

## Declaration of Residence outside Ireland

Policyholders resident outside Ireland are required by the Irish Revenue Commissioners to make the following declaration, which is in a format authorised by them, in order to receive payments without deduction of Irish tax.

- ☐ I have read the explanation of the terms detailed in the note entitled "Residence Definitions" attached;
- ☐ I declare that I am entitled to the life policy benefits in respect of which this declaration is made.
- ☐ I also declare that at the time this declaration is made, I am neither resident nor ordinarily resident in the State.
- ☐ I undertake that if I become resident in the State, I will, by written notice, bring this fact to the attention of the life assurance company.

**Policy Number(s):**

(See Note 3 Below)


**Name and principal place of residence/address of Policyholder :**


**Signature of Policyholder or Authorised Signatory:**

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**Capacity in which declaration is made:**

(See Note 2 Below)

**Date:**

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**Joint Policyholders:**

**Names & Principal places of residence**

**Signatures**


**Notes:**

1. This form may be subject to inspection by the Irish Revenue Commissioners. It is an offence to make a false declaration.
2. This declaration must be signed by policyholders who are entitled to the policy benefits and are neither resident nor ordinarily resident in Ireland, or by personal representatives signing on behalf of deceased persons. Where the policyholder 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 policyholder. A copy of the power of attorney should be furnished with this declaration.
3. Where the policy owner or basis of the plan (single life, dual life, life of another) differs, a separate form must be completed in respect of each policy.

## Residence Definitions

### Residence - Individual

An individual will be regarded as being resident in Ireland for a tax year if s/he:

1. spends 183 days or more in the State in that tax year;
2. has a combined presence of 280 days in the State, taking into account the number of days spent in the State in that tax year together with the number of days spent in the State in the preceding year.

Presence in a tax year by an individual of not more than 30 days in the State will not be reckoned for the purpose of applying the two-year test. Up to 31 December 2008, presence in the State for a day means the personal presence of an individual at the end of the day (midnight). From 1 January 2009, presence in the State for a day means the personal presence of an individual at any time during the day.

### Ordinary Residence - Individual

The term “ordinary residence” as distinct from “residence” relates to a person’s normal pattern of life and denotes residence in a place with some degree of continuity. An individual who has been resident in the State for three consecutive tax years becomes ordinarily resident with effect from the commencement of the fourth tax year.

For example, an individual who is resident in the State for the tax years:

- 6 April 2000 to 5 April 2001,
- 6 April 2001 to 31 December 2001, and
- 1 January 2002 to 31 December 2002, will become ordinarily resident with effect from 1 January 2003.

An individual who has been ordinarily resident in the State ceases to be ordinarily resident at the end of the third consecutive tax year in which s/he is not resident. Thus, an individual who is resident and ordinarily resident in the State in 2004 and departs from the State in that year will remain ordinarily resident up to the end of the tax year in 2007.

### Residence – Company

A company which has its central management and control in Ireland (the State) is resident in the State irrespective of where it is incorporated. A company which does not have its central management and control in Ireland but which is incorporated in the State is resident in the State except where:-

- the company or a related company carries on a trade in the State, and either the company is ultimately controlled by persons resident in EU Member States or countries with which the Republic of Ireland has a double taxation treaty, or the company or a related company are quoted companies on a recognised Stock Exchange in the EU or in a tax treaty country.

or

- the company is regarded as not resident in the State under a double taxation treaty between the Republic of Ireland and another country.

It should be noted that the determination of a company’s residence for tax purposes can be complex in certain cases and declarants are referred to the specific legislative provisions which are contained in section 23A Taxes Consolidation Act, 1997.