

New Zealand.



AMENDED: See Act, 19 17 No. 9.

AMENDED: See Act, 19 18 No. 2, 4.

REFER TO ACT, 1919

No. 3 Section 1

AMENDED: See Act, 19 20 No. 35.

AMENDED: See Act, 19 21 No. 5, 13, 25.

AMENDED: See Act, 19 22 No. 3, 12.

REPEALED: See Schedule to
Act, 1923 No. 21

BUT NOTE "Saving" in Section 177

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1916, No. 5.

AN ACT to consolidate and amend the Law relating to Land-tax and Income-tax. Title.

[27th July, 1916.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Land and Income Tax Act, 1916. Short Title.
2. In this Act, except where a contrary intention appears,— Interpretation.
“Agent” means any person declared by this Act to be an agent for the purposes of land-tax or of income-tax, as the case may be:

- “Annual taxing Act” means an Act by which the rates of land-tax or income-tax are determined for any year :
- “Assessable income” means income of any kind which is not exempted from income-tax otherwise than by way of a “special exemption” expressly authorized as such by this Act :
- “Business” includes any profession, trade, manufacture, or undertaking carried on for pecuniary profit :
- “Charity” means the relief (otherwise than for private pecuniary profit) of poverty, sickness, blindness, old age, or any other form of physical or mental disability, and “charitable” has a corresponding meaning :
- “Company” means any body corporate, whether incorporated in New Zealand or elsewhere, but does not include a local or public authority :
- “Debentures” includes debenture - stock, and “debenture - holder” includes the owner of debenture-stock :
- “Estate” or “interest” means any estate or interest in land, whether legal or equitable, and whether vested or contingent, in possession, reversion, or remainder, and includes any right to the possession of land or to the receipt of the rents or profits thereof, or to the proceeds of the sale or other disposition thereof, whether immediate or through a trustee or otherwise howsoever, but does not include a mortgage :
- “European” means any person other than a Native, and includes a body corporate :
- “Foreign company” means any company other than one incorporated in New Zealand :
- “Friendly society” means any society registered or incorporated in New Zealand under any Act relating to friendly societies, industrial and provident societies, industrial unions, industrial associations, or trade-unions :
- “Income year” means, in respect of the income of any person, the year in which that income has been derived by him :
- “Incumbrance” means in respect of an estate or interest in land any trust, contract, easement, condition, or contingency affecting the same, and any restriction, howsoever imposed, on the owner’s power of user, alienation, or disposition :
- “Land owned” means an estate or interest owned in land, or deemed to be so owned by virtue of the provisions of this Act :
- “Land-tax” includes both ~~ordinary~~ land-tax and graduated land-tax :
- “Lease” means any disposition whatever by which a leasehold estate is created :
- “Leasehold estate” includes any estate, howsoever created, other than a freehold estate :

- “Local authority” means a borough, county, and other body corporate possessing rating-powers in New Zealand, and any Harbour Board, Hospital and Charitable Aid Board, Education Board, or other incorporated instrument of local government in New Zealand, whether possessing rating-powers or not:
- “Minerals” includes all minerals, metals, coal, oil, kauri-gum, clay, stone, gravel, sand, and precious stones:
- “Mortgage” means any mortgage, charge, or other security, whether legal or equitable, and includes any rent charge or annuity, and for the purposes of this definition all unpaid purchase-money in respect of any estate or interest in land shall be deemed to be charged thereon:
- “Mortgagee” means the owner of a mortgage:
- “Native” means a person who is a Native within the meaning and for the purposes of the Native Land Act, 1909, save that a half-caste, within the meaning of that Act, shall not be deemed to be a Native:
- “Native land” means Native freehold land within the meaning and for the purposes of the Native Land Act, 1909:
- “New Zealand company” means a company incorporated in New Zealand:
- “Non-resident agent” means an agent within the meaning of this Act who, being in New Zealand, has no fixed and permanent place of business or abode there:
- “Non-resident trader” means any person who, being in New Zealand, carries on business there without having any fixed and permanent place of business or abode there:
- “Notice” means a notice in writing given by causing the same to be delivered to any person, or to be left at his usual or last known place of abode or business in New Zealand or elsewhere, or to be sent by post addressed to such usual or last known place of abode or business, or, if there are several such places of business, then to any of them:
- “Owner of land” means a person who is the owner, or is deemed by virtue of this Act to be the owner, of any estate or interest in land, whether separately or jointly or in common with any other person; and “to own land” means to be an owner of land as so defined:
- “Person” includes a company and a local or public authority:
- “Possession” includes any use which is in fact or effect substantially exclusive, whether by virtue of a right of exclusive occupation or not:
- “Prescribed” means prescribed by regulations under this Act:
- “Public authority” means the Public Trustee, the State Advances Superintendent, and every other incorporated Department or instrument of the Executive Government of New Zealand:
- “Shareholder” includes any member of a company, whether the capital of that company is divided into shares or not; and “share” includes any interest in the capital of a company:

“Superannuation fund” means the Public Service Superannuation Fund, the Teachers’ Superannuation Fund, the Government Railways Superannuation Fund, and any superannuation fund established under the Local Authorities Superannuation Act, 1908, and includes any superannuation fund established for the benefit of the employees of any employer and approved for the time being by the Commissioner for the purposes of this Act:

“Tax” means land-tax or income-tax:

“Taxable income” means the residue of assessable income after deducting the amount of all special exemptions to which the taxpayer is entitled:

“Taxpayer” means a person chargeable with land-tax or income-tax, as the case may be, whether on his own account or as the agent or trustee of any other person, and includes the executor or administrator of a deceased taxpayer:

“Trustee” includes an executor and administrator and the Public Trustee:

“Year” means a year commencing on the first day of April and ending on the thirty-first day of March, both of these days being included:

“Year of assessment” means the year for which land-tax or income-tax is payable.

