

## **Guidelines for issuing manual PAYE/PRSI/USC/LPT Annual P35 Estimates and Amended Estimates**

Document last updated January 2020

---

This Tax and Duty Manual applies to all periods prior to 1/1/2019

**PART 1 – GUIDELINES FOR ISSUE OF A PAYE/PRSI/USC/LPT ANNUAL P35 ESTIMATE....3**

1. Summary .....3

2. Introduction.....3

3. Scope .....3

4. Purpose.....3

**PART 2 - GUIDELINES FOR ISSUE OF AN AMENDED PAYE/PRSI/USC/LPT ANNUAL P35 ESTIMATE.....4**

1. Summary.....4

2. Introduction.....4

## Part 1 – Guidelines for Issue of a PAYE/PRSI/USC/LPT Annual P35 Estimate

### 1. Summary

- The following is a summary of the main points covered in **Part 1** of this Guideline to assist caseworkers who are preparing to issue **Manual PAYE/PRSI/USC/LPT Annual P35 Estimates**.
- Each caseworker has the facility to raise and record PAYE/PRSI/USC/LPT P35 Estimates.

The following material is either exempt from or not required to be published under the Freedom of Information Act 2014.

[...]

### 2. Introduction

- 2.1 Caseworkers will be aware of the difficulties that can arise for collection and compliance when an employer fails to submit a P35 Annual Return on time. Failure to submit a P35 Return by the due date may be an indication of a significant balance outstanding as a result of inadequate Direct Debit or P30 monthly payments during the year. An early intervention in the case is required where there is a possibility that revenue may be at risk.
- 2.2 In order to provide an effective method of timely intervention in cases where an employer has not submitted a P35 Return, S990 Taxes Consolidation Act (TCA) 1997 allows caseworkers to raise Annual Estimates for PAYE and PRSI for the 2000/2001 tax year ended 5th April 2001 and subsequent years. Part 10, Chapter 1 of Finance (Local Property Tax) Act 2012 and Finance (Local Property Tax) Amendment Act 2013 deals with Deduction at Source (DAS) for Employers.

### 3. Scope

- 3.1 These guidelines are for all staff engaged in Debt Management caseworking and may be supplemented, as necessary, by local instructions in the Collector-General's Division or in any District to deal with particular concerns in the various areas.

### 4. Purpose

- 4.1 The purpose of these guidelines is to ensure that caseworkers know how to take the action required to raise, issue, record, amend and enforce a P35 Estimate in the appropriate circumstances.

The following material is either exempt from or not required to be published under the Freedom of Information Act 2014.

[...]

## Part 2 - Guidelines for Issue of an Amended PAYE/PRSI/USC/LPT Annual P35 Estimate

### 1. Summary

1.1 The following is a summary of the main points covered in **Part 2** of this Guideline which will assist staff in issuing and recording **Amended P35 Estimates**.

- An individual caseworker can raise and record an Amended P35 Estimates.
- Amended P35 Estimates can be issued where employers pay the original estimated amounts but fail to submit a P35 Return for the relevant year.
- Unpaid liabilities due on foot of Amended P35 Estimate Notices (less any payments made for the period) can be referred for enforcement 14 days after the issue date.

The following material is either exempt from or not required to be published under the Freedom of Information Act 2014.

[...]

### 2. Introduction

2.1 Legal changes in Section 157 of the Finance Act 2003, (amending Sections 989 and 990, TCA 1997), allow for the issue of an Amended Estimate (for an amount higher than originally estimated) for any monthly or annual PAYE/PRSI/USC/LPT period. Part 10, Chapter 1 of Finance (Local Property Tax) Act 2012 and Finance (Local Property Tax) Amendment Act 2013 deal with Deduction at Source for Employers.

2.2 This legislation provides for the following situations:

- When the taxpayer pays the original estimated amount but fails to submit the Return showing the correct liability. (This suggests that the original estimated amount may be lower than the actual liability due),

**Or**

- After the issue of the original Estimate, information becomes available clearly indicating that the original estimated liability is significantly less than the actual liability due.

2.3 If, prior to the service of the Notice of the Estimate, the employer had not lodged a P35 Return for the year, the Estimate may be discharged by the employer within 14 days of service of the Notice by lodging the outstanding Return and paying any tax, interest and costs due. If the employer fails to submit a Return then the Estimate becomes immediately enforceable without any further appeal procedures and unless the Collector-General directs otherwise, no Estimate will be discharged while Enforcement proceedings are taking place in respect of the Estimate.

**Note:** If the amounts on the P35 Return are not acceptable, an Estimate under Section 990(2) TCA 1997 may be input by the Inspector of Taxes.

The following material is either exempt from or not required to be published under the Freedom of Information Act 2014.

[...]