AN COIMISIÚN UM ACHOMHAIRC CHÁNACH
TAX APPEALS COMMISSION

155TACD2023

Between

[redacted] **Appellants**

and

REVENUE COMMISSIONERS

Respondent

Determination

Introduction

1. This is a determination given in respect of appeals to the Tax Appeals Commission ("the Commission") brought by [redacted] ("the Appellant company") against an estimation of amounts due of the Revenue Commissioners ("the Respondent") of income tax, pay related social insurance ("PRSI"), universal social charge and local property tax (collectively "PREM"), which it has been held liable to remit to the Respondent for the years 2014, 2015, 2016, 2017 and 2018 ("the relevant years" when referred to collectively). The Estimation issued on 5 November 2019. The amounts assessed as payable to the Respondent are €11,136 for 2014, €28,363 for 2015, €32,611 for 2016, €34,066 for 2017 and €45,279 for 2018 (giving an overall unpaid PREM liability of €151,455).

2. This is also a determination given in respect of appeals brought by Dr [redacted] ("the Appellant"), the owner, director and employee of the Appellant company, against amended assessments to income tax for the relevant years, dated 26 November 2019. The sums assessed as due, which arise from payments made by the Appellant company

to the Appellant, are €12,273 for 2014, €31,199 for 2015, €33,271 for 2016, €35,595 for 2017 and €55,466 for 2018.

Background

3. The Appellant is a consultant doctor who has worked in Ireland since 2006. From this time until July 2014 the Appellant worked as an employee of the Health Service Executive ("the HSE") as a non-consultant doctor based in a variety of hospitals (namely [redacted], [redacted], [redacted], [redacted], [redacted] and [redacted] hospitals).

4. The income of the Appellant for 2011, 2012 and 2013 (the three years preceding the first of the relevant years) was €108,718, €104,592, and €95,810 respectively.[1]

5. The Appellant gave evidence that on or about July 2014 she qualified as a consultant doctor and, shortly thereafter, set up the Appellant company. The Appellant is a director and employee of the Appellant company, as well as its sole shareholder.

6. After qualifying as a consultant the Appellant ceased being an employee of the HSE, instead opting to provide her services to it through her own company, by way of intermediary companies described in evidence as locum service agencies.

7. Throughout the relevant years the Appellant worked as a locum consultant based in several different hospitals. The evidence of the Appellant concerning where exactly she worked and when during this time was vague and often contradictory. Nevertheless, it may be gleaned therefrom that from July 2014 to the end of 2014 she worked as a locum in [redacted] Hospital for approximately two months, [redacted] Hospital for approximately six weeks, [redacted] Hospital again for a brief period and then [redacted] Hospital again. On or about April 2015 the Appellant took up a consultant locum positon in [redacted] Hospital [redacted] where she remained until October 2015. It seems that she then did a further period of unknown duration in [redacted] Hospital. In 2016, the Appellant worked in [redacted] Hospital for the period April – August. The Appellant said that in 2017 she worked as a locum in [redacted] Hospital for a period of about four months in the period July – December. The exact duration of her stay in this hospital at this time is unclear however as she then said that she continued there as a locum from January – end of April 2018, whereupon she moved to [redacted] Hospital, where she worked until August. Having taken time off, the Appellant returned to [redacted] Hospital in 2019, where she worked for a period of about six or seven months in that year.

[1] Transcript pages 88 – 89.

8. The Appellant gave evidence in the course of the hearing that while she may have spent periods lasting several months (and sometimes over half a year) in a particular hospital, her initial engagement was only on a short term basis lasting several weeks. What would then occur would be that the hospital in question, being satisfied with her skill as a consultant [redacted], would enter into a series of further short-term agreements with the Appellant company, renewed on a rolling basis, for the retention of her services. The Appellant said that one consequence of this was that over the relevant years she never felt secure in her employment in any particular hospital.

9. All of the aforementioned work was performed by the Appellant as employee of the Appellant company in receipt of a PAYE salary.

10. On or about early 2018 the Respondent began an audit of the Appellant company's tax affairs, initially focusing on the year 2015 but later extended to cover the remainder of the relevant years. According to the evidence of the officer of the Respondent who conducted the audit, it was commenced as a consequence of the gulf between the turnover of the Appellant company and the remuneration paid by it to the Appellant. The Appellant's remuneration for the relevant years was discernible from the contents of the Appellant company's corporation tax CT1 returns, its P35 returns and the Appellant's Form 11 self-assessment returns filed with the Respondent.

11. The CT1 returns in question disclosed that the total income of the company for the relevant years was €805,459. This total comprised €306,560 for the period September 2014 – 31 December 2015, €91,496 for the year 2016, €136,175 for the year 2017 and €271,228 for the year 2018.

12. The Appellant's company's CT1 returns, nominal accounts and P35 returns for the relevant years disclosed that it paid the following remuneration to the Appellant and its only other employee and director, [redacted] ("the second director"), over the relevant years:-

Year	Appellant	Second Director
2014	€20,000	€14,002
2015	€60,000	€24,000
2016	€85,752	€28,595

2017	€30,585	€22,240
2018	€48,882	€18,513
Total	**€245,219**	**€107,350**

13. The Appellant company's CT1 returns for the relevant years also reveal that it claimed deductions in respect of expenses of €21,289 for 2014, slightly over €56,000 for 2015, €48,205 for 2016, €62,704 for 2017 and €77,923 for 2018.

14. Arising from inquiries, which included an examination of the Appellant company's nominal accounts, its bank account and the personal bank account of the Appellant, the Respondent determined that the income of the Appellant was substantially greater than that declared for the relevant years. According to the Respondent this was so because:-

    (i) certain sums expended the Appellant company on the Appellant's behalf in respect of expenses incurred by her, including travel and subsistence expenses, which were treated as deductions in the relevant years, did not meet the test for deduction prescribed under section 114 of the Taxes Consolidation Act 1997 ("the TCA 1997") and/or were unvouched and should not therefore have been allowed. Instead, such expenditure was properly to be treated as income paid to the Appellant and taxed accordingly;

    (ii) there was no evidence that money withdrawn by the company for the alleged purpose of paying remuneration to the second director had in fact been paid to her. Furthermore, even if it had, there was no evidence that the second director had performed any services as its employee warranting remuneration. The sums withdrawn were properly to be treated as the remuneration of the Appellant who was the sole shareholder of the Appellant company and charged to income tax accordingly;

    (iii) even were the expense claims referred to above to have been allowed, the Appellant company's bank account still showed sums paid to the Appellant in excess of those recorded in its CT1 and P35 returns and the Form 11 self-assessment returns filed by the Appellant; and

(iv) a claim for carer's relief made by the Appellant on her Form 11 return for 2018 in respect of a salary of €75,000 allegedly paid to a [redacted] firm involved in the provision of home care was not supported by any documentation.