PART I.

ADMINISTRATION.

Power to appoint
Commissioner and
Deputy
Commissioner of
Taxes.

3. For the due administration of this Act there shall from time to time be appointed a fit person to be the Commissioner of Taxes (hereinafter referred to as the Commissioner), and a like person to be the Deputy Commissioner of Taxes (hereinafter referred to as the Deputy Commissioner).

Powers of Deputy
Commissioner.

4. (1.) The Deputy Commissioner shall, under the control of the Commissioner, perform such general official duties as he is called upon to perform under this Act or by the Commissioner.

(2.) On the occurrence from any cause of a vacancy in the office of Commissioner (whether by reason of death, resignation, or otherwise), and in case of the absence from duty of the Commissioner (from whatever cause arising), and so long as such vacancy or absence continues, the Deputy Commissioner shall have and may exercise all the powers, duties, and functions of the Commissioner.

(3.) The fact of the Deputy Commissioner exercising any power, duty, or function as aforesaid shall be conclusive evidence of his authority so to do, and no person shall be concerned to inquire whether the occasion has arisen requiring or authorizing him so to do.

(4.) So far as regards the assessment and recovery of any tax with which the person holding office as Commissioner may be chargeable under this Act, all references in this Act to the Commissioner shall be construed as references to the Deputy Commissioner.

5. There shall be appointed from time to time such assessors, clerks, receivers, and other officers as are necessary for the purpose of carrying out the provisions of this Act.

Power to appoint other officers.

6. (1.) Every person appointed or employed under this Act—

Officers to maintain secrecy.

(a.) Shall maintain and aid in maintaining the secrecy of all matters relating to this Act which come to his knowledge, and shall not communicate any such matters to any person, except for the purpose of carrying into effect this Act, or any other Act imposing taxes or duties payable to the Crown; and also

(b.) Shall, before he begins to perform any official duty under this Act, take and subscribe such oath of fidelity and secrecy as is prescribed, which oath may be administered by the Commissioner or Deputy Commissioner, or by any Justice.

Oath of office.

(2.) Every person who wilfully acts in contravention of the true intent of such oath is liable, on summary conviction before a Magistrate, to imprisonment for any term not exceeding six months, or to a fine not exceeding one hundred pounds.

Penalty for contravening intent of oath.

PART II.

RETURNS AND ASSESSMENTS.

7. For the purposes of the assessment and levy of land-tax every taxpayer shall in each year furnish to the Commissioner a return in the prescribed form setting forth a complete statement of all land in respect whereof he is assessable for land-tax, as owned by him at noon on the thirty-first day of March in the preceding year, together with such other particulars as may be prescribed.

Annual returns by taxpayers for purposes of land-tax.

8. (1.) For the purposes of the assessment and levy of income-tax every taxpayer shall in each year furnish to the Commissioner a return in the prescribed form setting forth a complete statement of all the assessable income derived by him during the preceding year, together with such other particulars as may be prescribed.

Annual returns by taxpayers for purposes of income-tax.

(2.) Where such a return cannot conveniently be made the Commissioner may, in his discretion, accept a return of the income so derived by any person during the year ending on the date of the annual balance of his accounts, and in such case the income derived during that year shall for the purposes of this Act be deemed to have been derived during the year ending on the thirty-first day of March nearest to that date.

9. In addition to the foregoing returns every person, whether a taxpayer or not, shall make to the Commissioner such annual returns as may be prescribed for the purposes of this Act.

Other annual returns.

10. (1.) The above-mentioned returns shall be made in each year before a date or dates of which the Commissioner gives public notice.

Dates by which returns to be furnished.

(2.) Such notice shall be given by publishing the same in the *Gazette* and in such other manner (if any) as the Commissioner may think necessary and sufficient.

11. In addition to the returns above mentioned every person, whether a taxpayer or not, shall, as and when required by the Commissioner, make such further or other returns as the Commissioner requires for the purposes of this Act.

Commissioner may require other returns to be made for purposes of Act.

Returns deemed to have been made with authority unless contrary is proved.

Commissioner to make assessments.

Assessment in cases where default made in furnishing proper returns.

Amendment of assessments.

Limitation of time allowed for amendment of assessment.

Validity of assessments not affected by failure to comply with Act.

Assessments to be conclusively deemed to be correct.

Evidence of returns and assessments.

12. A return purporting to be made by or on behalf of any person shall for all purposes be deemed to have been made by that person or by his authority, as the case may be, unless the contrary is proved.

