

Imputed Distributions from Approved Retirement Funds and Vested Personal Retirement Savings Accounts and Vested PEPPs

Pensions Manual - Chapter 28

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28.1 Introduction

Section 790D Taxes Consolidation Act 1997 (TCA) provides for a scheme of imputed distributions for Approved Retirement Funds (ARFs), vested Personal Retirement Savings Accounts (PRSAs) and vested Pan-European Personal Pensions (PEPPs).¹

28.2 Vested PRSAs and Vested PEPPs

A vested PRSA is defined in section 790D(1) as a PRSA -

- (a) from which assets of the PRSA have been made available to the PRSA owner or any other person - in general this will be in the form of benefits taken from age 60 (for example a retirement lump sum or taxed distribution) on or after 7 November 2002 (the date of introduction of PRSAs);
- (b) which is a PRSA AVC, at the time benefits are taken from the main occupational pension scheme (i.e. at the point of retirement); or
- (c) in respect of which the owner reaches the age of 75 years, where, up to and including the date of his or her 75th birthday, the PRSA assets have not been made available to or paid to the owner or any other person, other than in circumstances where part of the assets were transferred to another PRSA in the owner's name.

A vested PEPP is defined (also in section 790D(1) TCA) as a PEPP from which assets have been made available or paid to the PEPP contributor or any other person by the PEPP provider (with certain exceptions, outlined below); or where the PEPP contributor reaches age 75 years and no assets have been made available or paid to the PEPP contributor or another person by the PEPP provider, other than a transfer to another PEPP of that contributor.

In certain instances, making PRSA or PEPP assets available does not constitute the vesting of a PRSA or PEPP, such as where:

- an amount is transferred to an ARF (s787G(3)(b) for PRSAs and s787AA(3)(b) for PEPPs);²
- an amount is made available to a personal representative of the PRSA holder (s787G(3)(c) TCA) or PEPP contributor (s787AA(3)(c), or
- the transfer, before a tax-free lump sum is taken, from one PRSA to another PRSA or pension scheme of the owner(s787G(3)(d) TCA)³.

¹ Prior to 2012, the imputed distribution regime applied only to ARFs created on or after 6 April 2000 (the date the existing gross roll-up regime for ARFs was introduced). From 1 January 2012, this regime was extended to certain PRSAs vested on or after 7 November 2002 (the date PRSAs were introduced) and applies to a year of assessment where the ARF and/or vested PRSA holder is aged 60 years or over for that entire year

² This also included transfers to an Approved Retirement Fund (AMRF) prior to 1 January 2022.

³ There is no similar provision for PEPPs but the definition of vested PEPP provides that a transfer between PEPPs owned by the same contributor does not constitute vesting.

Where assets are in a PRSA AVC, vesting is deemed to take place at the time benefits are taken from the main occupational pension scheme (that is, at the point of retirement) because that is when AVC benefits are required to be taken.

A PRSA held by an individual who was aged 75 years before 25 December 2016 (the date on which Finance Act 2016 was passed) from which benefits had not been taken on or before the individual attained that age is deemed to become a vested PRSA on 25 December 2016.

From the passing of Finance (No. 2) Act 2023, a PRSA beneficiary has access to the benefits in their vested PRSA. The upper age limit of 75 years is removed and PRSA holders can draw down from the fund without restriction as they see fit. Such drawdowns are treated as emoluments and subject to tax under Schedule E at the individual's marginal rate. The vesting of a PRSA still constitutes a "benefit crystallisation event".

28.3 Value of Assets

The value of an asset (other than cash) in a "relevant fund" is the market value of the asset in question within the meaning of section 548 TCA. A "relevant fund" means the assets in all the ARFs, vested PRSAs and vested PEPPs beneficially owned by an individual on 30 November in a tax year (s 790D(1) TCA).

28.4 Specified Amount

The imputed distribution for a tax year is referred to in section 790D TCA as the "specified amount". It is either 4%, 5% or 6% (depending on the individual's age and the size of the fund) of the assets in the relevant fund, minus the distributions from the individual's ARF or assets made available or paid from the individual's vested PRSA and/or vested PEPP. It is computed using the formula:

$$\frac{(A \times B) - C}{100}$$

where the amount so computed is greater than zero and where:

A is the value of the assets in a relevant fund on 30 November for the year 2012 onwards, excluding the value of assets retained by a PRSA administrator as would be required to be transferred into an AMRF⁴ in accordance with an option to transfer PRSA assets to an ARF.

B is—

- where the relevant value is not greater than €2m,
 - a. 4, where the individual is not aged 70 years or over for the whole of the relevant tax year, or

⁴ Transfers to AMRFs were abolished from the passing of Finance Act 2021.

b. 5, where the individual is aged 70 years or over for the whole of the relevant tax year; or

- 6, where the relevant value is greater than €2m.⁵

C is the amount or value of any relevant distributions made in the tax year.