15. Arising from its audit inquiries, the Respondent assessed the Appellant company as having paid, and the Appellant as having received, the following remuneration in the relevant years:-

Year	Appellant's remuneration
2014	€107,977
2015	€117,833
2016	€118,574
2017	€109,991
2018	€141,727

16. The Appellant company and the Appellant appealed the notice of estimation and the amended assessments by way of Notice of Appeal received by the Commission on 12 March 2020. Two grounds of appeal were expressed in this document: firstly, that income was correctly attributed to the second director in the Appellant company's returns and was not assessable as the income of the Appellant; and, secondly, that the expenditure claimed as deductible should not, as part of the Respondent's assessments, have been added back on as the Appellant's income and taxed as such.

17. At hearing, the agent for the Appellant also sought to advance a ground to the effect that the amended assessments for 2018 was in error because the Appellant's claim for carer's relief should have been allowed by the Respondent. The introduction of this ground was the subject of objection by the Respondent on the basis that section 949I(6) of the TCA 1997 precludes the advancement of grounds not contained in the relevant Notice of Appeal lodged with the Commission. A ruling on this objection is contained hereunder in this Determination and, unlike the other findings made, is final and conclusive and cannot be appealed to the High Court under the case stated procedure.

The deductions claimed – travel and subsistence

Travel and subsistence

18. The hospitals where the Appellant was based as a locum consultant over the relevant years have been set out already in this determination at paragraph 7**.** The evidence of the Appellant was that, while based at these hospitals, she would be required by the HSE to attend clinics relating to her chosen field, which she referred to as "peripheral clinics", in smaller hospitals located a reasonable distance therefrom.[2] For instance, while based at [redacted] Hospital she would be required as part of her duties to attend clinics involving the performance of check-ups on patients in [redacted] and [redacted] Hospitals. In like fashion, while working in [redacted] Hospital the Appellant also carried out occasional clinical duties in [redacted], County [redacted]. The Appellant accepted in evidence that she, or rather the Appellant company which she controlled, had no distinct contract with these peripheral hospitals and clinics and attendance at them formed part of the conduct her obligations arising from the locum position held at the main hospital which had engaged her through the locum service agency and the Appellant company.

19. The Appellant gave evidence that from 2011 until March 2016 she lived at an address in [redacted], [redacted] Thereafter, upon marrying, the Appellant moved permanently to an address in [redacted] so as to be with her spouse.

20. It would appear from the Appellant's evidence that until about 2015, the address at [redacted] served as the registered office of the Appellant company.

21. The Appellant gave evidence that for the relevant years during which she lived in [redacted] she would reside at the [redacted] address when not working, but would in the normal course stay in hotel accommodation nearby the hospital at which she was based while engaged in her occupation. The cost of this hotel accommodation was met by use of funds withdrawn from the account of the Appellant company.

22. The Appellant gave evidence that at some point she formed the view that it made economic sense for her to stay in rented accommodation nearby the hospital at which she was then based, rather than in more costly hotel accommodation. The Commissioner heard evidence in this respect of her renting a property in [redacted] in 2015 called [redacted]

[2] The Appellant's evidence was also that this work practice occurred in certain hospitals in which she worked while a non-consultant doctor and employee of the HSE.

[redacted].[3] This property then became the registered office of the Appellant company for a time.

23. The Commissioner also heard evidence from the Appellant that for a brief period from July – September 2017 the company rented a room at [redacted], Co [redacted]. Upon the expiry of this tenancy the Appellant company rented an apartment at an address called [redacted], also in [redacted] town, for a period of two years. Again, these addresses functioned at different times as the registered address of the Appellant company.

24. The Appellant gave evidence that, aside from the need for the above properties as accommodation and registered addresses for the Appellant company, they were required as a base from which to administer its affairs. When pressed by counsel for the Respondent about what type of acts of administration required the acquisition of office space by the Appellant company, the Appellant answered in evidence that it was necessary as a place to store receipts and from which to plan the affairs of the company generally, including keeping abreast of upcoming locum opportunities in Ireland, sending email correspondence, arranging company filings and accountancy matters and maintaining her own professional qualifications and indemnity. In answer to further questioning, the Appellant accepted that this was not work that necessarily had to be, or in fact always was, done in the aforementioned properties. It was, for example, work that could and was sometimes done while commuting from [redacted] to the hospital at which she was acting as a locum consultant. The Appellant was asked whether she could provide evidence in documentary form, such as email correspondence, of the type of administrative work carried out. In reply she said that such records existed, but she did not have them to hand at the hearing of the appeal.

The additional deduction expenses

25. The sums assessed in the amended assessments and notice of estimation under appeal also included the refusal of a variety of other expenses aside from those of travel and accommodation. In giving evidence in relation to the methodology used in the raising of the assessment, the officer of the Respondent who conducted the audit said that he first examined everything claimed as a deduction by the Appellant company over the relevant years to see what was vouched and un-vouched. He said that the considerable majority of the items deducted were not vouched by way of receipts, though records improved somewhat from April 2015, when the Appellant company acquired and started using a credit card. Where an expense sought to be treated as a deduction was un-vouched, it

[3] Transcript, pages 78-79: reference was also made to a property called [redacted], which also became the Appelant company's registered address for a time, though the Appellant denied ever residing at this address.

was refused. Where it was vouched, he said that he then proceeded to consider whether it was one that the Appellant was "necessarily obliged" to incur "in the performance" of her duties as employee of the Appellant company.

26. Few of these additional expenses refused by the Respondent were the subject of evidence or argument in the appeal, with almost all attention being given to the matters of travel and accommodation. Those that were however were the Respondent's decision only to allow 50% of the Appellant's phone bill as a deductible expense and its refusal to allow a deduction in respect of a laptop acquired. In respect of the latter claim, it appears that the Respondent refused on the ground that no vouching documentation was provided. In respect of the former, the officer of the Respondent gave evidence that he considered half of her bill to be a reasonable apportionment on the basis that her phone would to some extent have been used for personal calls.