13. (1.) From the returns made as aforesaid and from any other information in his possession the Commissioner shall in and for every year, and from time to time and at any time thereafter as may be necessary, make assessments in respect of every taxpayer, setting forth the amount upon which tax is payable and the amount of the tax.

(2.) Every such assessment shall be made in the form and manner prescribed by regulations, and in default of such regulations or so far as they do not extend, then as the Commissioner thinks fit, and shall be signed by him.

14. If any person makes default in furnishing any return, or if the Commissioner is not satisfied with the return made by any person, or if the Commissioner has reason to suppose that any person, although he has not made a return, is a taxpayer, he may make an assessment of the amount on which in his judgment tax ought to be levied and of the amount of that tax, and such person shall be liable to pay the tax so assessed, save in so far as he establishes on objection that the assessment is excessive or that he is not chargeable with tax.

15. (1.) The Commissioner may from time to time and at any time make all such alterations in or additions to an assessment as he thinks necessary in order to ensure the correctness thereof, notwithstanding that tax already assessed may have been paid.

(2.) If any such alteration or addition has the effect of imposing any fresh liability or increasing any existing liability, notice thereof shall be given by the Commissioner to the taxpayer affected, who shall, unless the alteration or addition was made with his consent, be entitled to object thereto in accordance with the provisions as to objections hereinafter contained.

16. When any person has made returns and has been assessed for land-tax or income-tax for any year, it shall not be lawful for the Commissioner to alter the assessment so as to increase the amount thereof after the expiration of four years from the end of the year in which the assessment was made.

17. The validity of an assessment shall not be affected by reason that any of the provisions of this Act have not been complied with.

18. Except in proceedings on objection to an assessment in accordance with the provisions hereinafter contained, no assessment made by the Commissioner shall be disputed in any Court or in any proceedings either on the ground that the person so assessed is not a taxpayer or on any other ground; and, except as aforesaid, every such assessment and all the particulars thereof shall be conclusively deemed and taken to be correct, and the liability of the person so assessed shall be determined accordingly.

19. The production of any document under the hand of the Commissioner or Deputy Commissioner purporting to be a copy of or extract from any return or assessment shall in all Courts and in all proceedings be sufficient evidence of the original, and the production of the original shall not be necessary, and all Courts shall in all proceedings take judicial notice of the signature of the Commissioner or Deputy Commissioner either to the original or to any such copy or extract.

20. (1.) As soon as conveniently may be after an assessment is made the Commissioner shall cause notice of the assessment to be given to the taxpayer.

Notice of assessment to be given to taxpayer.

(2.) The omission to give any such notice shall not invalidate the assessment or in any manner affect the operation thereof.

21. (1.) The executor or administrator of a deceased taxpayer shall in respect of all income derived or land owned by that taxpayer in his lifetime make the same returns as the taxpayer ought to have made or would have been bound to make if he had remained alive; and the Commissioner may from time to time require the executor or administrator to make such further returns relative to that land or income as the Commissioner thinks necessary, and may assess the executor or administrator for land-tax or income-tax on that land or income in the same manner in which the taxpayer might have been assessed had he remained alive.

Returns by executors or administrators.

(2.) The tax so assessed shall be deemed to be a liability incurred by the deceased taxpayer in his lifetime, and the executor or administrator of the taxpayer shall be liable for the same accordingly.

PART III.

OBJECTIONS TO ASSESSMENTS.

22. (1.) Any person who has been assessed for land-tax or income-tax may object to that assessment by delivering or posting to the Commissioner a written notice of objection stating shortly the grounds of his objection, within such time as may be specified in that behalf in the notice of assessment, not being less than fourteen days after the date on which that notice of assessment is given.

Objections to assessments, how originated.

(2.) No notice of objection given after the time so specified shall be of any force or effect unless the Commissioner in his discretion accepts the same and gives notice to the objector accordingly.

23. The Commissioner shall consider all such objections, and may alter the assessment pursuant thereto; but an objection which is not allowed by the Commissioner shall, if the objector so desires, be heard and determined in a Magistrate's Court, before a Stipendiary Magistrate alone; and the Court shall for the purpose of hearing and determining the objection, whatever the amount involved, have all the powers vested in it in its ordinary civil jurisdiction as if in an action between the objecting taxpayer and the Commissioner.

Commissioner may amend assessment on objection. Objection may, on application of objector, be submitted to Stipendiary Magistrate.

24. (1.) The procedure for the institution, hearing, and determination of such proceedings in the Magistrate's Court shall be in accordance with regulations to be made under this Act, and, subject to such regulations or so far as they do not extend, shall be in accordance with the ordinary practice of that Court.

Hearing of objections by Magistrate.

(2.) No objection to an assessment of income-tax shall be heard by a Magistrate in open Court.

25. On the hearing and determination of all objections to assessments of land-tax or income-tax the burden of proof shall be on the objector, and the Court may receive such evidence as it thinks fit, whether receivable in accordance with law in other proceedings or not.

Burden of proof on objector.

