

Private Client

Contributing editors

Anthony Thompson and Nicole Aubin-Parvu



2016

GETTING THE
DEAL THROUGH 

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Published by
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London, W11 1QQ, UK
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Fax: +44 20 7229 6910

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First published 2012
Fourth edition
ISSN 2051-5472

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Printed and distributed by
Encompass Print Solutions
Tel: 0844 2480 112



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Ireland

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Tax

1 How does an individual become taxable in your jurisdiction?

Liability to taxation in the Republic of Ireland (Ireland) is determined by reference to residence, ordinary residence and domicile. The tax year in Ireland is the calendar year 1 January to 31 December.

Residence

An individual is resident in Ireland if he or she spends:

- (i) 183 days in Ireland in that year; or
- (ii) 280 days in aggregate in that tax year and the preceding tax year.

Notwithstanding (ii) above, if an individual is present in Ireland for 30 days or less in a tax year, he or she will not be treated as resident for that year.

An individual is considered present in Ireland for a day if he or she is present in Ireland at any time during that day.

Ordinary residence

An individual is ordinarily resident in Ireland from the commencement of the fourth tax year if he or she has been resident for each of the preceding three tax years. An individual leaving Ireland will not cease to be ordinarily resident until he or she has been non-Irish resident for three continuous tax years.

Domicile

The concept of domicile is broadly based on the English concept of domicile, though the law of dependent domicile of a wife has been found to have never applied to Ireland. In broad terms, an individual's domicile is where he or she has a home and intends to live permanently and indefinitely. An individual acquires a domicile at birth, being his or her domicile of origin, and this is normally that of the individual's father. This domicile can change if the child, under the age of 18, moves with his or her parents to another country and they acquire a new domicile, whereby the child's domicile is a domicile of dependency. A domicile of origin can also be displaced by a domicile of choice if the individual is over 18 and moves to another country with the intention of residing there permanently and indefinitely.

2 What, if any, taxes apply to an individual's income?

The worldwide income of an individual who is Irish resident, Irish ordinarily resident and Irish domiciled is taxable in Ireland.

The worldwide income of an individual who is not resident but is ordinarily resident in Ireland and is Irish domiciled is also taxable in Ireland, except in the case of income from a trade or profession no part of which is carried on in Ireland, or an office or employment the duties of which are performed outside Ireland.

Where an individual is not Irish domiciled but is resident or ordinarily resident in Ireland, he or she is liable to Irish income tax on only so much of his or her foreign income as is remitted to or deemed remitted to Ireland, unless the income relates to income from the performance of duties of an office or employment carried out in Ireland.

Finally, an Irish domiciliary with substantial ties to Ireland is liable to a domicile levy of €200,000 per annum, however income tax paid in Ireland is credited against this levy. To have 'substantial ties' means that the individual holds Irish property valued in excess of €5 million on 31 December of the tax year, has a worldwide income of more than €1 million, and pays less than €200,000 Irish income tax.

Income tax is chargeable at a standard rate of 20 per cent and a higher rate of 40 per cent. In addition, universal social charge applies to gross income at rates between 1.5 per cent and 8 per cent. There is also pay related social insurance (PRSI) payable by employees (0.5 to 10.75 per cent) and those who are self-employed (4 per cent). There are various credits available before these rates are applied.

3 What, if any, taxes apply to an individual's capital gains?

An individual who is Irish domiciled and resident or ordinarily resident in Ireland for a tax year is chargeable to capital gains tax on chargeable gains made on the disposal of assets worldwide.

An individual who is not Irish domiciled but is resident or ordinarily resident in Ireland for a tax year is chargeable to capital gains tax on chargeable gains made on the disposal of assets outside Ireland only to the extent the chargeable gains are remitted to Ireland.

