 below) but who is also a PAYE taxpayer must claim the relief on his or her return of income under the self-assessment system. A donor in these circumstances should not complete the appropriate certificate.

7.2. Self-employed and corporate donors

In the case of a donation made by an individual who pays tax on a self-assessment basis, the individual will be entitled to claim a tax deduction for the donation in computing his or her total income - there is no grossing up arrangement. Similarly, in the case of corporate donations, the company will be entitled to claim a deduction for the donation as if it were a trading expense or an expense of management in computing total profits of the company for the relevant accounting period.

An approved sports body, on acceptance of a relevant donation from a self-employed or corporate donor, must give the donor a receipt. The receipt must contain the name and address of the person or company making the donation, the amount of the donation and the date it was made and the name of the sports body in receipt of the donation. The receipt must be dated and signed. The receipt must also contain a statement that it is a receipt for the purposes of section 847A of the Taxes Consolidation Act 1997 (as inserted by section 41 of the Finance Act 2002), that the donation is to an approved sports body and is relevant for the purposes of relief under the said section. **A draft of a sample receipt is attached at Appendix 2.**

8. What is a relevant donation?

A donation will be a relevant donation where it satisfies the following conditions;

- It is made in the form of a sum of money
- It is made to the approved sports body for the sole purposes of funding an approved project,
- It is or will be applied by that body for that purpose,
- It is not otherwise deductible in computing the profits or gains of a trade or profession or deductible as an expense of management in computing the profits of a company,
- It is not a relevant donation qualifying for tax relief under section 848A TCA, 1997 (donations to approved bodies e.g. charities),
- It is not subject to repayment,
- neither the donor nor any person connected with the donor receives a benefit, whether directly or indirectly, as a result of making the donation, (e.g. a person will be regarded as receiving a benefit where the donation is in substitution in full or in part for an annual membership

fee/subscription, or where the donation entitles the donor to rights or enhanced rights or facilities etc not available to members who have not made a donation),

- the donation is not conditional on or related to the acquisition of property by the approved sports body (otherwise than by way of gift) from the donor or any person connected with the donor

and

- in the case of a donation made by an individual, the individual is resident in the State for the year of assessment in which the donation is made, and in the case of PAYE taxpayers, the individual has given an **appropriate certificate** to the approved sports body in relation to the donation and has paid the tax referred to in such certificate and is not entitled to a repayment of that tax or any part of that tax.

When an approved project becomes fully funded the approved sports body should not accept further donations or issue receipts in respect of that project under this scheme.

9. What Records and Accounts must the approved sports body keep?

The approved sports bodies will be obliged to keep formal financial records, books and accounts in relation to its income and expenditure including donations received and expenditure incurred on approved projects. Ideally, a separate bank account should be set up for the lodgement of all donations received under this scheme.

The Revenue Commissioners may seek to audit the financial records of a sports body by giving notice in writing.

Approved sports bodies will be required to submit annual progress reports to the Sports Unit of the Department of Transport, Tourism and Sport, the first report being due one year from the date of the approval letter itself. The progress report should outline work completed on an approved capital project and the timetable for remaining works (if any). It should also list the total donations received under this scheme, with a breakdown of the amounts received from PAYE donors, self-employed donors and corporate donors.

In addition, should the approved sports body apply for funding under the Department of Transport, Tourism and Sport's Sports Capital Programme, details of the amounts of donations received under this tax relief scheme will have to be furnished to the Department by the body concerned. Applications for funding under the Sports Capital Programme must be made separately.

While every effort is made to ensure that the information given in this leaflet is accurate, it is not a legal document. Responsibility cannot be accepted for any liability incurred or loss suffered as a consequence of relying on any matter published herein.

September 2014

(To be completed by PAYE taxpayers only – See Note 1 overleaf)



TAX RELIEF FOR DONATIONS TO APPROVED SPORTS BODIES

“Appropriate Certificate” for the purposes of Section, 847A Taxes Consolidation Act, 1997.

(BLOCK CAPITALS PLEASE)

I certify that I _____ (name) have made a donation
to _____ (approved sports body – See Note 2
overleaf)

in the sum of (in words) _____ € _____ (Total donated).
in the year ended 31 December, (the relevant year of assessment) **and that**

- I was resident in the State for the relevant year of assessment,
- I have paid or will pay to the Revenue Commissioners income tax of an amount equal to income tax at the standard rate
at the higher rate (Tick the appropriate box)
for the above year on the grossed up amount of the donation (See Note 3 overleaf),
- neither I nor any person connected with me have received or will receive a benefit in consequence of having made this donation,
- the donation was paid in money,
- the donation was not subject to a condition as to repayment nor conditional on, or associated with, the acquisition of property by the approved sports body other than by way of gift, from me or a person connected with me, and
- the donation was not less than €250
- the donation is not a relevant donation to which Section 848A TCA, 1997, applies.

Signature _____ Date: _____ PPSN: ● ● ● ● ● ● ● ● ● ●

Address: _____

N.B. When you have completed this certificate, please forward it to the approved sports body to which you made your donation.

