

Taxation of Part Time Lecturers/Teachers/Trainers

Part 05-01-11

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1. Revenue Position

Revenue's position is that part-time lecturers/teachers/trainers are generally engaged under a contract of service (employee) as opposed to a contract for service (self-employed). Accordingly, payments made to such individuals should be made net of statutory deductions for income tax, USC and PRSI under the PAYE system.

Relevant case law is summarised in the Appendix.

2. Exceptions for payments to guest lecturers

2.1. Payments up to and including 31 August 2019

Revenue accepts that the above position need not apply in situations where a lecturer/teacher/trainer gives a "once off" lecture. In those situations, lectures will generally only be given once or twice a year for the same body. Such lecture fees must, of course, be returned by the individuals concerned under the self-assessment rules.

It would not be accepted, however, that a lecturer/teacher/trainer who gives a series of "once off" or guest lectures for the same body is outside the scope of PAYE/USC/PRSI.

Any case of doubt can be clarified by contacting the relevant tax office.

2.2. Payments on or after 1 September 2019

PAYE Modernisation involves the most significant reform of the PAYE system since its introduction in 1960 and takes effect from 1 January 2019. PAYE Modernisation integrates PAYE reporting obligations into the employers' payroll process.

With the introduction of PAYE Modernisation, the exception outlined in paragraph 2.1 above will not apply in respect of payments on or after 1 September 2019 to lecturers/teachers/trainers who give "once off" lectures. Such lecture fees should be paid net of statutory deductions for income tax, USC and PRSI under the PAYE system.

Appendix

Irish Cases

- In the Circuit Court, in 1992, it was held that part-time lecturers employed in a school were engaged under a contract of service (employee).
- In the High Court, in 1986, Mr. Justice Murphy held in the case of **Stephen Barcroft v Minister for Health and Social Welfare and James Agnew (Social Welfare Appeals Officer)**, that the teachers engaged by him performed their work under a contract of service and that the employments were insurable.
- A Social Welfare Appeals Officer, in 1996, upheld a Deciding Officer's decision that individuals engaged as part-time lecturers, in a teaching establishment, were insurable under the Social Welfare Acts.

UK Cases

- **Fuge v McClelland** (High Court Chancery Division, 22 June 1956).
This case involved a full-time teacher who also taught adult evening courses. It was held that the night work also came under Schedule E, just as much as the daytime activities.
- **Mitchell & Eden v Ross** (House of Lords, May/July 1961).
In this case, it was held that part-time specialists (hospital consultants) engaged under the Health Act 1946 were assessable under Schedule E.
- **Sidey v Phillips** (Chancery Division 5 December 1986).
In this case, it was held that a non-practising barrister was properly assessable under Schedule E in respect of his part-time lecturing fees.
- **Walls v Sinnett** (Chancery Division).
This case upheld a decision that a professional singer who lectured in music at a technical college for 4 days each week was assessable under Schedule E.