

## Irish CAT Advice Checklist (Tick-Box Precedent)

Client/Matter: \_\_\_\_\_ File Ref: \_\_\_\_\_

Solicitor: \_\_\_\_\_ Date: \_\_\_\_\_

### A. Matter overview

- ☐ Type of benefit: Gift / Inheritance / Trust appointment / Variation / Restructuring / Other: \_\_\_\_\_
- ☐ Disposer(s) identified: \_\_\_\_\_
- ☐ Beneficiary(ies) identified: \_\_\_\_\_
- ☐ Authority to act confirmed & conflicts checked.

### B. Irish CAT charging jurisdiction

- ☐ Disposer resident/ordinarily resident in Ireland? Yes / No
- ☐ Beneficiary resident/ordinarily resident in Ireland? Yes / No
- ☐ Property situated in Ireland? Yes / No
- ☐ Cross-border issues flagged (situs / residence / treaty credit).

### C. Assets & classification

For each asset, complete a schedule and tick:

- ☐ Cash / deposits
- ☐ Quoted shares
- ☐ Unquoted trading company shares
- ☐ Partnership interest / sole trade
- ☐ Land / buildings
- ☐ Development land
- ☐ Life assurance policy
- ☐ Pension / ARF / PRSA benefit
- ☐ Chattels / collectibles / heritage items
- ☐ Foreign assets
- ☐ Debts / liabilities attached
- ☐ Any investment/non-trading elements identified (relief risk).

### D. Key dates

- ☐ Date of gift / inheritance established: \_\_\_\_\_
- ☐ Valuation date established: \_\_\_\_\_
- ☐ Lifetime gift within 2 years of death risk checked.

## **E. Valuation & deductions**

- ☐ Professional valuation obtained where required.
- ☐ Market value basis documented.
- ☐ Bona fide deductible debts/liabilities verified.

## **F. Relationship group, thresholds & aggregation**

- ☐ Relationship at valuation date confirmed.
- ☐ Group: A / B / C
- ☐ Prior taxable benefits since 05-12-1991 obtained & aggregated.
- ☐ Threshold remaining calculated.

Current thresholds (2025): Group A €400,000 | Group B €40,000 | Group C €20,000

CAT rate: 33%

## **G. Exemptions checked**

- ☐ Spouse/civil partner exemption.
- ☐ Small gift exemption (€3,000 p.a. per disponent).
- ☐ Dwelling house exemption (conditions tested).
- ☐ Heritage property exemption (conditions/undertakings tested).
- ☐ Other statutory exemptions considered: \_\_\_\_\_

## **H. Reliefs checked**

Business Relief

- ☐ Property is “relevant business property” (business / partnership interest / unquoted trading shares).
- ☐ Trading status confirmed (not mainly investment).
- ☐ 2-year ownership condition met.
- ☐ If shares: minimum control test met (25% votes/control OR 10% + full-time working).
- ☐ 6-year clawback warned.

Agricultural Relief (if relevant)

- ☐ Property is agricultural property.
- ☐ 80% farmer test satisfied.
- ☐ Active farmer / leasing conditions satisfied.
- ☐ 6-year clawback warned.

## **I. Trusts / DTT (if relevant)**

- ☐ Trust type classified: Bare/Fixed OR Discretionary/Accumulation.
- ☐ CAT timing confirmed (settlement vs appointment).
- ☐ DTT exposure reviewed (6% + 1%) and any exemption/under-21 deferral considered.
- ☐ Trust filings identified: DT1 / IT4 / IT32.

#### **J. Other Irish tax heads cross-checked**

- ☐ CGT on disponent (lifetime gift/disposal).
- ☐ Stamp duty exposure (shares 1%, business assets/goodwill 7.5%, property rates).
- ☐ Income tax/USC/PRSI implications post-transfer.
- ☐ VAT / TOGC considered for business transfers.

#### **K. Filing & payment**

- ☐ IT38 required because benefits >80% of threshold? Yes / No
- ☐ IT38 required because BR/AR claimed (mandatory regardless of 80%)? Yes / No
- ☐ Pay & file deadline diarised from valuation date: \_\_\_\_\_
- ☐ Interest/penalty risk explained.

#### **L. Evidence & advice note**

- ☐ Valuations on file.
- ☐ Aggregation/threshold calculation on file.
- ☐ Relief/exemption evidence on file.
- ☐ Agreements / employment evidence / trustee minutes on file.
- ☐ Written advice note issued with assumptions & clawback warnings.

#### **Outcome summary**

Taxable value: €\_\_\_\_\_

Reliefs/exemptions applied: \_\_\_\_\_

CAT payable (if any): €\_\_\_\_\_

Key risks / follow-ups: \_\_\_\_\_