

## Irish Real Estate Funds (IREFs) declarations

### Part 27-02b-01

This document should be read in conjunction with Chapter 1B of Part 27

Document Updated April 2018

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A more recent version of this manual is available.

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*More recent version of this manual is available.*

## 1. IREF declarations

Section 739K(1) defines a specified person for the purposes of Chapter 1B. A number of persons are specifically excluded from being specified persons provided that the appropriate declaration form has been provided to the IREF immediately before the IREF taxable event.

The authorised IREF declaration forms are included at the end of this manual for the following unit holders:

- Pension Scheme
- PRSA (including vested PRSA) Administrator
- ARF / AMRF
- Investment undertaking (or a sub-fund that is a unit holder in another sub-fund of the same umbrella scheme)
- Company carrying on life business
- Charity
- Credit Union
- Qualifying Company
- Qualifying intermediaries acting on behalf of pension schemes, PRSAs (including vested PRSAs), ARFs, AMRFs, equivalent EU or EEA pension schemes, charities or credit unions.

The happening of an IREF taxable event in the absence of an appropriate declaration triggers a charge to IREF withholding tax, which is only refundable in certain limited circumstances (e.g. DTA relief). As the IREF regime was introduced in Finance Act 2016, Revenue understood that it was likely that it would take a number of weeks or months for IREFs, particularly those with a number of unit holders, to get the appropriate declarations in place. Therefore:

- in respect of IREF taxable events which occurred before 30 June 2017,
- in respect of a unit holder who would not be a specified person if the appropriate declaration was in place and
- where the appropriately completed declaration was in place by 1 July 2017

IREF withholding tax did not need to be applied.

Where an IREF:

- applied the IREF withholding tax to such an IREF taxable event and
- subsequently received the appropriate declaration before 1 July 2017,

then, the IREF may refund any IREF withholding tax to the unit holder.

**Irish Real Estate Funds (IREF)  
Declaration for the purposes of Section 739K  
Taxes Consolidation Act 1997**

**Pension Scheme<sup>1</sup>**

**Name of pension scheme:** \_\_\_\_\_

**Name of nominee account holder (if relevant):** \_\_\_\_\_

**Pension scheme address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Irish tax reference number/TIN of the pension scheme:** \_\_\_\_\_

**Country of authorisation of the pension scheme:** \_\_\_\_\_

**Description and number of units:** \_\_\_\_\_

(in respect of which this declaration is being made)

**Name of IREF<sup>2</sup>:** \_\_\_\_\_

(to whom declaration is being made)

- I declare that at the time of making this declaration, the person entitled to the units is a pension scheme;
- I declare that at the time of making this declaration, the above named pension scheme is entitled to the units in respect of which this declaration is made;
- I certify that the pension scheme is not a specified person (within the meaning of section 739K, following the application of section 739M);
- I undertake to notify the IREF if the above named pension scheme becomes a specified person;
- I certify that, to the best of my knowledge and belief, the IREF is not a personal portfolio IREF in respect of the pension scheme;
- I certify that, to the best of my knowledge and belief, the information contained in this declaration is true and correct.

**Signature of declarant:** \_\_\_\_\_

**Name of authorised signatory<sup>3</sup> (print):** \_\_\_\_\_

**Capacity in which declaration is made:** \_\_\_\_\_

**Date:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**IMPORTANT NOTES**

1. A pension scheme is a fund approved under section 774, 784(4) or 785(5) or a person exempt from income tax under section 790B or an equivalent scheme authorised by a Member State or an EEA State and subject to equivalent supervisory and regulatory arrangements. For further details on equivalency please refer to the Tax and Duty Manual [Part 27-01b-02](#).
2. The IREF is either
  - (i) the investment undertaking, or
  - (ii) where the investment undertaking is an umbrella scheme, the sub-fund in which units are held.
3. This declaration must be signed by:
  - (i) the administrator (within the meaning of Section 770 TCA, 1997) in the case of an exempt approved scheme (within the meaning of Section 774 TCA, 1997), or
  - (ii) the person lawfully carrying on in the State the business of granting annuities on human life with whom the contract is made in the case of a retirement annuity contract to which section 784 or 785 TCA, 1997 applies, or the trustees in the case of a trust scheme to which section 784 or 785 TCA, 1997 applies, or
  - (iii) a person who holds power of attorney from the pension scheme. A copy of the power of attorney should be furnished to support this declaration.
4. This is a form authorised by the Revenue Commissioners. It may be subject to inspection by Revenue. It is an offence to make a false declaration.



