No. 8089

IRELAND
and
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Agreement for the reciprocal relief of double taxation in respect of Irish corporation profits tax and United Kingdom profits tax. Signed at London, on 18 May 1949

Official text: English.

Registered by Ireland on 7 February 1966.

IRLANDE
et
ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD

Convention tendant à éviter la double imposition au titre de l'impôt irlandais sur les bénéfices des sociétés et de l'impôt du Royaume-Uni sur les bénéfices. Signée à Londres, le 18 mai 1949

Texte officiel anglais.

Enregistrée par l'Irlande le 7 février 1966.

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No. 8089. AGREEMENT[1] BETWEEN THE GOVERNMENT OF THE REPUBLIC OF IRELAND AND THE UNITED KINGDOM GOVERNMENT FOR THE RECIPROCAL RELIEF OF DOUBLE TAXATION IN RESPECT OF IRISH CORPORATION PROFITS TAX AND UNITED KINGDOM PROFITS TAX. SIGNED AT LONDON, ON 18 MAY 1949

The Government of the Republic of Ireland and the United Kingdom Government desiring to conclude an Agreement for the reciprocal relief of double taxation in respect of Irish Corporation Profits Tax and United Kingdom Profits Tax, have agreed as follows:

Article I

1.—The taxes which are the subject of the present Agreement are the corporation profits tax in the Republic of Ireland, hereinafter referred to as " Irish tax " and the profits tax in the United Kingdom, hereinafter referred to as " United Kingdom tax. "

2.—The present Agreement shall also apply to any other taxes of a substantially similar character imposed in the Republic of Ireland or the United Kingdom subsequently to the date of signature of the present Agreement.

Article II

1.—In the present Agreement, unless the context otherwise requires:

(*a*) The term " United Kingdom " means Great Britain and Northern Ireland, excluding the Channel Islands and the Isle of Man;

(*b*) The terms " one of the territories " and " the other territory " mean the United Kingdom or the Republic of Ireland, as the context requires;

(*c*) The term " tax " means United Kingdom tax or Irish tax, as the context requires;

(*d*) The term " company " means any body corporate;

(*e*) The term " resident of the United Kingdom " means any company whose business is managed and controlled in the United Kingdom and which is not incorporated in or under the laws of the Republic of Ireland, and the term

[1] Came into force on 28 July 1949, the date on which the last of the measures necessary to give the Agreement the force of law in each country had been taken in Ireland (on 12 July 1949) and in the United Kingdom (on 28 July 1949), in accordance with the provisions of article IX.

" resident of the Republic of Ireland " means any company which is incorporated in or under the laws of the Republic of Ireland and whose business is not managed and controlled in the United Kingdom;

(*f*) The terms " resident of one of the territories " and " resident of the other territory " mean a company which is a resident of the United Kingdom or a company which is a resident of the Republic of Ireland, as the context requires;

(*g*) The terms " United Kingdom enterprise " and " Irish enterprise " mean respectively an industrial or commercial enterprise or undertaking carried on by a resident of the United Kingdom and an industrial or commercial enterprise or undertaking carried on by a resident of the Republic of Ireland, and the terms " enterprise of one of the territories " and " enterprise of the other territory " mean a United Kingdom enterprise or an Irish enterprise, as the context requires;

(*h*) The term " industrial or commercial profits " includes rentals in respect of cinematograph films;

(*i*) The term " permanent establishment " when used with respect to an enterprise of one of the territories, means a branch, management, factory, or other fixed place of business, but does not include an agency, unless the agent has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of such enterprise or has a stock of merchandise from which he regularly fills orders on its behalf. In this connection—

(i) An enterprise of one of the territories shall not be deemed to have a permanent establishment in the other territory merely because it carries on business dealings in that other territory through a *bona fide* broker or general commission agent acting in the ordinary course of his business as such;

(ii) The fact that an enterprise of one of the territories maintains in the other territory a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute that fixed place of business a permanent establishment of the enterprise;

(iii) The fact that a company which is a resident of one of the territories has a subsidiary company which is a resident of the other territory or which carries on a trade or business in that other territory (whether through a permanent establishment or otherwise) shall not of itself constitute that subsidiary company a permanent establishment of its parent company.

2.—In the application of the provisions of this agreement by the United Kingdom or the Republic of Ireland, any term not otherwise defined shall, unless the context otherwise requires, have the meaning which it has under the