- Costs. 26. In such proceedings the Magistrate's Court may award such costs as it deems just either against the Commissioner or against the objector.
- Court may confirm, cancel, or alter assessment. 27. On the determination of any such objection the Magistrate's Court may either confirm or cancel the assessment, or increase or reduce the amount thereof, and the assessment shall be altered by the Commissioner, if necessary, so as to conform to that determination.
- Appeals to Supreme Court on questions of law or of fact. 28. The determination of the Magistrate's Court on any such objection shall be subject to appeal to the Supreme Court on any question of law, but shall be final and conclusive as to any question of fact unless the Magistrate is satisfied that the amount of tax *bona fide* in dispute between the objector and the Commissioner exceeds two hundred pounds, in which case the Commissioner or the objector may appeal to the Supreme Court on any question of fact.
- Notice of appeal to Supreme Court. 29. In case of such appeal the appellant shall, within thirty days after the determination appealed from, file in the Magistrate's Court a notice of appeal, and (except when he is the Commissioner) give security for the costs of the appeal to such amount and in such form as are approved by a Magistrate.
- Magistrate to state case on appeal. 30. (1.) The Magistrate whose determination is appealed from shall thereupon state and sign a case setting forth the facts and the questions of law arising for the determination of the Supreme Court, and shall deliver the case so signed by him to the appellant.
(2.) If and so far as any such appeal relates to a question of fact, the case so stated by the Magistrate shall set forth the evidence taken before the Magistrate's Court, instead of the facts as found by that Court.
- Case to be transmitted by appellant to Registrar of Supreme Court, and set down for hearing. 31. The appellant shall, within fourteen days after receiving the case, transmit the same to a Registrar of the Supreme Court in the judicial district in which the objection was heard in the Magistrate's Court, and the Registrar shall thereupon enter the appeal for hearing at the first practicable sitting of the Court.
- Amendment of case stated. 32. (1.) On the hearing of the appeal the Supreme Court may, if it thinks fit, cause the case so stated to be sent back to the Magistrate for amendment, and thereupon the case shall be amended accordingly, and the Court shall thereupon proceed to hear and determine the questions so submitted.
(2.) If and so far as the appeal relates to questions of fact, the Supreme Court may, as it thinks fit, either determine the same on the case as so stated, or take additional evidence (either orally or on affidavit), or rehear the whole case.
- Appeal to Court of Appeal on point of law. 33. Except on a question of fact the decision of the Supreme Court on any such appeal shall be subject to appeal to the Court of Appeal, and any case so stated for the decision of the Supreme Court on a question of law only may be removed into the Court of Appeal.
- Costs on appeal. 34. (1.) The Supreme Court or Court of Appeal may award such costs to or against the Commissioner as it thinks just.
(2.) The Commissioner shall not be required to give security in any such proceedings before the Supreme Court or Court of Appeal.
(3.) All costs awarded against the Commissioner by the Magistrate's Court, Supreme Court, or Court of Appeal shall be payable out of moneys appropriated by Parliament, and not otherwise.

35. (1.) Notwithstanding anything hereinbefore contained, any objection made in the manner and within the time aforesaid to an assessment of land-tax or income-tax, if and so far as it relates to any question of law only, may, at the option of the objector, be referred directly to the Supreme Court by way of case stated in accordance with the following provisions.

Objection, in so far as it relates to question of law only, may be referred in first instance to Supreme Court.

(2.) The objector (hereinafter called the appellant) may deliver to the Commissioner together with the notice of objection, or at any time within two months after the receipt thereof by the Commissioner, a notice in writing requiring him to state a case for the opinion of the Supreme Court.

(3.) The Commissioner shall thereupon state and sign a case accordingly, setting forth the facts, the questions of law to be decided, and the assessment made by him, and shall deliver the case so signed to the appellant.

(4.) The appellant shall, within fourteen days after receiving the case, transmit the same to the Registrar of the Supreme Court in such judicial district as the appellant thinks fit, and the Registrar shall thereupon enter the case for hearing at the first practicable sitting of the Court.

(5.) The provisions of sections thirty-two to thirty-four of this Act shall extend and apply to any such case stated by the Commissioner, in the same manner, with all necessary modifications, as to a case stated by a Magistrate.

(6.) On the determination of any such case stated the Supreme Court may either confirm or cancel the assessment, or increase or reduce the amount thereof, and the assessment shall be altered by the Commissioner, if necessary, so as to conform to that determination.

36. The obligation to pay and the right to receive and recover any tax shall not be suspended by any objection, appeal, or case stated; but if the objector succeeds the amount (if any) of the tax received by the Commissioner in excess of the amount which, according to the decision on the hearing of the objection, appeal, or case stated, was properly payable shall forthwith be repaid to him by the Commissioner.

Obligation to pay tax as assessed by Commissioner not suspended by objection or appeal. Refund of tax in certain cases.

37. The determination of an objection under any of the foregoing provisions shall relate solely to the land or income which is the subject of the assessment objected to, and shall not affect the right of the Commissioner to assess any other land or income of the objector, or to amend the assessment objected to in any manner rendered necessary by the assessment of such other land or income.

Determination of objection not to affect other land or income not included in assessment.