The second director's salary

27. The amounts recorded in the Appellant company's P35 and CT1 returns as having been paid to the second director over the relevant years are as enumerated in paragraph 12 of this determination. The average amount paid over this period to the second director was €21,470 per annum.

28. The second director, who the Appellant said resided in [redacted], her own country of origin, was not called to give evidence. The bank statements of the Appellant company contained no trace of the electronic transfer of funds to an account belonging to the second director. In this regard the Appellant gave evidence that it was not possible, or at least practical, to arrange the electronic transfer of funds to [redacted]. She said that, instead, she would withdraw cash sums from the Appellant company's bank account, which would be delivered directly to the second director by unidentified intermediaries.

29. In relation to the foregoing, there were no withdrawals in the relevant bank statements of the Appellant company containing any indication that they were made for the purpose of remunerating the second director. It was also the case that no evidence of any acknowledgement of sums received was produced at hearing. In this regard, the Appellant stated that her method of communication with the second director was by way of WhatsApp only and she no longer had access to messages to and from the second director concerning her pay, as she had since gone through several new phones.

30. The Appellant gave evidence about the role alleged to have been played by the second director in the conduct of the business. She said, firstly, that the second director was

tasked with looking out for upcoming locum job opportunities. When the second director identified a position of potential interest to the Appellant she would notify her of this.

31. The Appellant also stated that the second director was involved in ensuring that her medical council subscription was maintained and her training certificates kept up to date.

32. Again, the Appellant gave evidence that communication relating to these tasks was invariably carried out by way of WhatsApp. Elaborating on her previous remarks on the decision to use this particular medium in the context of arranging payment for work done, the Appellant said that the reason for using WhatsApp was that it was not practical for the second director to conduct communication by way of email given the poor internet connection prevalent in [redacted]. Communication by phone was, she said, the most practical course. Once again, no evidence of WhatsApp communication of this kind was forthcoming in the appeal.

33. Lastly, the Appellant also gave evidence at some length, though without matching clarity, about the following specific task that she said the second director performed for the Appellant company in the fulfilment of her duties as its employee. In order to get paid by the locum service agency for work done in a given week, it was necessary for the Appellant to furnish it with a timesheet, signed by her and a senior member of staff at the hospital to which she was assigned, indicating the hours that she had worked. The Appellant stated that this was a task that she had difficulty performing without assistance given clinical demands placed on her on a consistent basis. This being so, her evidence was that the second director would fill out time-sheets indicating her hours worked in a given week, photograph it and send her a copy via WhatsApp. Questioned as to how the second director, based in [redacted], would have access to copies of the time-sheets in the format of the relevant locum service agencies, the Appellant stated that she assumed that the second director had access to a printer. Questioned as to how this was consistent with her earlier evidence regarding the lack of internet access in her locality, the Appellant answered that she assumed she carried out her printing in an internet café.

34. The Commissioner was shown two examples of these time-sheets in the course of the hearing, though it was notable that they were ones containing handwriting that the Appellant accepted as being her own. The Commissioner addresses the credibility of the Appellant's evidence on this question and other questions in the section of this determination containing the findings of material fact.

35. Reference was also made in the course of the appeal to documents supposedly constituting time-sheets reflecting the second director's own working hours. These documents each cover a full month and contain columns headed date, start time, finish

time and total hours. They contain no reference to the Appellant company or the second director by name and are unsigned. Their probative value in this appeal is given consideration in the material facts section of this determination.

The claim for carer's relief

36. At the hearing of the appeal the Appellant produced printed copies of four invoices, which she stated in evidence related to home nursing care provided by a third party to her elderly father, who was resident in [redacted]. In this regard the Appellant gave evidence that her father had suffered a stroke in 2017 necessitating the procurement of home care services. The Appellant did not produce any documentary evidence or call any witness to corroborating this evidence in relation to the health of and care given to her father.

37. The aforementioned invoices were in the name of a [redacted] company called [redacted] Contracting & Services Company Ltd, based in the [redacted], and were dated 29 March 2018, 28 June 2018, 27 September 2018 and 27 December 2018 respectively. They contain little information, other than a reference bearing the name "[redacted]", an invoice number and an entry stating "*Home care service for elderly – Quarterly Invoice – 12419.5 Euro".* Nothing on the invoice suggests it was addressed to the Appellant herself. A company stamp at the bottom of the page does not bear the [redacted] name set out at the top of the page, but rather appears to be in the name of an entity called "[redacted] *Contracting and Services Co Ltd".* No representative of the entity in question, or any person involved in the giving of the care to the Appellant's father, gave evidence at the hearing of the appeal. The Appellant did not produce any documentation evidencing her payment of the amount claimed, such as statements from her personal account disclosing the transfer of funds to the provider of the care, or the withdrawal of cash sums recorded as being for this purpose.

Legislation

38. Section 112 of the TCA 1997, relating to the charging of income tax under Schedule E, is entitled "*Basis of assessment, persons chargeable and extent of charge"* and provides:-

> *"Income tax under Schedule E shall be charged for each year of assessment on every person having or exercising an office or employment of profit mentioned in that Schedule, or to whom any annuity, pension or stipend chargeable under that Schedule is payable, in respect of all salaries, fees, wages, perquisites or profits whatever therefrom, and shall be computed on the amount of all such salaries, fees, wages, perquisites or profits whatever therefrom for the year of assessment."*

39. Section 114 of the TCA 1997 is entitled "*General rule as to deductions"* and relates specifically to the deductibility of sums in the nature of expenses incurred by persons earning Schedule E income. It provides:-

> *"Where the holder of an office or employment of profit is necessarily obliged to incur and defray out of the emoluments of the office or employment of profit expenses of travelling in the performance of the duties of that office or employment, or otherwise to expend money wholly, exclusively and necessarily in the performance of those duties, there may be deducted from the emoluments to be assessed the expenses so necessarily incurred and defrayed."*

40. Section 117 of the TCA 1997 is entitled "*Expenses allowances"* and provides at subsection 1 therein that:-

> "*Subject to this Chapter, any sum paid in respect of expenses by a body corporate to any of its directors or to any person employed by it in an employment to which this Chapter applies shall, if not otherwise chargeable to income tax as income of that director or employee, be treated for the purposes of section 112 as a perquisite of the office or employment of that director or employee and included in the emoluments of that office or employment assessable to income tax accordingly; but nothing in this subsection shall prevent a claim for a deduction being made under section 114 in respect of any money expended wholly, exclusively and necessarily in performing the duties of the office or employment."*