**Irish Real Estate Funds (IREF)  
Declaration for the purposes of Section 739K  
Taxes Consolidation Act 1997**

**PRSA<sup>1</sup> Administrator**

**Name of PRSA Administrator:** \_\_\_\_\_

**Name of nominee account holder (if relevant):** \_\_\_\_\_

**Address of PRSA Administrator:** \_\_\_\_\_

\_\_\_\_\_

**Country of authorisation of the PRSA Administrator:** \_\_\_\_\_

**Name of Beneficial Owner:** \_\_\_\_\_

(The beneficial owner is the person who is beneficially entitled to the units and on whose behalf the PRSA Administrator is acting)

**Address of Beneficial Owner:** \_\_\_\_\_

**Irish tax reference number/TIN of the Beneficial Owner:** \_\_\_\_\_

**Description and number of units:** \_\_\_\_\_

(in respect of which this declaration is being made)

**Name of IREF<sup>2</sup>:** \_\_\_\_\_

(to whom declaration is being made)

- I declare that at the time this declaration is made, the units in respect of which this declaration is made-
  - are assets of a PRSA, and,
  - are managed by the declarer for the above named individual who is beneficially entitled to the units;
- I certify that the PRSA is not a specified person (within the meaning of section 739K, following the application of section 739M);
- I undertake that, if the units cease to be assets of the PRSA, including a case where the units are transferred to another PRSA, I will notify the IREF accordingly;
- I undertake to notify the IREF if the above name PRSA becomes a specified person;
- I certify that, to the best of my knowledge and belief, the IREF is not a personal portfolio IREF in respect of the PRSA;
- I certify that to the best of my knowledge and belief, the information contained in this declaration is true and correct.

**Signature of declarant:** \_\_\_\_\_

**Name of authorised signatory<sup>3</sup> (print):** \_\_\_\_\_

**Capacity in which declaration is made:** \_\_\_\_\_

**Date:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**IMPORTANT NOTES**

1. PRSA includes a vested PRSA within the meaning of section 790D(1) and an equivalent scheme authorised by a Member State or an EEA State and subject to equivalent supervisory and regulatory arrangements. For further details on equivalency please refer to the Tax and Duty Manual [Part 27-01b-02](#).
2. The IREF is either:
  - (i) the investment undertaking, or
  - (ii) where the investment undertaking is an umbrella scheme, the sub-fund in which the units are held.
3. This declaration must be signed by a PRSA administrator. Where a PRSA administrator is a company, the declaration must be signed by the company secretary or such other authorised officer. It may also be signed by a person who holds power of attorney from the declarant. A copy of the power of attorney should be furnished with this declaration.
4. This is a form authorised by the Revenue Commissioners. It may be subject to inspection by Revenue. It is an offence to make a false declaration.

**Irish Real Estate Funds (IREF)  
Declaration for the purposes of Section 739K  
Taxes Consolidation Act 1997**

**Approved Retirement Fund ("ARF")/Approved Minimum Retirement Fund ("AMRF")<sup>1</sup>**

**Name of qualifying fund manager:** \_\_\_\_\_

**Name of nominee account holder (if relevant):** \_\_\_\_\_

**Address of qualifying fund manager:** \_\_\_\_\_  
\_\_\_\_\_

**Country of authorisation of the qualifying fund manager<sup>1</sup>:** \_\_\_\_\_

**Name of beneficial owner:** \_\_\_\_\_

(beneficial owner is the person who is beneficially entitled to the units and on whose behalf the qualifying fund manager is acting)

**Address of beneficial owner:** \_\_\_\_\_  
\_\_\_\_\_

**Irish tax reference number/TIN of beneficial owner:** \_\_\_\_\_

**Description and number of units:** \_\_\_\_\_

(in respect of which this declaration is being made)

**Name of IREF<sup>2</sup>:** \_\_\_\_\_

(to whom declaration is being made)

- I declare that at the time this declaration is made, the units in respect of which this declaration is made-
  - are assets of an ARF/AMRF,\* and,
  - are managed by the declarant for the above named individual who is beneficially entitled to the units;
- I undertake to notify the IREF if the units cease to be assets of the ARF / AMRF\* including a case where the units are transferred to another such fund;
- I certify that the ARF/AMRF\* is not a specified person (within the meaning of section 739K, following the application of section 739M);
- I undertake to notify the IREF if the above named ARF / AMRF\* becomes a specified person;
- I certify that, to the best of my knowledge and belief, the IREF is not a personal portfolio IREF in respect of the ARF/AMRF\*;
- I certify that to the best of my knowledge and belief, the information contained in this declaration is true and correct.