38. The foregoing provisions as to objections shall have no application to an objection relating to any matter which by this Act is left to the discretion, judgment, or determination of the Commissioner, or (save so far as hereinafter expressly provided) to an objection to any valuation of land made by the Valuer-General under the Valuation of Land Act, 1908, or this Act.

Extent of application of provisions as to objections.

PART IV.

VALUATION OF LAND.

39. Land-tax shall be assessed on the unimproved value of the land owned by the taxpayer as determined in accordance with the provisions of this Part of this Act.

Assessment of land-tax.

"Unimproved value" and "improvements" defined.

REFER TO ACT, 1917
No. 9 Section 3(2)

Unimproved value, as shown on district valuation roll, to be adopted for purposes of this Act.

Value of minerals, timber, or flax to be excepted from unimproved value.

Where unimproved value shown on subsidiary valuation roll, such value to be adopted.

In certain cases unimproved value, as shown on valuation or subsidiary roll, may be apportioned.

40. (1.) The unimproved value of any land so owned means the sum which the owner's estate or interest therein, if free from any mortgage or incumbrance, might be expected to realize if offered for sale on such reasonable terms and conditions as a *bona fide* seller might be expected to impose and if no improvements had been made on the land.

(2.) "Improvements" has the same meaning as in the Valuation of Land Act, 1908.

41. Subject to the following provisions of this Part of this Act, if the unimproved value of any land appears on the district valuation roll in force under the Valuation of Land Act, 1908, on the thirty-first day of March in the year preceding the year of assessment, whether in the name of the taxpayer or of any predecessor in title, trustee, or other person, the unimproved value so appearing on that roll shall be deemed and be taken to be the unimproved value of that land on that day for the purposes of this Act.

42. (1.) Notwithstanding anything hereinbefore contained, the unimproved value of land shall not for the purposes of this Act include the value of any minerals, timber, or flax (other than the roots of flax-plants).

(2.) The Valuer-General shall, in all cases in which the value of any minerals, timber, or flax (other than roots as aforesaid) is included in the unimproved value as shown on the district valuation roll, show separately on that roll the value so included, and in such cases the remaining value only shall for the purposes of this Act be deemed to be the unimproved value as shown on the said roll.

43. Notwithstanding anything hereinbefore contained, if the unimproved value of any land appears on the subsidiary roll in force under the Land for Settlements Act, 1908, on the thirty-first day of March in the year preceding the year of assessment, whether in the name of the taxpayer or of any predecessor in title, trustee, or other person, the unimproved value so appearing on that roll shall be deemed and taken to be the unimproved value of that land on that day for the purposes of this Act in lieu of the value appearing on the district valuation roll.

44. (1.) If the valuation appearing on the district valuation roll or the subsidiary roll relates to an area of land a part only of which is assessable for the purposes of land-tax, or different parts of which are assessable at different rates or require for any reason to be separately valued for the purposes of this Act, the unimproved value as appearing on that roll shall for the purposes of this Act be apportioned in such manner as may be just and reasonable between the several parts of that area, and the value so attributed to each part shall be deemed to be the unimproved value thereof for the purposes of this Act.

(2.) Such apportionment shall be made as follows:—

(a.) The Commissioner, if satisfied that the value of any such part as stated in the return made by the taxpayer represents a just and reasonable apportionment, may accept that value and make the assessment accordingly.

(b.) The Commissioner may agree with the taxpayer as to the apportionment to be made, and may make the assessment accordingly.

(c.) In default of any such acceptance or agreement, the apportionment shall be made by the Valuer-General on the requisition of the Commissioner, and the assessment shall be made in accordance with that apportionment.

45. (1.) If, in the case of any estate or interest in land, no valuation thereof appears either on the district valuation roll or on the subsidiary roll in force on the thirty-first day of March in the year preceding the year of assessment, or if the valuation thereof on the district valuation roll is made otherwise than in accordance with the provisions of this Act for the valuation of land for the purposes of land-tax, the Valuer-General shall, on the requisition of the Commissioner and for the purposes of this Act, cause a special valuation of the unimproved value of that estate or interest to be made in accordance with the provisions of this Act as at the thirty-first day of March in the year preceding the year of assessment, and the unimproved value of that estate or interest on that day shall for the purposes of this Act be determined in accordance with the valuation so made.

On request of Commissioner, Valuer-General to cause special valuation to be made in certain cases.

(2.) Any taxpayer who is assessed for land-tax on any such special valuation shall be entitled to dispute that valuation by way of objection to the assessment, and all the provisions of this Act as to objections to assessments shall apply accordingly, save that the decision of the Magistrate on any question of fact shall be final and conclusive.

(3.) Save as aforesaid, the provisions of this Act as to objections to assessments shall have no application to an objection to any valuation or apportionment by the Valuer-General in accordance with the Valuation of Land Act, 1908, or this Act.

46. (1.) Notwithstanding anything contained in this Part of this Act, if any taxpayer, in any return made by him for the purposes of land-tax, estimates, for the purposes of this section, any land owned by him as of an unimproved value in excess of the unimproved value computed in accordance with this Act and appearing in the district valuation roll in force on the thirty-first day of March preceding the year of assessment, and in excess of the unimproved value (if any) appearing on the subsidiary roll in force on that day, the value so stated in the return shall be deemed to be the unimproved value of the land on the thirty-first day of March preceding the year of assessment, and land-tax shall be assessed accordingly.