41. Section 949I of the TCA 1997, which relates to the making of appeals to the Commission and their acceptance by it, provides:-

> *"(1) Any person who wishes to appeal an appealable matter shall do so by giving notice in writing in that behalf to the Appeal Commissioners.*
>
> *(2) A notice of appeal shall specify–*
>
> […]
>
> *(d) the grounds for the appeal in sufficient detail for the Appeal Commissioners to be able to understand those grounds.*
>
> […]
>
> *(6) A party shall not be entitled to rely, during the proceedings, on any ground of appeal that is not specified in the notice of appeal unless the Appeal Commissioners are satisfied that the ground could not reasonably have been stated in the notice."*

Submissions

Appellant

The deduction claims

42. Though not strictly a matter for legal submission, the Appellant stated at submission stage, firstly, that contrary to the evidence of the officer of the Respondent, she had furnished copies of receipts for 90% of the deductions claimed for the relevant years. She stated that she did not have these receipts furnished to the Respondent with her at hearing, having assumed that they would be part of the appeal documents included by the Respondent.

43. With particular regard to the deductions claimed in relation to travel and accommodation, she submitted, firstly, that the cost of the renting of those properties which functioned as the registered office of the Appellant company should be allowed in circumstances where it was a legal requirement that it have such an office.

44. In any event, the cost of the Appellant's travel from [redacted] and [redacted], where she resided at different periods at issue in this appeal, to the hospital in which she was working, the cost of her accommodation, whether hotel or rented, and the cost of her return journey should be permitted as a deduction. The Respondent's reliance on case-law where deductions of such expenditure by Schedule E employees were refused was misconceived. It was submitted that those case, discussed in more detail below, concerned persons who were employed under "long term contracts" and who thus had a greater degree of security than the Appellant, permitting them to commit to the purchase of property close to their workplace. This was not the type of employment in which she was engaged. Rather, the Appellant company, her employer, would enter into a contract with a locum service agency, whereby she would agree to provide her services to the HSE in a particular location for a matter of weeks. She accepted that almost invariably her services would in fact be extended on a rolling basis so that her actual time spent in each hospital was substantially longer than the brief period specified in the initial contract, in several instances over half a year. Nevertheless, it was submitted that the lack of certainty regarding the duration of each placement constituting the fulfilment of her duties as employee marked her positon out and warranted the allowance of the deduction of the expense of travel and accommodation nearby the relevant hospital to which she was assigned.

The salary of the second director

45. In relation to the salary paid to the second director, the Appellants' agent submitted that the sum accounted as having been paid to her over the relevant years, €107,359, came to only €1,789 per month. This was, in his submission, a modest amount and, as such, should be allowed.

46. It was submitted that the manner of payment had been adequately explained by the Appellant in her evidence at hearing. The use of cash rather than electronic bank transfer was necessary because of the state of technology available in [redacted]. It was accepted that it would have been preferable if the cash allegedly withdrawn for the purpose of the payment of the second director had been recorded as withdrawn for that reason. The fact that it was not was a reflection of a lack of understanding of the necessity of good record keeping on the part of the Appellant at the time the payments were made. It did not mean, however, that the money had not been withdrawn for the purpose claimed and the payments made.

47. The agent for the Appellants sought to rely in submission on unproven bank statements from an account asserted as being that of the second director. The Commissioner understands that were they to have been admitted as evidence it would have been suggested that lodgements visible from these statements were attributable to the second director's remuneration as employee of the Appellant company. It is appropriate to record at this point of the determination that the Commissioner did not consider it possible to allow the introduction of this unproven material at submission stage. While there is a degree of flexibility in relation to evidential rules in the hearing of appeals before the Commission, including in relation to the acceptance of documentary material, it is in the end essential that the Commissioner be satisfied as to the provenance of a document. For reasons that are discussed in the section of this Determination relating to material facts, the Commissioner was not so satisfied.

48. The agent for the Appellants submitted that, in any event, it was implausible that one would take up a directorship and agree to perform the tasks referred to by the Appellant in her evidence, without requiring to be remunerated. This was, it was submitted, a significant flaw in the logic underlying the Respondent's assessments.

49. It was submitted that the account of the arrangements regarding the conduct of her work from her residence in [redacted] was not lacking in credibility. The way she worked was simply a reflection of the reality of the facilities available in the region. Providing the second director with a laptop and WIFI would have been prohibitively expensive, whereas the system whereby she used a combination of WhatsApp and the facilities available at an internet café were more economical.

The carer's relief claim

50. It was submitted on behalf of the Appellants that the evidence provided in support of the claim for this allowance was sufficient. The invoices disclosed payments made in return for "*home care service for the elderly"* in respect of "[redacted]*",* who the Appellant had stated in evidence was her father. The agent for the Appellants submitted that the issue identified by the Respondent regarding the differing names at the head of the invoices and on the stamp was of little import. Such matters were not of great significance in [redacted].

Respondent

The deduction claims

51. Counsel for the Respondent began oral submission by addressing the Appellant's claims for the deduction of expenses. He submitted, first of all, that while section 112 of the TCA 1997 defines what may be charged in respect of a Schedule E employee in broad terms – i.e. "*all salaries, fees, wages, perquisites or profits whatever therefrom*" – section 114 of the TCA 1997 allows for the deduction of certain types of expenses. Counsel emphasised however that in order for something to be deductible, an office holder must be "*necessarily obliged"* to incur the expense in question "*in the performance of the duties of that office or employment".*

52. The category of expense at issue in the appeal which received the bulk of the parties' attention in oral submission was that of travel and accommodation. The Respondent submitted that the Appellant was not necessarily obliged to incur these expenses by his employment and, in so doing, cited the judgment of Arden J of the High Court of England and Wales in *Miners v Atkinson [1997] STC 58.* This case concerned the deductibility of expenses incurred by a computer consultant, employed by a company of which he was one of two directors, along with his wife. This company had entered into a consultancy contract with a financial services business some 80 miles away from its registered office which, bearing some similarity to the instant case, doubled as the home of the computer consultant and his wife. During this time the computer consultant was required to work in the offices of the financial services business with which his company had contracted. A further fact found by the Special Commissioner was that while the computer consultant carried out the administrative work required of him in his capacity as director of his company in his home/the registered office, he did so out of choice and could perform these functions in any location.