An individual who is neither resident nor ordinarily resident in Ireland for a tax year (irrespective of his or her domicile) is chargeable to capital gains tax on chargeable gains made on the disposal of:

- land or buildings in Ireland;
- assets of a business carried on in Ireland;
- minerals in Ireland;
- exploration or exploitation rights in the Continental Shelf; and
- unquoted shares deriving the greater part of their value from such assets listed above.

Capital gains tax is payable on chargeable gains at a rate of 33 per cent. There are various reliefs and exemptions from this tax, such as for spouses and civil partners, for principal private residences, for farms being restructured and for owners of businesses on sales or gifts on retirement.

4 What, if any, taxes apply if an individual makes lifetime gifts?

Lifetime gifts outright or into a trust are subject to Irish tax on an acquisitions basis, ie, when the benefit is taken by the individual beneficiary.

With the exception of benefits taken from trusts created before 1 December 1999, Irish gift tax arises on a benefit taken:

- from a disponent who is resident or ordinarily resident in Ireland, at the date of the disposition making the gift, other than in the case of a gift taken from a discretionary trust;
- in the case of a gift taken from a discretionary trust, from a disponent who is resident or ordinarily resident in Ireland, at the date of the disposition or at the date of the gift or (if the gift is taken after the disponent has died) at the date of death of the disponent;
- where the donee (beneficiary) is resident or ordinarily resident in Ireland at the date of the gift; or
- in respect of property situate in Ireland at the date of the gift.

However, an individual is treated for these purposes as not being resident or ordinarily resident in Ireland if that individual is not Irish domiciled and has not been resident in Ireland for five consecutive tax years preceding the year in which the date of the gift falls.

After the application of tax-free thresholds (which depend on the relationship between the disponent and the beneficiary), gift tax (known as capital acquisitions tax) is payable on gifts taken at a rate of 33 per cent. The threshold is calculated after the aggregation of all gifts and inheritances taken by the beneficiary from persons in the same group threshold since 5 December 1991. For instance, generally a child can receive over

his or her lifetime (since 1991) gifts and inheritances to the total value of €225,000 from his or her parents between them, €30,150 from his or her siblings, aunts and uncles and €15,075 from those not falling into the first two thresholds.

Various exemptions and reliefs are available, such as provision for spouses and civil partners, provision for children under 18, or 25 in restricted circumstances, dwelling house relief, business property relief and agricultural property relief. There is also a small gifts exemption of €3,000 per annum available.

There is a further charge to tax, known as discretionary trust tax, in respect of benefits retained in discretionary trusts created by a settlor during his or her lifetime and continuing after the death of the settlor. The definition of a discretionary trust is broadly drafted and includes trusts that accumulate income, *anstalts*, *établissements*, foundations, *stiftungs*, *anlagestiftungs* and *familienstiftungs*. The levies comprise a one-off charge of 6 per cent of the assets under the trust, plus 1 per cent per annum for every 31 December the trust remains discretionary. These levies will arise if there is no child of the settlor within the class of beneficiaries under the age of 21 after the death of the settlor. There are certain exemptions from this tax, such as trusts exclusively made for charities and for persons with disabilities.

On the making of a gift of non-cash assets, capital gains tax could arise if the market value of the assets gifted stand at a gain. In addition, stamp duty may become payable.

5 What, if any, taxes apply to an individual's transfers on death and to his or her estate following death?

Transfers on death direct to a beneficiary or into a trust are subject to Irish tax on an acquisitions basis, ie when the benefit is taken by the individual beneficiary.

With the exception of benefits taken from trusts created before 1 December 1999, Irish inheritance tax arises on a benefit taken:

- from a disposer who is resident or ordinarily resident in Ireland at the date of the disposition under which the successor takes the inheritance;
- in the case where the successor (beneficiary) is resident or ordinarily resident in Ireland at the date of the inheritance; or
- in respect of property situate in Ireland at the date of the inheritance.

Similar to gift tax, an individual is treated for these purposes as not being resident or ordinarily resident in Ireland if that individual is not Irish domiciled and has not been resident in Ireland for five consecutive tax years preceding the year in which the date of the inheritance falls.