Taxpayer's own valuation of unimproved value may be accepted in certain cases.

(2.) For the purpose of the compulsory taking of land under the Land for Settlements Act, 1908, any such return shall for a period of twelve months after the date thereof have the same effect as if the unimproved value so stated therein appeared in the subsidiary roll for the time being in force.

47. Whenever for the purposes of this Act it is necessary to determine the unimproved value of land at any date other than the thirty-first day of March preceding the year of assessment, such value shall be determined in accordance with the provisions of this Part of this Act, save that all references to the thirty-first day of March preceding the year of assessment shall be read as references to the date as at which such value is to be determined.

Mode of determining unimproved value of land as at date other than 31st March of any year.

Repealed: See Act, 1917
No. 9 Section 41 (1)

PART V.

ORDINARY LAND-TAX.

Ordinary land-tax.

48. (1.) Subject to the provisions of this Act, there shall be levied and paid for the use of His Majesty in and for the year commencing on the first day of April, nineteen hundred and sixteen, and in and for each year thereafter, a tax herein referred to as ordinary land-tax.

(2.) Such tax shall be payable by every person on all land of which he was the owner at noon on the thirty-first day of March preceding the year in and for which the tax is payable (herein referred to as the year of assessment).

(3.) Such tax shall be assessed, levied, and paid at such rate or rates as may be fixed from time to time by any Act to be passed for that purpose (herein referred to as the annual taxing Act).

On what to be levied.

49. (1.) Subject to the provisions of this Act, ordinary land-tax shall in the case of each owner be levied at the rate or rates aforesaid on the total unimproved value of all land so owned by him, after deducting from that total the capital value of all mortgages owing by him on that land at noon on the thirty-first day of March preceding the year of assessment, and after making by way of special exemption from the value remaining the deductions following, that is to say,—

Exemptions.

(a.) When that remaining value does not exceed one thousand five hundred pounds, a deduction of five hundred pounds; or

(b.) When that remaining value exceeds one thousand five hundred pounds, a deduction of five hundred pounds, diminished at the rate of one pound for every two pounds of that excess, so as to leave no deduction when that remaining value amounts to or exceeds two thousand five hundred pounds.

Interpretation.

(2.) In this section "mortgage" means any mortgage or charge upon land, howsoever created, if registered under any Act relating to the registration of deeds or instruments affecting title to land, and includes all unpaid purchase-money in respect of land purchased and any annuity or rent charge charged upon land or secured by will and payable out of the rents and profits of land although no registered charge exists in respect thereof; but except as aforesaid does not include any mortgage or charge not so registered.

(3.) For the purposes of this section the capital value of a mortgage means the full amount of the principal sum owing thereunder at noon on the thirty-first day of March preceding the year of assessment, and in the case of a rent charge or annuity the capital value thereof means the full amount of the present value of that rent charge or annuity on that day capitalized at five per centum per annum.

Special exemption
in special cases of
hardship.

50. In lieu of the special exemption provided for in the last preceding section, in any case where the Commissioner is satisfied that the total income of the owner from all sources, whether in New Zealand or elsewhere, during the year preceding the year of assessment did not exceed two hundred pounds, and that by reason of age, ill health, or other disability he was incapacitated from earning any further income, and that payment of the ordinary land-tax in full would cause hardship, the Commissioner may allow by way of special exemption a deduction not exceeding two thousand pounds.

51. In lieu of the special exemptions hereinbefore provided for, the Commissioner may in his discretion, where he is satisfied that a taxpayer is a widow having a child or children wholly or partly dependent on her for support, and that payment of the ordinary land-tax in full would cause hardship, allow by way of special exemption a deduction not exceeding three thousand five hundred pounds.

Special exemption where taxpayer is widow with dependent children.

52. (1.) When persons own land jointly or in common they shall be assessed jointly for ordinary land-tax, and shall be jointly and severally liable for the total tax so assessed and payable.

Mode of assessment where land owned jointly or in common.

(2.) Such tax shall be assessed and levied separately from any other tax chargeable on the same persons or any of them.

(3.) One special exemption only shall be allowed to such owners in respect of all land so owned by them jointly or in common.

(4.) No such owner shall be entitled to a greater special exemption in the aggregate than he would be entitled to if he were separately assessed on the aggregate value of his share or shares in all land so owned by him jointly or in common with other persons and of all other land in respect of which he is assessable, and in any such case the Commissioner shall, if and so far as necessary, reduce the exemptions otherwise allowable.

(5.) For the purposes of the last preceding subsection but not otherwise, any special exemption allowed in respect of a joint assessment shall be apportioned between the owners in proportion to the interest of each of them in the land in respect of which the exemption is so allowed.