53. The question that fell to be decided in *Miners v Atkinson* was whether the travel and accommodation expenses associate with the journey to and from the home/registered office and the location of the contracting entity 80 miles distant was an expense which the computer consultant was "necessarily obliged" to incur in the performance of his duties as employee and director of his own company. In refusing the claim, Arden J held that it was "well established" that, in the normal course, the expense of traveling to and from work was not deductible since the place where one resided was a matter of personal choice and could not therefore be said to have been one which a taxpayer was "necessarily obliged" to incur. In the case of the computer consultant, it was his choice to live where he did, and the fact that the home doubled as a registered office did not matter in circumstances where the nature of his obligations as director were not tied by necessity to that location. Arden J, discussing the reliance of the computer analyst on the case of *Horton v Young,* [1972] CH 157, which concerned the allowance of the deduction of the travel and accommodation expenses of a self-employed bricklayer, stressed that that authority was distinguishable in circumstances that it concerned a deduction sought in relation to Schedule D income. There was, the judge held, a clear difference between the scope of what could be allowed by way of deductions in that context as against Schedule E income. In the former case the relevant legislation, mirroring that applicable in this jurisdiction, did not mandate that a taxpayer be "necessarily" obliged to incur an expense. Moreover, expenses claimed "for the purpose" of a trade or profession were allowable in respect of Schedule D income. Schedule E, by contrast, employed the far stricter test of requiring an expense to be incurred "in the performance" of an employee's duties.

54. Counsel for the Respondent did draw the Commissioner's attention to Arden J's analysis of the case of *Taylor v Provan,* [1974] STC 168, in which expenses of travel and accommodation were allowed. This occurred, however, in circumstances where the taxpayer was classifiable as an "*itinerant commercial traveller"* and therefore had no fixed base from which he worked. In essence, the expenses were not those associated with travel between the home and the workplace, but rather travel constituting the actual performance of the job itself. Counsel for the Respondent pointed to the Appellant's own evidence to the effect that while it was in the nature of the job of a locum to move hospitals more regularly than would a doctor employed directly by the HSE, she was nevertheless working from a fixed base for the period of each locum assignment. Thus, the job was not comparable to that of an itinerant commercial traveller dispatched to new locations each day to perform the function of, for example, a traveling salesperson.

55. Analysing the living arrangements of the Appellant, counsel for the Respondent submitted that over the relevant years she had incurred expenses associated with the cost of travel

and the procurement of accommodation including, at different times, hotel and longer term accommodation, on the grounds that she chose to live some distance from the hospitals to which she was assigned. Until March 2016 this was in [redacted], whereafter she decided to move to [redacted] for reasons personal to her, namely to be in the same location as her spouse. Citing also the judgment of the High Court of England and Wales in *Ricketts v Colquhoun,* [1924] 10 TC 118, which concerned the refusal of the travel and accommodation expenses of a London-based barrister who held the position of Recorder in the city of Portsmouth, counsel submitted that there was nothing requiring her to live at a distance from her places of work. If the cost of travel incurred by those doctors who lived close by the hospital in which they worked was not deductible, the same applied to expenses of the Appellant falling under the same heading. The fact that some of the properties rented in proximity to her workplaces were at various points designated to be the registered address of the Appellant company was, as *Miners v Atkinson* demonstrated, irrelevant. In any event, counsel submitted, there was no convincing evidence proffered in the course of the appeal that the Appellant had any significant duties to perform in the administration of her business and, even if there were, no requirement that they be performed in the various places that she rented, most notably in [redacted] and [redacted]. The Appellant submitted that these expenses should be disallowed.

The salary of the second director

56. Counsel for the Respondent submitted that, in the first place, there was no documentary evidence whatever to support the Appellant's assertion that there were funds withdrawn from the Appellant company, which were used for the purpose of remunerating the second director. Nothing, for example, marked as such appeared in the Appellant company's bank statements and there was no acknowledgment of payment on the part of the second director produced.

57. Secondly in relation to this issue, counsel for the Respondent submitted that even if it were found that funds had been withdrawn and paid to the second director, there was no evidence that she had performed duties in return for it. It was submitted that the tasks which the Appellant claimed were performed by the second director were either not ones that were actually required given the nature of the Appellant's business or were ones that could far more easily have been performed by the Appellant herself. In particular, counsel submitted that the evidence of the Appellant given in connection with the completion of timesheets did not stand up to any scrutiny and lacked credibility.

58. In view of the foregoing, it was submitted that were it to be found that money was paid to the second director, as alleged, then it should properly be treated as the income of the

Appellant under section 112 of the TCA 1997. In this respect, counsel opened the case of *RFC 2012 Plc (in liquidation) (formerly Rangers Football Club Plc) v Advocate General for Scotland [2017] UKSC 45,* which concerned the operation of a method of payment whereby footballers and executives of the former football club agreed that remuneration to which they would be entitled would be paid into a complex trust arrangement and, ultimately, directed to third party family members. In this regard, counsel for the Respondent highlighted the finding of the Supreme Court of the United Kingdom that the charge to tax on employment income earned by an employee extended to remuneration that the employee was entitled to have paid to them, whether actually paid to them or instead to a third party. The relevant tax legislation in Scotland did not require that the employee receive the remuneration; a third party, including a trustee, might receive it, with the employee still being liable to income tax.

The claim for carer's relief

59. Firstly in this context, counsel for the Respondent submitted that the ground sought to be advanced was not included in the Appellants' Notice of Appeal. Section 949I of the TCA 1997 mandates that only grounds so included can be accepted by the Commissioner. It was submitted that the argument of the Appellants should therefore be refused.

60. Secondly, counsel for the Respondent submitted that even were the ground to be accepted it should not succeed. The height of the documentary evidence produced by the Appellant was four invoices from 2018 containing scant information and nothing to indicate that the Appellant was the person to whom they were addressed. Moreover, the documents were contradictory with the name on the company stamp failing to match that of that at the top of the invoice documents. Lastly, no evidence of any actual payments made in respect of the care of the Appellant's father had in fact been produced.

Ruling on the Preliminary Issue of Acceptance

61. Before dealing with the other matters at issue in this appeal, the Commissioner will deal with the question of the acceptance of the Appellant's ground in relation to the claiming of carer's relief. Section 949I of the TCA 1997 is clear in its terms: only grounds that are included in an appellant's Notice of Appeal may be admitted unless it can be demonstrated to an Appeal Commissioner's satisfaction that the appellant was prevented from including that ground when the Notice was lodged.