**\*Delete as appropriate**

**Signature of declarant:** \_\_\_\_\_

**Name of authorised signatory<sup>3</sup> (print):** \_\_\_\_\_

**Capacity in which declaration is made:** \_\_\_\_\_

**Date:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_



**IMPORTANT NOTES**

1. An ARF is an approved retirement fund within the meaning of section 784A and an AMRF is an approved minimum retirement fund within the meaning of section 784C, or an equivalent scheme authorised by a Member State or an EEA State and subject to equivalent supervisory and regulatory arrangements. For further details on equivalency please refer to the Tax and Duty Manual [Part 27-01b-02](#).
2. The IREF is either:
  - (i) the investment undertaking, or
  - (ii) where the investment undertaking is an umbrella scheme, the sub-fund in which the units are held.
3. This declaration must be signed by a qualifying fund manager of an approved retirement fund/an approved minimum retirement fund. Where a qualifying fund manager is a company, the declaration must be signed by the company secretary or such other authorised officer. It may also be signed by a person who holds power of attorney from the declarant. A copy of the power of attorney should be furnished with this declaration.
4. This is a form authorised by the Revenue Commissioners. It may be subject to inspection by Revenue. It is an offence to make a false declaration.

**Irish Real Estate Funds (IREF)  
Declaration for the purposes of Section 739K  
Taxes Consolidation Act 1997**

**Investment Undertaking**

**Name of investment undertaking:** \_\_\_\_\_

**Name of nominee account holder (if relevant):** \_\_\_\_\_

**Investment undertaking address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Country of authorisation of the Investment Undertaking<sup>1</sup>:** \_\_\_\_\_

**Irish tax reference number/TIN of the investment undertaking:** \_\_\_\_\_

**Description and number of units:** \_\_\_\_\_

(in respect of which this declaration is being made)

**Name of IREF<sup>2</sup>:** \_\_\_\_\_

(to whom declaration is being made)

- I declare that at the time of making this declaration, the person entitled to the units is an investment undertaking;
- I declare that at the time of making this declaration, the above named investment undertaking, is entitled to the units in respect of which this declaration is made;
- I certify that the investment undertaking is not a specified person (within the meaning of section 739K, following the application of section 739M);
- I undertake to notify the IREF if the above named investment undertaking becomes a specified person;
- I certify that, to the best of my knowledge and belief, the IREF is not a personal portfolio IREF in respect of the investment undertaking;
- I certify that to the best of my knowledge and belief, the information contained in this declaration is true and correct.

**Signature of declarant:** \_\_\_\_\_

**Name of authorised signatory<sup>3</sup> (print):** \_\_\_\_\_

**Capacity in which declaration is made:** \_\_\_\_\_

**Date:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**IMPORTANT NOTES**

1. Where the declaration is on behalf of a fund equivalent to an investment undertaking that is authorised by a Member State or an EEA State, refer to Tax and Duty Manual [Part 27-01b-02](#) for details on equivalency.
2. The IREF is either:
  - (i) the investment undertaking, or
  - (ii) where the investment undertaking is an umbrella scheme, the sub-fund in which the units are held.
3. This declaration must be signed by an authorised officer of the investment undertaking. Where the investment undertaking is a company, the declaration must be signed by the company secretary or such other authorised officer of the company. It may also be signed by a person who holds power of attorney from the investment undertaking/company. A copy of the power of attorney should be furnished in support of this declaration.
4. This is a form authorised by the Revenue Commissioners. It may be subject to inspection by Revenue. It is an offence to make a false declaration.

**Irish Real Estate Funds (IREF)  
Declaration for the purposes of Section 739K  
Taxes Consolidation Act 1997**

**Company carrying on life business**

**Name of company carrying on life business:** \_\_\_\_\_

**Name of nominee account holder (if relevant):** \_\_\_\_\_

**Company address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Country of authorisation of the life company<sup>1</sup>:** \_\_\_\_\_

**Irish tax reference number/TIN of the life company:** \_\_\_\_\_

**Description and number of units:** \_\_\_\_\_

(in respect of which this declaration is being made)

**Name of IREF<sup>2</sup>:** \_\_\_\_\_

(to whom declaration is being made)

- I declare that at the time of making this declaration, the above named company is a company carrying on life business with the meaning of section 706;
- I declare that at the time of making this declaration, the above named company is entitled to the units in respect of which this declaration is made;
- I certify that the above named company is not a specified person (within the meaning of section 739K, following the application of section 739M);
- I undertake to notify the IREF if the above named company becomes a specified person;
- I certify that, to the best of my knowledge and belief, the IREF is not a personal portfolio IREF in respect of the life company;
- I certify that, to the best of my knowledge and belief, the information contained in this declaration is true and correct.