The tax-free thresholds, rates and exemptions and reliefs for gift tax mentioned above, also generally apply for inheritance tax.

Discretionary trust tax can also arise in respect of discretionary trusts holding trust funds after the death of the disposer once there is no child of the settlor or testator in the class of beneficiaries under the age of 21, and exemptions are similar to those outlined above for gift tax. These levies also apply to discretionary trusts created on the death of the disposer under the will of the disposer.

On death there is an uplift to market value of the deceased's assets passing through his or her estate.

Capital gains tax and income tax will be payable by the personal representatives of the deceased on any gains realised or income accruing during the administration of the estate, unless application is made to assess these gains and income on the beneficiary of the asset where that beneficiary is Irish tax resident.

6 What, if any, taxes apply to an individual's real property?

Local property tax (LPT) is an annually assessed tax on the market value of all residential properties in Ireland, whether owner-occupied or rented. Property values are organised into valuation bands and the tax liability is calculated by applying the tax rate to the mid-point of the band. The rate of LPT is 0.18 per cent for properties up to a market value of €1 million, and those properties over €1 million in value are assessed at the rate of 0.18 per cent for the first €1 million and 0.25 per cent on the portion of the value above €1 million. This standard rate of LPT can be reduced from year to year by a local authority of the place where the property is situate.

Non-principal private residence tax (NPPR) is a local authority charge of €200 arising annually on non-principal private residences. This charge is in addition to the LPT above.

Stamp duty is payable by the purchaser of real property in Ireland on the instrument of purchase. Residential property is stampable at a rate of 1 per cent for property valued up to €1 million, and 2 per cent for any excess above €1 million. The transfer of non-residential real property (land or buildings) is subject to stamp duty at a flat rate of 2 per cent. Consanguinity relief is available for a limited period to half the rate on certain transfers of non-residential farming land between certain closely-related persons. Leases are also taxable but there are reliefs for farming leases.

Capital gains tax may arise on the disposal of real property if a gain is realised or deemed to have been realised. However principal private residence relief may be available against the gain.

Income tax will arise on rental income arising from an Irish property.

7 What, if any, taxes apply on the import or export, for personal use and enjoyment, of assets other than cash by an individual to your jurisdiction?

Customs, excise and VAT duties may be payable on certain assets imported into Ireland from countries outside the European Union, depending on their intended use (personal or commercial) and the type and value of goods purchased.

There are reliefs for persons transferring their normal residence from outside the European Union to Ireland in respect of certain personal property.

8 What, if any, other taxes may be particularly relevant to an individual?

There is no wealth tax in Ireland, but see domicile levy mentioned in question 2 as a somewhat equivalent tax.

Value-added tax (VAT) is payable on many goods and services at 23 per cent. Reduced rates or exemptions may apply in certain circumstances.

Stamp duty is payable at 2 per cent on transfers of shares in Irish companies and on certain other transfers.

9 What, if any, taxes apply to trusts or other asset-holding vehicles in your jurisdiction, and how are such taxes imposed?

The gift and inheritance taxes relating to trusts are outlined in questions 4 and 5.

Stamp duty may arise on the transfer of assets into a trust, payable by the trustees.

Trustees can be assessed to capital gains tax in respect of disposal of assets held by them in the trust if the trustees are regarded as being resident in Ireland for tax purposes or if the assets consist of certain specified assets held by non-resident trustees. Anti-avoidance legislation applies to deal with offshore gains where a settlor or beneficiary is Irish resident or ordinary resident.

Trustees can be assessed to income tax in respect of income earned by the trust if the trustees are regarded as being resident in Ireland for tax purposes. Anti-avoidance legislation applies to deal with income earned offshore where a settlor or beneficiary is Irish resident or ordinary resident.