62. In this instance the Appellant, despite making an unsuccessful claim for the relief in November 2019, did not include her entitlement to it as a ground in her Notice of Appeal, delivered to the Commission in March 2020. No explanation was given at the hearing of

this appeal as to why it could not have been included. Accordingly, the Commissioner must refuse acceptance. This decision is final and conclusive and cannot be appealed.

63. Notwithstanding this decision, the Commissioner feels it appropriate to observe that, having considered the evidence of the Appellant and the documentary material provided at hearing in support of the claim, he considers that it would not in any event have been possible to allow it. The invoices provided by the Appellant to the Commissioner, which again are unproven, are not addressed to her, contain an internal inconsistency in relation to the stamp on the document and the name of the entity in the heading and do not show sums billed in the amount claimed as relief. Furthermore, the Appellant has not provided any evidence that sums were paid by her in the amount claimed or any amount, whether this be evidence in the nature of a bank statement or of some other type. For these reasons the Appellant's claim would have been destined to fail, had it been admitted.

Material Facts

64. The facts material to this appeal which were not in dispute are as follows:-

- the Appellant is a doctor, working in the State since 2006, who specialises in [redacted];
- from 2006 until July 2014 the Appellant practiced as a non-consultant doctor employed by the HSE;
- during her time as a non-consultant doctor, the Appellant worked in [redacted] Hospital, [redacted] Hospital, [redacted] [redacted] and [redacted] hospitals. It was not clear from her evidence exactly how long she worked in each of these hospitals. It was clear, however, that she spent at least one year in each, with two years spent in [redacted] [redacted][4];
- on or about July 2014 the Appellant established the Appellant company;
- the Appellant is a director and employee of the Appellant company and is its sole shareholder;
- the only other employee of the Appellant company is the second director, a person who, during the relevant years, resided in [redacted];

[4] See transcript: 56-26 – 57-23

- the activity of the Appellant company is the provision to the HSE, through locum service agency intermediaries, of the services of the Appellant as a locum consultant in [redacted];
- the Appellant company entered into agreements to provide the services of the Appellant to the following hospitals over the relevant years: [redacted] Hospital, [redacted] Hospital, [redacted] Hospital [redacted] and [redacted] Hospital;
- as noted already in this determination, the Appellant's evidence regarding where and for how long she worked in particular places during the relevant years was far from clear. The Commissioner however considers that it was established in evidence that the Appellant, through the Appellant company of which she was an employee, provided her services as a locum consultant in the aforementioned hospitals for periods ranging from between about a month to seven months. While the initial engagement of the Appellant was for brief periods lasting a number of weeks, it was in each instance extended on a rolling basis;
- in acting as a locum consultant in these hospitals the Appellant was required to perform clinics at smaller hospitals located a reasonable distance therefrom (referred to in evidence as "peripheral clinics");
- from 2011 to March 2016 the Appellant had a home address at [redacted], County [redacted];
- from on or about March 2016 the Appellant had a home address in [redacted], United Kingdom;
- the Appellant moved her home from [redacted] to [redacted] so as to be with her husband, whom she had married on or about 2015;
- on account of the distance between the Appellant's address at [redacted], Co [redacted] and the hospitals at which she worked as a locum consultant, the Appellant stayed at more proximate hotel accommodation during the working week;
- at a certain point the Appellant decided to cease staying in hotel accommodation while working as a locum consultant and instead acquire rented accommodation. At some stage in 2015 the Appellant rented an address in [redacted] called [redacted], which she used for this purpose while working in [redacted] Hospital [redacted]. The Appellant company paid for the expense of this accommodation;

- from on or about July – September 2017 the Appellant company rented a room at [redacted], Co [redacted], at which the Appellant resided during her working week at [redacted] Hospital, where she was at that time based;
- from on or about September 2017 to on or about September 2019 the Appellant company rented a property at [redacted], also in [redacted] town, at which the Appellant resided during her working week;
- all of these aforementioned addresses in [redacted] and [redacted] functioned as the registered office of Appellant company during the period they were rented by it for the use of the Appellant;
- the income of the Appellant for the years 2011, 2012 and 2013, during which time she was employed by the HSE as a non-consultant doctor, was €108,718, €104,592, and €95,810 respectively;
- the Appellant company's nominal accounts, P35 returns and CT1 returns for the relevant years disclose that the income it paid to the Appellant was €20,000 for 2014, €60,000 for 2015, €85,752 for 2016, €30,585 for 2017 and €48,882 for 2018;
- the Appellant company's nominal accounts, P35 returns and CT1 returns for the relevant years disclose that the income it paid to the second director was €14,002 for 2014, €24,000 for 2015, €28,595 for 2016, €22,240 for 2017 and €18,513 for 2018;
- the Appellant company's CT1 returns show that for the relevant years the Appellant claimed deductions in the sums of €21,289 for 2014, slightly over €56,000 for 2015, €48.205 for 2016, €62,704 for 2017 and €77,923 for 2018;
- the Appellant company also sought deductions in respect of expenses which it paid on behalf of the Appellant, other than travel and accommodation. Of these, two, namely the Appellant's phone bill and the cost of a laptop were addressed at hearing. In respect of the former, half of the deduction claimed was allowed as part of the figures assessed in the amended assessments and notice of estimation under appeal. In respect of the latter, the expense was refused on account of the lack of vouching documentation;
- the income of the Appellant company for the relevant years was €805,459 in total, comprising €306,560 for the period September 2014 – 31 December 2015,

€91,496 for the year 2016, €136,175 for the year 2017 and €271,228 for the year 2018;

- on or about 16 April 2018 the Respondent commenced an audit of the Appellant company's tax affairs for the year 2015, the scope of the audit was later extended to include the remainder of the years under appeal, namely 2014, 2016, 2017 and 2018;

- on 23 October 2019 the officer of the Respondent conducting the audit of the Appellant sent correspondence to the Appellant outlining the findings of the audit inquiry. This correspondence informed the Appellant, *inter alia*, that in the officer's view the salaries entered on returns and accounts "had no basis" in fact and that only expenses claimed which met the statutory test for deduction and for which vouching documentation had been furnished would be allowed. The Respondent attached a spreadsheet to this correspondence indicating the expenses claimed which would be allowed and which would be refused;