53. (1.) When land is owned by any person as a trustee, the trustee shall for the purposes of ordinary land-tax be deemed to be the owner of the land to the exclusion of the beneficiaries, and shall be assessed and liable for such tax accordingly, save that for the purpose of any special exemption to be allowed either to the trustee or to the beneficial owner the land shall be deemed to be owned by the beneficial owner, and the exemption shall be allowed or apportioned by the Commissioner accordingly in such manner as he deems just and reasonable.

Mode of assessment where land held in trust.

(2.) The assessment and liability of a trustee shall be separate and distinct from his assessment and liability in respect of any other land held by him on different trusts or held by him in his own right.

(3.) When land is held by His Majesty in trust, the beneficiaries under that trust shall make returns and be assessable and liable for ordinary land-tax as if their interests were legal.

54. For the purposes of ordinary land-tax every agreement for the purchase or subpurchase of any estate or interest in land, whether made before or after the passing of this Act, shall, while it remains in force, have the same operation as if it had been carried into effect by a conveyance or transfer of that estate or interest; and the purchaser or subpurchaser, or any person claiming through or under him, shall be deemed to be the owner of that estate or interest, and shall be liable to ordinary land-tax thereon accordingly.

Person holding land under agreement of purchase or subpurchase to be liable for ordinary land-tax in respect thereof.

55. For the purposes of ordinary land-tax the owner of any life estate or of any other freehold estate less than the fee-simple shall be deemed to be the owner of the fee-simple to the exclusion of any person entitled in reversion or remainder, and land-tax shall be assessed and payable accordingly.

Owners of estates in land less than fee-simple to be liable for land-tax in respect thereof.

Notice to be given to Commissioner of change of ownership of land.

56. (1.) For the purposes of ordinary land-tax every person who is the owner of land at noon on the thirty-first day of March in any year shall be deemed (though not to the exclusion of any other person) to continue to be the owner of that land at noon on the thirty-first day of March in the next succeeding year, unless written notice is given by him or on his behalf to the Commissioner, in accordance with this section, of the fact that he has ceased to be the owner of that land, and of the name of his successor in title.

(2.) Such notice shall be given to the Commissioner before the former owner has been assessed for ordinary land-tax, in pursuance of this section, for the year following that in which he ceased to be the owner of the land.

(3.) The fact that the former owner has not made a return of the land as still owned by him, or that his successor in title has made a return of that land, shall not in itself be deemed a sufficient notice for the purposes of this section.

(4.) Where no such notice has been given in accordance with this section the Commissioner may assess either the former owner or his successor in title, or both of them; but the tax shall be recoverable from one of them only.

(5.) Any tax so paid by the former owner shall be deemed to be paid on behalf of his successor in title, so far as it does not exceed the tax for which the successor in title might himself have been assessed in respect of that land, and may to that extent be recovered by the former owner from his successor in title accordingly.

(6.) A former owner shall not be assessable under this section for any year except the year of assessment immediately subsequent to the year in which he ceased to be the owner of the land.

(7.) This section shall not apply to land-tax payable for the year of assessment commencing on the first day of April, nineteen hundred and sixteen.

Exemptions from ordinary land-tax of certain classes of land.

57. (1.) Land shall be exempt from ordinary land-tax in the following cases and to the following extent:—

- (a.) Land owned by or in trust for a local or public authority :
- (b.) Land owned by or in trust for a university, college, high school, secondary school, or other similar public educational institution in New Zealand not carried on for private pecuniary profit :
- (c.) Land owned by or in trust for a separate institution under the Hospitals and Charitable Institutions Act, 1909 :
- (d.) Land owned by or in trust for a friendly society, a registered building society, or a savings-bank established under the Savings-banks Act, 1908 :
- (e.) Land owned by or in trust for a society incorporated under the Agricultural and Pastoral Societies Act, 1908, and used by that society as a showground or place of meeting :
- (f.) Land owned by or in trust for any company and used by that company as the permanent-way of a public railway or tramway, or for yards and buildings used for the purposes of the traffic on that railway or tramway :
- (g.) Land owned by or in trust for a society incorporated under the Libraries and Mechanics' Institutes Act, 1908, and used by that society as a site for the purposes of the society :

(h.) Land owned by or in trust for any society or trustees and used by such society or trustees (otherwise than for private pecuniary profit) as the site of a public library, public museum, public cemetery or burial-ground, public recreation-ground, or public garden, domain, or reserve :

i.) Land owned by or in trust for any society or institution established exclusively for charitable, educational, religious, or scientific purposes of a public nature, and not carried on for private pecuniary profit, if the land is used as a site for the purposes of that society or institution: Provided that if any such site exceeds fifteen acres in extent this exemption shall be limited to fifteen acres thereof to be selected by the Commissioner :

(j.) Native customary land within the meaning of the Native Land Act, 1909.

(2.) The benefit of the exemptions provided by this section shall in each case be limited to the owner specified in this section, and shall not extend to any other person who is the owner of any estate or interest in the land, whether as purchaser, lessee, or otherwise howsoever, nor shall it extend to land held by an owner specified in this section in trust for an owner not so specified.

PART VI.

GRADUATED LAND-TAX.

58. (1.) Subject to the provisions of this Act, there shall be levied and paid for the use of His Majesty in and for the year commencing on the first day of April, nineteen hundred and sixteen, and in and for each year thereafter, a tax herein referred to as graduated land-tax. Graduated land-tax imposed.