10 How are charities taxed in your jurisdiction?

Charities are taxable in the same way as other entities such as companies, trusts or associations, but are then exempt if recognised as a charity and registered as such with the Irish Revenue Commissioners.

Donations to certain eligible charities as defined can be used to relieve the donor from income tax to a limited extent.

Charities can be exempt from income and corporation tax, capital gains tax, deposit interest tax, capital acquisitions tax including discretionary trust levies, stamp duty and dividend withholding tax, depending on the conditions applicable to each tax head and with the general provision that the monies are used for charitable purposes only and subject to specific and general provisions in relation to anti-avoidance. There is no general exemption from VAT for charities but there are specific reliefs from VAT that may apply to a charitable activity. Profits from trading activities are exempt only in limited circumstances.

Non-resident charities based in an EEA or EFTA country can apply to be determined to qualify for exemptions from tax as an eligible non-resident charity. A determination by the Revenue Commissioners will issue after it has considered whether the charity is established for charitable purposes only and, were the body to have income in Ireland, it would qualify for the exemptions available.

Charities can be structured in the form of trusts or companies. The Companies Act 2014, which came into effect on 1 June 2015, introduced widespread reform to company law and many charities are in the process of updating their constitutional documentation to comply with the new forms of companies now in existence.

Trusts and foundations

11 Does your jurisdiction recognise trusts?

Trusts are recognised in Ireland, whether established under Irish law or the law of another jurisdiction. Trust law is based on the Trustee Act 1893 as amended and case law developed by the equity courts of Ireland.

12 Does your jurisdiction recognise private foundations?

A foundation is not a legal entity in its own right under Irish law. A foundation entity established outside Ireland is recognised for Irish gift and inheritance tax purposes as if it is a discretionary trust. It is expected that the fiduciary nature of a foreign foundation would be recognised under equity principles in Irish law. Typically a foundation supposedly created under Irish law is in fact a charitable trust or company with the word 'foundation' in its title.

Same-sex marriages and civil unions

13 Does your jurisdiction have any form of legally recognised same-sex relationship?

Civil partnership is currently a recognised legal relationship in Ireland, affording certain employment, social, taxation and succession reliefs and rights similar to, but not on par with, marriage. Registration of a civil partnership is required. After the referendum to amend the constitution of Ireland to allow same-sex marriage was carried in May 2015, legislation to provide for same-sex marriages is currently being drafted. It is anticipated that there will not be an ability to enter into any further civil partnerships from that point, and that existing civil partners will have the option to 'convert' their partnership to marriage and also have the option to retain the partnership.

14 Does your jurisdiction recognise any form of legal relationship for heterosexual couples other than marriage?

Cohabitants are defined as two same-sex or opposite-sex adults who are not married to each other or in a registered civil partnership and are not related within the prohibited degrees of relationship and who are living together in an intimate and committed relationship. Cohabitants (cohabiting couples) do not possess the same legal rights and obligations as married couples or civil partners. Typically financial dependence must be proven and the relationship must be in place for two years if there is a child of the relationship, or five years otherwise, before certain limited rights are available on the break-up of the relationship or on the death of one of the cohabitants. There are generally no special taxation provisions for cohabitants.

Succession

15 What property constitutes an individual's estate for succession purposes?

The estate of an individual consists of assets moveable and immoveable beneficially owned by the deceased at the time of his or her death, and any assets over which the deceased held a general power of appointment.

Assets in the joint names of the deceased and another should be assessed to consider if the assets are held on resulting trust for the estate of the deceased or whether they pass by survivorship to the surviving joint owner.

16 To what extent do individuals have freedom of disposition over their estate during their lifetime?

There is no community property (marital property) regime in Ireland.

Any asset transferred where the beneficial ownership of the property vests in a person within three years of the death of the person or on his or her death or later can be clawed back into the estate of the disponent on application to court on proof that the transfer was made for the purpose of defeating or substantially diminishing the share of the disponent's spouse, civil partner or child in the context of each of their forced heirship rights on testacy, or their rights on intestacy.