Prior to the passing of Finance Act 2021, the reference to “the value of the assets retained by the PRSA administrator as would be required to be transferred to an AMRF” in the meaning of “A” excluded from the asset base the assets that a PRSA administrator was obliged to retain in the PRSA because the owner had not satisfied the specified income requirement or had not established an AMRF of the required amount. As the assets in the AMRF were specifically excluded from the specified amount calculation, this ensured that the retained PRSA assets were also excluded from the calculation. This provision no longer applies because the AMRF was abolished in the 2021 Act.

The formula has the following effect:

Fund below €2m in value; Individual aged under 70 or turning 70 in the year

Where the value of a relevant fund on the specified date is €2m or less, and the individual involved is not aged 70 years or over for the whole of the relevant tax year, the specified amount (the amount of the deemed distribution) is 4% of the value of the ARF, vested PRSA, and/or vested PEPP, less the value of any “relevant distribution” (that is, actual distributions from the ARF, and any associated PRSA or PEPP assets made available to the PRSA owner or PEPP contributor after deducting excluded distributions in that year from the relevant fund)

Fund below €2m in value; Individual aged over 70

Where the value of a relevant fund on the specified date is €2m or less, and the individual is aged 70 years or over for the whole of the relevant tax year, the specified amount (the amount of the deemed distribution) is 5% of the value of the ARF, vested PRSA and/or vested PEPP, less the value of any “relevant distribution”.

Fund over €2m in value, irrespective of the age of the individual

Where the value of the assets is greater than €2m, the specified amount is equivalent to 6% of the full value (that is, not just that part of the fund that exceeds €2m) less the value of any “relevant distribution”.

⁵ The rates of 4%, 5% and 6% apply from 1 January 2015. Prior to that date, where the relevant value was not greater than €2m, the rate was 5% irrespective of the age of the individual

Excluded distributions

As noted above, the value of excluded distributions is deducted in computing the value of relevant distributions. “Excluded distributions” are distributions that do not attract a tax liability in themselves; for example, the transfer of assets from one ARF to another beneficially owned by the same individual, or a tax-free lump sum taken from a PRSA on vesting. Excluded distributions are defined in section 790D(1) TCA and include⁶:

- imputed distributions themselves;
- transfers between ARFs of the owner;
- transactions by an ARF, PRSA or PEPP that are regarded as distributions or the making available of PRSA or PEPP assets;
- taking a tax-free lump sum from a PRSA or PEPP, transfers from a PRSA or PEPP to an ARF or to the deceased owner’s estate and pre-vesting transfers to another PRSA or pension scheme of the owner (by reference to 787G(3) and 787AA(3) TCA); and
- use of ARF, PRSA or PEPP assets to discharge an excess fund tax liability or to pay the chargeable excess tax share of a former spouse or civil partner of a member of a retirement scheme, the benefits from which are the subject of a pension adjustment order. (See [Pensions Manual Chapter 25, Limit on Tax Relieved Pension Funds](#) , for more details).

Depending on the nature of the relevant fund, the specified amount is regarded either as a distribution of that amount from an ARF, the making available of PRSA assets of that amount to a PRSA contributor, or the making available of PEPP assets to a PEPP contributor. Separate taxing provisions apply as appropriate to ARF distributions (section 784A(3) and (7)(b) TCA), making PRSA assets available (section 787G(1) and (2) TCA), and making PEPP assets available (s 787AA(1) and (2) TCA).

For example, the specified amount of a relevant fund which consists solely of one or more ARFs, one or more vested PRSAs or one or more vested PEPPs is regarded as a distribution from an ARF, the making available of PRSA assets or the making available of PEPP assets, respectively. Where there is a mixture of ARFs, vested PRSAs and/or vested PEPPs, the taxing regime depends on whether the QFM, the PRSA administrator and the PEPP provider are the same person, in which case the specified amount is regarded as a distribution from an ARF.

Where the QFM and/or the PRSA administrator or PEPP provider are not the same person and the individual appoints a nominee (see paragraph 28.5), the taxing regime depends on whether the nominee is a QFM, a PRSA administrator, or a PEPP provider. The specified amount may be considered to be a distribution from an ARF or making assets available from a PRSA or PEPP, as appropriate.

⁶ Excluded distributions prior to 1 January 2022 included:

- transfers from the owner’s AMRF to a replacement AMRF; and
- transfers from a PRSA to an AMRF.

Procedure for payment of tax on ARF distributions

The specified amount is regarded as having been distributed or made available not later than the second month of the year of assessment following the year of assessment for which the specified amount is determined, in accordance with section 790D(4) TCA.

The imputed distribution is to be regarded as a distribution made not later than February in the year of assessment following the year of assessment to which the imputed distribution relates. The QFM must deduct tax from the imputed distribution in accordance with the provisions of section 784A(3) TCA. Tax deducted must be included in the QFM's payroll submission to Revenue and the tax paid not later than 14 March of that year. For example, in respect of an imputed distribution calculated for 2019, the tax must be paid by 14 March 2020.