**TO BE COMPLETED BY THE
APPROVED SPORTS BODY**

GS Reference Number: _____

Approved Project No _____

and

Tax Reference Number: _____

Authorised

Signatory _____

FOR REVENUE USE ONLY

Income Tax associated with the
donation and confirmed as paid

€ _____

Signature of
Inspector of Taxes _____

Date: _____

District Stamp:

Notes

- 1. A donor who is taxed under the self-assessment system but who is also a PAYE taxpayer must claim the relief on his or her return of income under the self-assessment system. A donor in these circumstances should not complete the appropriate certificate overleaf.**

- 2. An "approved sports body" means a body which is in possession of (a) a certificate from the Revenue Commissioners certifying that it is a body of persons to which section 235 Taxes Consolidation Act, 1997 applies and (b) a valid Tax Clearance Certificate.**

- 3. The phrase "grossed up amount of the donation" means the amount, which after deducting income tax, leaves the amount of the donation. For example,**
 - On the standard rate of 20%, the grossed up amount of the donation of €500 is €625 (i.e. $€500 \times 100/80$). The tax associated with the donation is €125.**
 - On the higher rate of 41%, the grossed up amount of a donation of €500 is €847 (i.e. $€500 \times 100/59$). The tax associated with the donation is €347.**

Sample Receipt for Relevant Donation made to an Approved Sports Body

This is a receipt given, in respect of the amount stated hereunder, for the purposes of section 847A of the Taxes Consolidation Act, 1997 (as inserted by section 41 of the Finance Act 2002.)

The sports body named hereunder is deemed by the Revenue Commissioners to be an approved sports body for the purposes of section 847A Taxes Consolidation Act, 1997. The donation in respect of which this receipt is given is a relevant donation for the purposes of that section.

Full name of approved sports body

GS Reference Number _____

Is the person making the donation an individual or a company
(tick as appropriate)

Name of the individual or company making the donation

Address _____

Amount of the donation: (a) € _____

and (b) in words _____

Date on which the donation was made _____

Name _____

(Block Capitals)

Capacity _____

(e.g. Chairperson, Hon. Secretary, Hon. Treasurer etc.)

Signature _____

Date _____

Application for Approval of a Sports Capital Project for Tax Relief Purposes

(Section 847A Taxes Consolidation Act, 1997)

Issued by the Department of Transport, Tourism and Sport,
Sports Capital Unit, New Road, Killarney, Co. Kerry.

To be completed by a representative of the Sports Body

Name of Sports Body: _____

Address: _____

GS Exemption Number: _____

Tax Ref. No. _____

Date granted: _____

Tax Clearance Cert. No. _____

Expiry Date: _____

Estimated total cost of the capital project: _____

Description of capital project. Tick all that apply.

(A more detailed description must also be provided separately for evaluation purposes)

the purchase, construction or refurbishment of a building or structure, or part of a

building or structure, to be used for sporting or recreation activities provided by the approved sports body,

the purchase of land to be used by the approved sports body in the provision of sporting or recreation facilities,

the purchase of permanently based equipment (excluding personal equipment) for use by the approved sports body in the provision of sporting or recreation facilities,

the improvement of the playing pitches, surfaces or facilities of the approved sports body

the repayment of, or the payment of interest on, money borrowed by the approved sports body on or after 1 May 2002 for any of the purposes mentioned above.

I hereby confirm that we are a body authorised by Revenue as an approved sports body for the purposes of Section 41 of the Finance Act 2002

Name in Block Capitals: _____ Daytime Tel No. _____

Address (if different from above): _____

Position Held / Relationship to Sports Body _____

Signature _____ Date _____

Checklist

The following documents must be included with each application to the Sports Unit

- Certification from the Revenue Commissioners that the body is one to which section 235 of the Taxes Consolidation Act 1997 applies
- a current valid tax clearance certificate
- a written description of the project covering all works involved, materials being used, equipment being purchased, timescales, date of commencement, approx. of costs,etc

The following documents should also be enclosed in cases where they are applicable

- copy of valuation report on any land or buildings being acquired
- copy of any quotations or tenders received to date in connection with the project
- copy of all related loan applications, letter advising of approval and draw-down date as well as details of repayment arrangements where applicable

CONTACT DETAILS

Sports Capital Unit
Department of Transport, Tourism and Sport
New Road
Killarney
Co. Kerry.

Tel No. (064) 6627367

E-mail address catherineryan@dtas.ie

Website: www.dttas.ie

To obtain certification under Section 235 of the Taxes Consolidation Act 1997

Office of the Revenue Commissioners
Games/Sports Exemption Section
Government Offices
Nenagh
Co Tipperary.

Tel: 01 738 36 80

Fax No. (067) 32916

E-mail address: sportexemp@revenue.ie

Website: www.revenue.ie

To obtain a tax clearance certificate

Please contact your Revenue Office.

Website: www.revenue.ie