17 To what extent do individuals have freedom of disposition over their estate on death?

Irish law provides that a spouse or civil partner of the deceased has a right to a share of the estate of the deceased, known as a legal right share. The legal right share comprises one half of the estate if the testator or testatrix leaves a spouse or civil partner and no children. If the testator or testatrix leaves a spouse and children, the spouse has the right to one-third of the estate. If the testator or testatrix leaves a civil partner and children, the civil partner has the right to one-third of the estate, subject to a right of claim by a child against this right.

A child of a testator or testatrix has the right to claim against the estate of his or her parent by applying to court seeking proper provision because the testator or testatrix failed in his or her moral duty to make proper provision for the child in accordance with his or her means.

18 If an individual dies in your jurisdiction without leaving valid instructions for the disposition of the estate, to whom does the estate pass and in what shares?

- Where a deceased dies intestate leaving a spouse and no issue, the spouse will take the whole estate;
- where a deceased dies intestate leaving a spouse and issue, the spouse will take two-thirds of the estate and the remainder is distributed between the issue and if all the issue are in equal degree of relationship to the deceased the distribution is in equal shares; if they are not, the distribution is made per stirpes;
- where a deceased dies intestate leaving a civil partner and no issue, the civil partner will take the whole estate;
- where a deceased dies intestate leaving a civil partner and issue, the civil partner will take two-thirds of the estate (subject to any application for provision made in court by a child of the deceased) and the remainder is distributed between the issue, and if all the issue are in equal degree of relationship to the deceased, the distribution is in equal shares; if they are not, the distribution is made per stirpes;
- where a deceased dies intestate leaving no spouse or civil partner, the estate is distributed between the issue, and if all the issue are in equal degree of relationship to the deceased the distribution is in equal shares; if they are not, the distribution is made per stirpes;
- where a deceased dies intestate leaving neither spouse nor civil partner nor issue, his or her estate is distributed between his or her parents in equal shares if both survive the intestate, but, if only one parent survives, that parent takes the whole estate;
- where a deceased dies intestate leaving neither spouse nor civil partner nor issue nor parent, his or her estate is distributed between his or her brothers and sisters in equal shares, and, if any brother or sister does not survive the intestate, the surviving children of the deceased's brother or sister, where any other brother or sister of the deceased survives him or her, takes in equal shares the share that their parent would have taken if he or she had survived the intestate;
- where a deceased dies intestate leaving neither spouse nor civil partner nor issue nor parent nor brother nor sister, his or her estate is distributed in equal shares among the children of his or her brothers and sisters;
- where a deceased dies intestate leaving neither spouse nor civil partner nor issue nor parent nor brother nor sister nor children of any deceased brother or sister, his or her estate is distributed in equal shares among his or her next of kin as defined.

19 In relation to the disposition of an individual's estate, are adopted or illegitimate children treated the same as natural legitimate children and, if not, how may they inherit?

Yes, although under Irish case law the definition of issue does not include adopted persons unless specifically stated under a will.

20 What law governs the distribution of an individual's estate and does this depend on the type of property within it?

The succession of immoveable property located in Ireland is in all cases subject to the laws of Ireland (*lex situs*), irrespective of the owner's nationality, domicile or habitual residence. Moveable assets situate in Ireland are governed by Irish succession law where the deceased dies domiciled in Ireland (*lex domicilii*). Ireland is not a signatory to the EU Regulation on Succession Law (No. 650/2012, 'Brussels IV').

21 What formalities are required for an individual to make a valid will in your jurisdiction?

Wills made by a person who dies domiciled in Ireland must comply with rules as follows:

- a will must be made in writing;
- it must be signed by the testator or testatrix at the foot or end of the will, or by some other person in their presence and at their direction;
- the testator or testatrix's signature must be made or acknowledged by the testator or testatrix in the presence of two or more witnesses present at the same time, and each witness must either attest and sign the will or acknowledge their signature in the presence of the testator or testatrix; and
- the testator or testatrix must have intended by their signature to give effect to the will.

