

Mitigation and Application of Fines and Penalties

Part 47-00-01

This document should be read in conjunction with section 1065 Taxes Consolidation Act 1997

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Section 1065 Taxes Consolidation Act 1997 (TCA) concerns the mitigation and application of penalties by the Revenue Commissioners. It applies to all the taxes and duties listed in section 1077A(1) TCA:

- the Tax Acts – that is, all enactments relating to income tax and corporation tax in the TCA and any other enactment;
- the Capital Gains Tax Acts – that is, all enactments relating to capital gains tax in the TCA and any other enactment;
- Parts 4A, 18A, 18B, 18C, 18D, 18E, 22A and 22B TCA, which relate to Pillar 2, the income levy, the parking levy, the domicile levy, the universal social charge, the defective concrete products levy, residential zoned land tax and the vacant homes tax, respectively;
- section 101 Finance Act 2022, which relates to the temporary business energy support scheme;
- the Value-Added Tax Consolidation Act 2010, and the enactments amending or extending that Act;
- the Capital Acquisitions Tax Consolidation Act 2003, and the enactments amending or extending that Act;
- the Stamp Duties Consolidation Act 1999, and the enactments amending or extending that Act;
- the statutes relating to the duties of excise and to the management of those duties;
- the Customs Acts;
- the Finance (Local Property Tax) Act 2012 (as amended);
- the Energy (Windfall Gains in the Energy Sector) (Temporary Solidarity Contribution) Act 2023; and
- any instrument made under any of those Acts, and any instrument made under any other enactment relating to tax.

The Revenue Commissioners may at their discretion –

- mitigate any penalty imposed under the Acts listed above,
- mitigate or further mitigate, subject to a maximum mitigation of 50%, any penalty determined by a relevant Court to be due and payable by a person, and
- stay or compound any proceedings for the recovery of any fine or penalty.

Section 130 Finance Act 2001 provides that a judge has power to mitigate fines and penalties in relation to excise, subject to a maximum mitigation of 50%.