- on or about November 2019 the Appellant made a claim for carer's allowance in respect of the alleged care provided to her father, who resided in [redacted] in [redacted]. This claim was refused by the Respondent;

- on 5 November 2019 the Respondent issued a Notice of Estimation of Amounts Due in respect of PREM to the Appellant company assessing it as having a total balance unpaid for the relevant years of €151,455.27;

- on 26 November 2019 the Respondent issued Notices of Amended Assessment to income tax to the Appellant in respect of the relevant years. This sums assessed were €12,273 for 2014, €31,199 for 2015, €33,271 for 2016, €35,595 for 2017 and €55,466 for 2018;

65. In relation to the properties specified in this appeal that functioned as both the Appellant's accommodation and the registered office of the Appellant company, the Commissioner finds as a fact material to the determination of this appeal that, while they may have been used as a location within which to store a box or boxes containing receipts, they did not in reality function, to use the phraseology of the court in *Miners v Atkinson,* as "*the base from which the taxpayer worked"*. The Appellant did not in fact produce any evidence of her having conducted administrative work for the Appellant company of the kind claimed. Having considered the evidence given, the Commissioner finds as material fact that, as distinct from the circumstances present in *Miners v Atkinson,* the base from which the

Appellant fulfilled her duties as employee was, at any given time, the hospital to which she was providing her services as a locum consultant.

66. Even if the Commissioner were to be in error in reaching this factual conclusion and the Appellant did conduct some duties relating to the administration of the Appellant company from these properties, the Commissioner further finds that there is no evidence to suggest that such work had to be done from there. On the contrary, when it was put to her by counsel for the Respondent that she could carry out such work while, for instance, on the commute from [redacted] she agreed with this and said that she did in fact do so.

67. The cost of the Appellant's travel and accommodation was not the only type of expense treated as a deduction and refused by the Respondent. At hearing, the question arose as to whether a laptop acquired by the Appellant company was deductible. As in all appeals relating to tax assessments, it is the Appellant who bears the burden of proof. This point was made with clarity by Charleton J at paragraph 22 of his judgment in *Menolly Homes v Revenue Commissioners [2010] IEHC 49)*, where he held:-

> *"The burden of proof in this appeal process is, as in all taxation appeals, on the taxpayer. This is not a plenary civil hearing. It is an enquiry by the Appeal Commissioners as to whether the taxpayer has shown that the relevant tax is not payable."*

68. The Appellant was refused this deduction on the grounds that no vouching information was furnished. While the Appellant asserted at the hearing of the appeal that she possessed vouching information, this was not produced to the Commissioner. It is up to an Appellant to produce such material in an appeal for the purposes of proving their case. In view of this fact, the Commissioner cannot find as a fact that this expense was actually incurred.

69. In relation to the expense of the Appellant's phone bill, the Commissioner finds as a fact material to the determination of this appeal that it is likely that the Appellant used her phone for a mix of personal and professional purposes. The Appellant has produced nothing by way of evidence to suggest that the ratio of personal to professional use arrived at by the officer of the Respondent in the making of the assessments under appeal was in error.

70. The Appellant gave evidence in the appeal that she made cash withdrawals from the Appellant company, which were then used, or used in part, to pay the second director based in [redacted]. The Commissioner considers the Appellant's account on this question to be implausible. No convincing reason was given as to why money had to be transmitted

physically to [redacted] by intermediaries, rather than by way of electronic transfer. If this was the chosen method of payment, one would have thought that the Appellant would have ensured that a record was kept that the cash was being withdrawn for this purpose, but no such record, whether in the Appellant company's bank records or elsewhere, was produced. The Appellant did seek to introduce bank statements for the period spanning 29 December 2014 to 27 May 2019 from an account at "[redacted]Bank", having an address in [redacted] supposedly belonging to the second director. A consideration of these records *de bene esse* show 16 cash lodgements totalling €99,885. Again, there is nothing to indicate the reason for the lodgements and the Commissioner cannot see how they might prove the receipt by the second director of funds from the Appellant company. In any event, however, the Commissioner is not prepared to accept unproven documents constituting hearsay as evidence in the appeal. In view of the foregoing, the Commissioner finds as a fact material to this appeal that on the balance of probabilities the second director was never paid the total sum of €107,350 over the course of the relevant years, comprising €14,002 for 2014, €24,000 for 2015, €28,595 for 2016, €22,240 for 2017 and €18,513 for 2018.

71. Moreover, the finding of fact herein regarding the absence of payments to the second director is bolstered by the nature of the Appellant's evidence relating to the work supposedly done by her, which in the Commissioner's view lacked credibility. The essence of the Appellant's account was that she required the second director to attend to routine administrative matters that she was unable to deal with herself because of clinical pressures. With this in mind, the use of the services of somebody based in [redacted] who, by the Appellant's own account, had little or no access to WiFi and no personal technology other than a smartphone would be, at a minimum, out of the ordinary. This being so, it was incumbent on the Appellant to produce some evidence of the work actually done by the Appellant. None whatever was produced.

72. The Appellant's account in relation to the completion by the second director of timesheets that were then transmitted by WhatsApp to her was implausible. In the Commissioner's view, the arrangement described only served to complicate what would otherwise have been a simple task. Moreover, the only timesheets from locum service agencies actually furnished to the Commissioner contained the Appellant's own handwriting, which fact only cast further doubt on her evidence in this respect. With regard to the timesheets allegedly relating to hours of work done by the second director, which range in date from January 2015 to December 2018, these were also unproven and, even if the Commissioner was minded to admit them, which he was not, were merely copies of printed work documents, containing no trace of the second director's name or signature, which would do little to

corroborate the Appellant's evidence. In view of the foregoing, the Commissioner finds as a fact material to the determination of this appeal that the second director did not perform any role or duties for the Appellant company, going beyond the mere fact that she was listed as one of its directors.

73. The factual question that arises from this is what was the purpose for the withdrawals that the Appellant attributed to the second director? In this regard the Commissioner finds as a fact that on the balance of probabilities it was taken out for her own benefit and use. This factual finding is made because, in the Commissioner's view, the salary recorded as having been paid to the Appellant by the Appellant company, which she controlled, was well below that which could reasonably have been expected by a doctor of the Appellant's expertise and seniority. It is striking in this appeal that the Appellant's remuneration as recorded in the nominal accounts, CT1 returns and P35 returns for each of the relevant years was in fact lower than that which she received in the years 2011 – 2013 when employed directly by the HSE as a non-consultant doctor. Perhaps this trend could be explained if the Appellant company had revenues that were less than could sustain remuneration of the kind assessed by the Respondent in the amended assessments and notice of estimation under appeal. However, as the revenue figures specified at paragraphs 11 and 58 of this determination attest, this was not the case. For this reason the Commissioner finds as a fact that the sums accounted for as having been withdrawn as remuneration for the second director were in fact withdrawn by the Appellant for the purpose of remunerating herself.

