

### [42.5.4] Unremittable Gains (S.1005)

**4.1** **Section 1005** provides that, where a gain arises on the disposal of an asset situated outside the State and the person making the disposal is able to show that he/she was unable to transfer some or all of these gains to the State due to

(a) the laws of the country where the gains accrued or

(b) the executive action of its Government,

the Revenue Commissioners may allow postponement of payment of the tax on the gains which cannot be remitted to the State but only for so long as they are satisfied that the restrictions continue to apply. The tax becomes payable when the Commissioners cease to be so satisfied.

**4.2** A taxpayer who is dissatisfied with a decision of the Revenue Commissioners under **Section 1005** has the normal rights of appeal to the Appeal Commissioners and to the courts. The section does not interfere in the matter of making of assessments and, accordingly, an assessment on the gains should be made in the normal way.