**Signature of declarant:** \_\_\_\_\_

**Name of authorised signatory<sup>3</sup> (print):** \_\_\_\_\_

**Capacity in which declaration is made:** \_\_\_\_\_

**Date:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**IMPORTANT NOTES**

1. Where the declaration is on behalf of a company carrying on life business that is authorised by a Member State or an EEA State, refer to Tax and Duty Manual [Part 27-01b-02](#) for details on equivalency.
2. The IREF is either:
  - (i) the investment undertaking, or
  - (ii) where the investment undertaking is an umbrella scheme, the sub-fund in which the units are held.
3. This declaration must be signed by the company secretary or such other authorised officer of the company carrying on life business. It may also be signed by a person who holds the power of attorney from the company. A copy of the power of attorney should be furnished in support of this declaration.
4. This is a form authorised by the Revenue Commissioners. It may be subject to inspection by Revenue. It is an offence to make a false declaration.

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**Irish Real Estate Funds (IREF)  
Declaration for the purposes of Section 739K  
Taxes Consolidation Act 1997**

**Charity<sup>1</sup>**

**Name of charity:** \_\_\_\_\_

**Name of nominee account holder (if relevant):** \_\_\_\_\_

**Address of charity:** \_\_\_\_\_

\_\_\_\_\_

**Charity exemption number (CHY) as issued by Revenue:** \_\_\_\_\_

**Description and number of units:** \_\_\_\_\_

(in respect of which this declaration is being made)

**Name of IREF<sup>2</sup>:** \_\_\_\_\_

(to whom declaration is being made)

- I declare that at the time of making this declaration, the above named charity is exempt from income tax under schedule D by virtue of section 207(1)(b) or corporation tax by virtue of section 207(1)(b) as it applies for the purposes of corporation tax under section 76(6);
- I declare that at the time of making this declaration, the above mentioned charity is entitled to the units in respect of which this declaration is made;
- I declare that at the time of making this declaration, the units in respect of which this declaration is made are held for charitable purposes only and form part of the assets of a body of persons or trust treated by the Revenue Commissioners as a body or trust established for charitable purposes only, or are, according to the rules or regulations established by statute, charter, decree, deed of trust or will, held for charitable purposes only and are so treated by the Revenue Commissioners;
- I undertake to notify the IREF if the above named charity becomes a specified person (within the meaning of section 739K);
- I certify that to the best of my knowledge and belief, the information contained in this declaration is true and correct.

**Signature of declarant:** \_\_\_\_\_

**Name of authorised signatory<sup>3</sup> (print):** \_\_\_\_\_

**Capacity in which declaration is made:** \_\_\_\_\_

**Date:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**IMPORTANT NOTES**

1. Where the declaration is on behalf of an EU/EEA charity, refer to the Tax and Duty Manual [Part 27-01b-02](#) for details of equivalent treatment.
2. The IREF is either:
  - (i) the investment undertaking, or
  - (ii) where the investment undertaking is an umbrella scheme, the sub-fund in which the units are held.
3. This declaration must be signed by the trustees or other authorised officer of a body of persons or trust established for charitable purposes only within the meaning of section 207 and section 208. Where a charity is a company, the declaration should be signed by the company secretary or such other authorised officer. It may also be signed by a person who holds power of attorney from the charity. A copy of the power of attorney should be furnished in support of this declaration.
4. This is a form authorised by the Revenue Commissioners. It may be subject to inspection by Revenue. It is an offence to make a false declaration.

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**Irish Real Estate Funds (IREF)  
Declaration for the purposes of Section 739K  
Taxes Consolidation Act 1997**

**Credit Union**

**Name of Credit Union:** \_\_\_\_\_

**Name of nominee account holder (if relevant):** \_\_\_\_\_

**Address of Credit Union:** \_\_\_\_\_

\_\_\_\_\_

**Irish tax reference number:** \_\_\_\_\_

**Description and number of units:** \_\_\_\_\_

(in respect of which this declaration is being made)

**Name of IREF<sup>1</sup>:** \_\_\_\_\_

(to whom declaration is being made)

- I declare that at the time of making this declaration, the above named Credit Union is entitled to the units in respect of which this declaration is made;
- I declare that at the time this declaration is made, the person entitled to the units is a Credit Union within the meaning of section 2 of the Credit Union Act 1997;
- I undertake to notify the IREF if the above named Credit Union becomes a specified person (within the meaning of section 739K);
- I declare that, to the best of my knowledge and belief, the information contained in this declaration is true and correct.