Analysis

The expense of travel and accommodation

74. The Commissioner will first address the ground that the notices of amended assessment and the notice of estimation should be reduced on the basis that sums paid by the Appellant company in respect of the Appellant's travel and accommodation while working in various hospitals as locum consultant, should properly be treated as deductible expenses. If they fall to be so treated, then Respondent's decision that these sums were remuneration or a benefit-in-kind chargeable to income tax under section 112 of the TCA 1997 was in error.

75. In this case the Appellant company entered into agreements with the HSE, through locum service agencies, to provide the services of the Appellant to specific hospitals. The length of time that the Appellant spent working as a locum in each hospital varied from about 6

weeks to seven months or so, though the Appellant stressed that her initial engagement was only ever for a matter of weeks and was invariably extended.

76. The finding of fact in this appeal was that the Appellant's base was the hospital to which she was assigned to carry out her work as locum consultant. As was held in *Ricketts v Colquhoun* and *Miners v Atkinson,* the cost of travelling to and from the place of work, including the cost of accommodation, cannot be described in the normal course as an expense which an employee is "*necessarily obliged"* to incur *"in the performance*" of their duties. This is the test prescribed by section 114 of the TCA 1997 for the deduction of an expense in respect of income falling under Schedule E. It stands in contrast to that applicable to Schedule D income under section 81 of the TCA 1997, which does not stipulate that a self-employed taxpayer be "necessarily obliged" to incur an expense and requires only that a sum be laid out "for the purpose" of their relevant trade or profession for it to be deductible.

77. It is true that in *Taylor v Provan,* the House of Lords held that the travel and subsistence expenses of employees constituting *"itinerant commercial travellers"* may be deducted. The logic underlying this is clear. Whereas in the normal course the getting to and from a place of employment is not an act carried out "in the performance" of one's duties, it is in circumstances where it is an inherent part of one's job to travel from place to place [redacted] (for instance in the case of a door-to-door salesperson).

78. By the same token, if an employee working from a particular base is instructed by their employer to journey elsewhere to carry out duties assigned to them, the expense arising therefrom is likewise deductible. It was not disputed by the Respondent in this appeal that if the Appellant company had cause to claim as a deduction expenses arising from the travel to the "peripheral clinics" from the hospital to which the Appellant was contracted, this would have been allowed. No contention [redacted] was made by or on behalf of the Appellant however that this was so and the Commissioner understands it not to be the case.

79. This being so, the Commissioner finds that the costs borne by the Appellant company on behalf of the Appellant relating, firstly, to her travel from home to the hospitals at which she worked as a locum consultant and, secondly, her accommodation in proximity to those hospitals, be it hotel or rented accommodation, cannot be treated as deductible. For them to be capable of being so treated they would have to fall within the parameters of section 114 of the TCA 1997, which they do not. The circumstances of the Appellant's locum activities in this appeal were not comparable to those of the "*itinerant commercial traveller"* discussed in *Taylor v Provan,* the performance of whose duties include the act

of travel from place to place. The evidence was that the period worked at each hospital over the relevant years was, at a minimum, about a month, ranging to seven months. As with many other persons employed to work at these locations, in order to be in a position to perform her duties the Appellant first had to get to work. Doing so was not, though, an act done "in the performance" of that function; it was preparatory to it. In this regard the Appellant's circumstances more closely reflect those of the computer consultant in *Miners v Atkinson,* whose company's contract with the financial services business was renewed at intervals, leading him never to feel as secure in his role as would one of its own employees. There too it was held that travel and accommodation expenses fell outside the parameters of the deduction rule.

80. As held at paragraph 71 herein, the second director was not paid the salary recorded in the nominal accounts, CT1 and P35 returns as has having been paid to her in the relevant years. In view of this finding, the ground advanced in the Notice of Appeal to the effect that the assessments and notice of estimation are in error on the basis that certain withdrawals assessed as constituting the Appellant's remuneration were in fact her salary must fail. The Respondent was, the Commissioner finds, correct to treat them as her own remuneration, chargeable to income tax.

Determination

81. The Commissioner determines that the sums assessed pursuant to the notices of amended assessment of 26 November 2019 and the notice of estimation of amounts due of 5 November 2019 are correct and stand affirmed. This is so for the following reasons:-

    - travel and accommodation expenses incurred by the Appellant, which were met on her behalf by the Appellant company, were expenses which she was not necessarily obliged to incur in the performance of her duties. For this reason they fall outside the scope of the rule governing the deduction of expenses allowed under section 114 of the TCA 1997 and, consequently, the Respondent's decision to assess these sums as remuneration chargeable to income tax, which is reflected in the amounts due pursuant to the notices of amended assessment and notice of estimation under appeal, was correct;

    - additional expenses refused by the Respondent and raised in the hearing of the appeal by the Appellant, namely the expense of a laptop and mobile phone bill, were either not vouched or were used only partially in the performance of the Appellant's duties as employee of the Appellant company;

- the sums accounted for as having been paid to the second director were not in fact paid to the second director. Rather, these sums constituted remuneration paid to the Appellant, which is chargeable to income tax.

82. Lastly, the ground which the Appellant sought to advance at the hearing of the appeal concerning the refusal of the Respondent to allow the Appellant's claim for carer's relief was outside the scope of the grounds as specified in the Notice of Appeal. This being so, and no reason having been given to explain why the ground could not have been included in the Notice of Appeal at the time of its delivery to the Commission, the ground cannot be accepted having regard to the strictures of section 949I (6) of the TCA 1997.

83. The issues in this appeal, other than the question of acceptance, have been determined in accordance with section 949AK of the TCA 1997. This determination contains full findings of fact and law in respect of these issues. Any party dissatisfied with the Commissioner's determination in this regard has the right to appeal to the High Court on a point or points of law only within a period of 42 days from receipt of this determination in accordance with the provisions of the TCA 1997.

Conor O'Higgins
Appeal Commissioner
22 September 2023