22 Are foreign wills recognised in your jurisdiction and how is this achieved?

Ireland recognises wills made in other jurisdictions in accordance with the Convention on the Conflict of Laws relating to the form of Testamentary Dispositions (the Hague Convention October 1961). A testamentary disposition shall be valid as regards form if its form complies with the internal law:

- of the place where testator or testatrix made it;
- of a nationality possessed by the testator or testatrix either at the time when he or she made the disposition, or at the time of his or her death;
- of a place in which the testator or testatrix had his or her domicile either at the time when he or she made the disposition, or at the time of his or her death;
- of the place in which the testator or testatrix had his or her habitual residence either at the time when he or she made the disposition, or at the time of his or her death; or
- so far as immovables are concerned, of the place where they are situated.

23 Who has the right to administer an estate?

It is necessary to extract an Irish grant of representation to a deceased's Irish estate to release Irish situate assets. An executor appointed under the will of the deceased is the typical personal representative appointed under the grant to administer the estate. Depending on the closeness of survivors to the deceased, a relative will have the right to extract the grant on intestacy.

24 How does title to a deceased's assets pass to the heirs and successors? What are the rules for administration of the estate?

The Irish grant of representation allows the executor to collect in the deceased's assets and to release Irish situate assets to the heirs by deed of assent, or otherwise by appointing the assets. The grant forms part of the title to the property when applicable.

25 Is there a procedure for disappointed heirs and beneficiaries to make a claim against an estate?

Legislation in Ireland provides a right for a spouse or civil partner to elect to take a share of the estate instead of what is provided for under the will of the deceased. Disappointed children of the deceased can make a claim against the estate. These rights are detailed in question 17. Furthermore, the spouse, civil partner or child can bring a claim to seek the return of assets transferred by the deceased prior to his or her death under the claw-back provisions permitted by the Succession Act outlined in question 16.

Capacity and power of attorney**26 What are the rules for holding and managing the property of a minor in your jurisdiction?**

Property for a minor is held by a parent or guardian on his or her behalf. This incapacity ends when the person reaches the age of 18.

27 At what age does an individual attain legal capacity for the purposes of holding and managing property in your jurisdiction?

An individual who has not reached the legal age of 18 years old and who is not or has not been married is a minor. If the child marries then the child is no longer a minor.

28 If someone loses capacity to manage their affairs in your jurisdiction, what is the procedure for managing them on their behalf?

Where a person loses capacity, an application may be made to make the person a ward of court and a committee may be appointed to manage his or her affairs pursuant to the wardship rules of the Irish Superior Courts. Usually this is only practically necessary when Irish situate property owned by the ward is to be sold.

Where the person had, prior to losing capacity, created an enduring power of attorney, it would not be necessary to make the person a ward. There are strict formalities in creating an Irish enduring power of attorney and the format of the power is set out in legislation, whereby a solicitor and a doctor must sign the power, and formal notices must be sent to certain relatives.

The Assisted Decision-Making (Capacity) Bill 2013 is still awaiting enactment. The Bill addresses reform of the Wards of Court system and the law of capacity (changing the law to a functional approach).

Immigration**29 Do foreign nationals require a visa to visit your jurisdiction?**

Ireland is a member of the European Union. Nationals of countries of the EEA and Switzerland do not require a visa to come into Ireland and do not require a work permit to work on an employed or self-employed basis.

Certain non-EEA nationals require a visa prior to entering Ireland and must obtain permission to establish a business in Ireland.

All non-EEA nationals, whether a visa is required or not, are subject to immigration controls upon arrival in Ireland. These controls are applied on an occasional basis on persons arriving from within the Common Travel Area between Ireland and the UK and systematically on persons arriving from outside the Common Travel Area.