All payments of tax should be paid electronically through ROS or forwarded to:

Office of the Revenue Commissioners
Collector-General's Division
PO Box 354
Limerick

The remittance should be accompanied by the following statement completed by the QFM.

Approved Retirement Funds

Name of QFM:

Address:

I confirm that all Approved Retirement Funds under management have been reviewed for the purposes of establishing if liability arises under Section 784A(3) TCA 1997.

Arising from this review, a sum of € ___ is reflected in the payroll submission submitted for (**month**) in respect of tax deducted from (insert number) Approved Retirement Funds and is included in the remittance to the Collector General in respect of that month.

Authorised Signatory:

Date:

A payment and return can be sent electronically using Revenue-On-Line (ROS). For details phone 01 738 36 99 or see the [Revenue website](#).

28.5 Appointment of a nominee

An individual may appoint a nominee where their relevant fund comprises ARFs, PRSAs and/or PEPPs that are not all managed or administered by the same QFM, PRSA administrator or PEPP provider.

The appointment of a nominee is optional where the relevant fund has a value of €2m or less. If no nominee is appointed, each QFM, PRSA administrator and PEPP provider must operate in isolation and apply the notional distribution to the relevant ARF(s), PRSA(s) or PEPPs they manage/administer. Please refer to paragraph 28.8 where an individual opts not to appoint a nominee.

The appointment of a nominee is compulsory where the relevant fund has a value greater than €2m. This is because in such cases the QFM, PRSA administrator or PEPP provider will not have sufficient information to operate in isolation; unless the ARF/PRSA/PEPP that they manage is itself greater than €2m, the QFM, PRSA administrator or PEPP provider will not know whether to apply the 4%, 5% or 6% rate.

An individual who appoints a nominee must advise the other QFMs, PRSA administrators and PEPP providers of that fact and provide them with the name and contact details of the nominee.

Where the appointment of a nominee is compulsory the individual must advise the other manager/managers that the appointment of the nominee is a compulsory appointment and that the reason for the appointment is that the aggregate value of the assets in the ARFs/PRSAs/PEPPs is greater than €2m and therefore attracts the 6% rate of tax.

28.6 Provision of certificate(s) to nominee

Where a nominee is appointed for any year, the other manager(s)/administrator(s) must provide the nominee with a certificate for that year stating the aggregate value of the assets in, and relevant distributions from, the ARFs/PRSAs/PEPPs they manage within 14 days of the specified date (that is, by 14 December of a tax year).

In the case of a PRSA fund, the certificates should exclude any amount that had been retained by the PRSA administrator for AMRF purposes prior to 1 January 2022 (see paragraph 28.4), as these do not form part of the asset base for the specified amount.

The nominee must retain these certificates for six years for production to Revenue, if required.

A nominee who receives a certificate or certificates from the other manager(s) must determine the specified amount (see paragraph 28.4) as if the value of the assets and the relevant distributions stated in each certificate so received were the value of assets in, and relevant distributions from, an ARF, vested PRSA or vested PEPP managed or administered by the nominee. This applies even if the nominee only gets some but not all the required certificates (see paragraph 28.7).

28.7 Nominee receives some or no certificates

Where the relevant fund value is €2m or less and the nominee receives no certificates from the other fund manager(s), the nominee and the other manager(s) must determine in isolation the specified amount in respect of the ARFs/PRSAs/PEPPs that they manage, that is, as if the individual's relevant fund comprised solely of the ARFs/PRSAs/PEPPs that each manages.

Where the relevant fund value is €2m or less and the nominee has received certificates from some but not all of the other fund manager(s), the managers that failed to provide certificates must determine in isolation the specified amount as described in the preceding paragraph. As the nominee will have received at least one or more certificates from the compliant manager(s) the nominee must calculate the specified amount in accordance with section 790D (8) TCA in respect of the nominee and the other managers that provided certificates (see paragraph 28.6).

These provisions also apply where the relevant fund value is greater than €2m except that any specified amount calculated in isolation is to be based on 6% of the value of the fund.

28.8 Nominee not appointed

Where an individual whose relevant fund comprises ARFs, PRSAs and PEPPs that are not managed or administered by the same QFM, PRSA administrator or PEPP provider, opts not to appoint a nominee because the value of the assets in the relevant fund does not exceed €2m, each QFM, PRSA administrator and PEPP provider must determine in isolation the specified amount in respect of the ARFs/PRSAs/PEPPs that they each manage as if the individual's relevant fund comprised solely of those ARFs/PRSAs/PEPPs that each manage.

28.9 PAYE Exclusion Orders in respect of ARFs, PRSAs and PEPPs

Revenue does not issue PAYE Exclusion Orders in respect of distributions or withdrawals from ARFs, PRSAs and PEPPs (whether actual or imputed). Please refer to Pensions Manual paragraphs 23.15, 24.10 and 31.11 for more information.