**Signature of declarant:** \_\_\_\_\_

**Name of authorised signatory<sup>2</sup> (print):** \_\_\_\_\_

**Capacity in which declaration is made:** \_\_\_\_\_

**Date:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**IMPORTANT NOTES**

1. The IREF is either:
  - (i) the investment undertaking, or
  - (ii) where the investment undertaking is an umbrella scheme, the sub-fund in which the units are held.
2. This declaration must be signed by the company secretary or such other authorised officer. It may also be signed by a person who holds power of attorney from the Credit Union. A copy of the power of attorney should be furnished with the declaration.
3. This is a form authorised by the Revenue Commissioners. It may be subject to inspection by Revenue. It is an offence to make a false declaration.

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**Irish Real Estate Funds (IREF)  
Declaration for the purposes of Section 739K  
Taxes Consolidation Act 1997**

**Qualifying Company (within the meaning of section 110 TCA 1997)**

**Name of qualifying company:** \_\_\_\_\_

**Name of nominee account holder (if relevant):** \_\_\_\_\_

**Company address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Irish tax reference number:** \_\_\_\_\_

**Description and number of units:** \_\_\_\_\_  
(in respect of which this declaration is being made)

**Name of IREF<sup>1</sup>:** \_\_\_\_\_  
(to whom declaration is being made)

- I declare that the above named company is entitled to the units in respect of which this declaration is made;
- I declare that at the time of making this declaration, the person entitled to the units is a qualifying company (within the meaning of section 110);
- I undertake to notify the IREF if the above named qualifying company becomes a specified person (within the meaning of section 739K);
- I certify that to the best of my knowledge and belief, the information contained in this declaration is true and correct.

**Signature of declarant:** \_\_\_\_\_

**Name of authorised signatory<sup>2</sup> (print):** \_\_\_\_\_

**Capacity in which declaration is made:** \_\_\_\_\_

**Date:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_



**IMPORTANT NOTES**

1. The IREF is either:
  - (i) the investment undertaking, or
  - (ii) where the investment undertaking is an umbrella scheme, the sub-fund in which the units are held.
2. This declaration must be signed by the company secretary or such other authorised officer of the qualifying company. It may also be signed by a person who holds the power of attorney from the qualifying company. A copy of the power of attorney should be furnished in support of this declaration.
3. This is a form authorised by the Revenue Commissioners. It may be subject to inspection by Revenue. It is an offence to make a false declaration.

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**Irish Real Estate Funds (IREF)  
Declaration for the purposes of Section 739K  
Taxes Consolidation Act 1997**

**Qualifying intermediary<sup>1</sup> acting on behalf of pension schemes, PRSAs, ARFs, AMRFs,  
charities or credit unions**

**Name of qualifying intermediary:** \_\_\_\_\_

**Address of qualifying intermediary:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Description and number of units:** \_\_\_\_\_

**Account reference:** \_\_\_\_\_  
(in respect of which this declaration is being made)

**Name of IREF:** \_\_\_\_\_  
(to whom this declaration is being made)

I declare that I am only applying for units on behalf of persons who are –

- a pension scheme;
- a PRSA (including vested PRSA);
- a qualifying fund manager in respect of an ARF or an AMRF;
- Credit Unions; or
- a charity,

none of whom is a specified person, following the application of section 739M(3), in respect of the IREF into which the investment is made;

I also declare that -

- unless I specifically notify you to the contrary at the time of application, all applications for units made by me from the date of this application will be made on behalf of the persons referred to above; and
- I will inform you in writing if I become aware that any person from whom I accept investments ceases to be a person referred to above.

**Signature of declarant:** \_\_\_\_\_

**Name of authorised signatory<sup>2</sup> (print):** \_\_\_\_\_

**Capacity in which declaration is made:** \_\_\_\_\_

**Date:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**IMPORTANT NOTES**

1. A “qualifying intermediary” means a person who carries on a Central Bank authorised business of holding units in an IREF, other than a PPIREF, on behalf of other persons. Those other persons must be pension schemes, PRSAs or ARFs (or an EU / EEA equivalent), credit unions or charities.
2. This declaration must be signed by the qualifying intermediary. Where the qualifying intermediary is a company, it must be signed by the company secretary or such other authorised officer of the company. It may also be signed by a person who holds power of attorney from the company. A copy of the power of attorney should be furnished in support of this declaration.
3. This is a form authorised by the Revenue Commissioners. It may be subject to inspection by Revenue. It is an offence to make a false declaration. A qualifying intermediary completing this declaration must ensure that the persons to which they are acting as qualifying intermediary for would be entitled to make a declaration in their own right if the qualifying intermediary wasn't in place. If requested a qualifying intermediary must provide Revenue with documentation that these checks have been performed.