Non-EEA nationals seeking permission to enter in order to take up employment will generally require a work permit. Persons who wish to reside in the state for longer than 90 days must register with their local Garda Registration Officer and apply for further permission to remain before their initial leave to enter expires.

30 How long can a foreign national spend in your jurisdiction on a visitors' visa?

Generally speaking, a person can be granted up to 90 days permission to remain as a visitor upon arrival, provided they have sufficient funds to support themselves and they have a valid visa if one is required.

31 Is there a visa programme targeted specifically at high net worth individuals?

There are currently two:

- The Immigrant Investor Programme allows approved non-EEA investors and their immediate family to enter Ireland on multi-entry visas and remain here for up to five years, with the possibility of ongoing renewal. The approval requires an approved investment.
- The Start-up Entrepreneur Programme allows a non-EEA national with an innovative business idea and minimum funding of €50,000 to set up a business in Ireland.

Otherwise, a non-EEA national who intends to come to Ireland in order to establish a business (in a capacity other than as an employed person, for whom an employer would have to obtain a work permit) and who are not eligible for the above programmes, must obtain a business permission. Non-EEA nationals applying for a business permission must, among other things, create employment of at least two EEA nationals or maintain employment in an existing business and show personal investment of €300,000 or more. Usually, a business permission is granted for one year initially.

Update and trends

The current term of the Irish government is due to expire in April 2016 and it is anticipated that an election will be called in advance of that date.

The annual Budget for Ireland will be announced mid October 2015 with the Finance Act 2015 likely to be enacted before 31 December 2015. Many of the changes announced will then take effect from the tax year 1 January 2016.

Ireland exited its IMF/EU programme of financial support totalling €85 billion successfully on 15 December 2013 without the need for a pre-arranged backstop. Ireland made a full return to normal market funding in 2015. GDP is forecast to expand by 3.6 per cent this year. Post programme surveillance is anticipated until at least 2031.

The Irish Revenue Commissioners are undertaking a review of the remittance basis of Irish tax and are currently in consultative discussions with various interested bodies on this.

The Assisted Decision-Making (Capacity) Bill 2013 is still awaiting enactment. The bill addresses reform of the Wards of Court system and

the law of capacity (changing the law to a functional approach).

Legislation is currently drafted on the reform of the Office of the Appeals Commissioners who hear appeals against tax assessments and determinations by Revenue.

Legislation will be enacted to provide for assistance on recovery of taxes under the CoE/OECD Convention on Mutual Administrative Assistance and to enable the EU ratification of the 2005 Hague Choice of Court Convention.

The Fourth EU Anti-Money Laundering Directive is likely to take effect within 2015.

The EU Succession Regulation took effect in respect of deaths on or after 17 August 2015. Ireland opted out of this Regulation but is likely to still benefit from it in relation to an Irish national electing for Irish law to apply to assets in EU member states that have signed up to the Regulation (that is, all other EU member states other than the UK and Denmark who, like Ireland, also opted out of the Regulation) where those member states are likely to accept that election.

32 If so, does this programme entitle individuals to bring their family members with them? Give details.

See question 33 below.

33 Does such a programme give an individual a right to reside permanently or indefinitely in your jurisdiction and, if so, how?

Successful applicants to the Immigrant Investor Programme and the Start-up Entrepreneur Programme and their immediate families will be granted residence permission for two years initially. 'Immediate family' refers to the applicant's spouse, civil partner or partner and dependent children aged under 18. This permission can be renewed for a further three years. After these first five years, the investor or entrepreneur can apply for long-term residence. If required they will be granted multiple entry visas for the same duration.

34 Does such a programme enable an individual to obtain citizenship or nationality in your jurisdiction and, if so, how?

Irish citizenship is available to all persons through naturalisation after five years of reckonable residence in Ireland, in addition to other conditions such as intending in good faith to continue to reside in Ireland after naturalisation. A spouse or civil partner and minor child of a naturalised person is also able to apply for citizenship.

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