

## [47.06.01] Surcharge for late submission of Returns

### Section 1084 TCA 1997

#### 1. Surcharge for late submission of Returns

**1.1** Surcharge is additional to any interest charge for late payment of tax **and** to any penalties for failure to make a timely return. It applies to the full amount of the tax due irrespective of payments on account (pre self-assessment) or payments of preliminary tax (self-assessment).

**1.2** Section 30 Finance Act 1995 amended the Section 48 Finance Act 1986 (now **Section 1084 TCA 1997**) surcharge provisions in the following **two** ways:

- (i) by grading it by reference to the **length of the delay** in filing,
- (ii) by placing an **upper limit** on the amount of the surcharge.

#### 2. Revised surcharge amounts

**2.1** Where a return of income is delivered **less than two months** after the return filing date, the revised surcharge is 5% of the tax liability, subject to a maximum surcharge of €12,695.

Where a return of income is delivered **two months or more than two months** after the return filing date, the revised surcharge applied is 10% of the tax liability subject to a maximum surcharge of €63,485.

#### 2.2 The revised surcharge applies

- (i) for income tax and capital gains tax, as respects 1995/96 and subsequent years, and
- (ii) for corporation tax, as respects accounting periods ending on or after 6 April, 1995.

[Previously, where a customer failed to deliver a timely return of income, the surcharge applied was 10% of the tax liability.]

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