



The Revenue Commissioners have recently confirmed to the Society that the guidelines published in the November 1979 Gazette, which are re-published below are still applicable.

Capital Gains Tax

There have been a number of queries to the Conveyancing Committee about the position of a Purchaser where the Vendor argued that a particular property was not liable for Capital Gains Tax by reason of being the Vendor's only or main residence, and declined to furnish a Capital Gains Tax Clearance Certificate.

The legal position is quite clear. The question of whether a particular transaction is or is not liable to Capital Gains Tax is not relevant. A Purchaser is not required to make any enquiries about the Vendor's tax liability nor obliged to consider any information about it that may be given to him. All that is relevant is the amount of the consideration. If it is over £50,000¹ the Solicitor for the Purchaser must insist on a Capital Gains Tax Certificate or make the deduction prescribed by the Act from the amount of purchase money paid by him.

A Solicitor should not offer or accept an undertaking to furnish Capital Gains Tax Clearance Certificates. Solicitors are reminded of the severe sanctions available against them personally if they fail to fulfil the duties imposed upon them by the Statute.

CHAPTER 10

CAPITAL ACQUISITIONS TAX
CAPITAL GAINS TAX
FARM TAX
RESIDENTIAL PROPERTY TAX

CAPITAL

GAINS TAX

*Published in Law Society
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*1. Check with Revenue for
current figure.*