(2.) Subject to the provisions of this Act, such tax shall be payable by every person on all land of which he was the owner at noon on the thirty-first day of March preceding the year in and for which the tax is payable (herein referred to as the year of assessment).

(3.) Such tax shall be assessed, levied, and paid at such rate or rates as may be fixed from time to time by any Act to be passed for that purpose (herein referred to as the annual taxing Act).

59. (1.) Land shall be exempt from graduated land-tax in the following cases and to the following extent:— Exemptions from graduated land-tax of certain classes of land.

(a.) Land owned by or in trust for any religious society, if such land or the rents or profits thereof are used exclusively for religious, charitable, or educational purposes, and if the principal purpose for which that society is established is the teaching, maintenance, or advancement of religion :

(b.) Land owned by or in trust for any person who in respect thereof is exempt from ordinary land-tax.

(2.) The benefit of the exemptions provided by this section shall in each case be limited to the owner specified in this section, and shall not extend to any other person who is the owner of any estate or interest in the land, whether as purchaser, lessee, beneficiary, or otherwise; nor shall it extend to land held by an owner specified in this section in trust for an owner not so specified.

Graduated land-tax not payable by owner of land if aggregate unimproved value is less than £5,000.

Lessees liable as if owners.

Deduction from tax payable by lessee.

Life tenant liable as if owner of fee-simple.

Joint owners to be assessed both jointly and severally.

60. No person shall be chargeable with graduated land-tax if the aggregate unimproved value of all land of which he is the owner, and which is not otherwise exempted from graduated land-tax, is less than five thousand pounds.

61. (1.) Any person owning any leasehold estate shall be deemed for the purposes of this Part of this Act (though not to the exclusion of the liability of any other person) to be the owner of the fee-simple, and shall be assessed and liable for graduated land-tax accordingly.

(2.) In the case of the owner of a leasehold estate in land there shall be deducted from the amount of graduated land-tax so payable by him in respect of that land (so far as it exceeds the graduated land-tax, if any, that would be payable by him in respect of the value of his leasehold estate independently of this section) the amount of graduated land-tax (if any) payable in respect of that land by the owner of any freehold estate or of any precedent leasehold estate in the land or any part thereof.

(3.) The provisions of this section shall not apply to leasehold estates in any land of the Crown, or in any Native land, or in any land vested in fee-simple in any person who in respect thereof is wholly exempted from land-tax both ordinary and graduated.

(4.) The provisions of this section shall not apply to any leasehold estate (other than an estate at will, or by sufferance, or determinable by the lessor or other person entitled in reversion or remainder) existing on the twenty-sixth day of October, nineteen hundred and seven (being the date of the coming into operation of the Land and Income Assessment Act, 1907), unless the owner of that leasehold estate or his predecessor in title has been at any time within five years next before that date the owner at law or in equity of a freehold estate in the land which is subject to the lease.

62. (1.) The owner of any life estate or of any other freehold estate less than the fee-simple shall be deemed for the purposes of this Part of this Act to be the owner of the fee-simple to the exclusion of any person entitled in reversion or remainder, and shall be assessed and liable for graduated land-tax accordingly.

(2.) Notwithstanding anything in this section, if any person so entitled in reversion or remainder is also entitled in possession to any interest in the land or in the rents or profits thereof, or if the Commissioner is satisfied that any life estate or other freehold estate less than the fee-simple has been created, whether before or after the passing of this Act, for the purpose of obtaining exemption from graduated land-tax for any person entitled in reversion or remainder, the Commissioner may, if he thinks fit, from time to time elect to treat that life estate or other freehold estate as if it was a leasehold estate, and the provisions of the last preceding section shall thereupon apply accordingly.

63. (1.) Whenever two or more persons (hereinafter called joint owners) own land jointly or in common, whether as partners or otherwise, they shall be assessed and liable for graduated land-tax in accordance with the provisions of this section.

(2.) The joint owners shall be jointly assessed and liable in respect of the land so owned by them jointly or in common (hereinafter called the joint estate) as if it was owned by a single person, without regard to their respective interests in the same, and without taking into account

any land owned by any one of them in severalty, or jointly or in common with any other person.

(3.) Each joint owner shall in addition be assessed⁷ and liable in respect of his individual interest in the joint estate together with any other land owned by him in severalty and with his individual interests in any other land.

(4.) In the case of each joint owner there shall be deducted from the tax so payable by him under the provisions of the last preceding subsection (so far as such tax exceeds the graduated land-tax that would be payable by him if he owned no interest in any joint estate) his share of the tax so payable in respect of the joint estate.

(5.) The share of a joint owner in the tax so payable in respect of the joint estate shall bear the same proportion to the amount of that tax as his interest in the joint estate bears to the whole value of that estate.

64. (1.) For the purposes of this Part of this Act all land owned by a company shall be deemed (though not to the exclusion of the liability of the company or of any other persons) to be owned in common by the shareholders of that company in the proportions which their interests in the paid-up capital of the company bear to the total paid-up capital; and the said shareholders shall be individually assessed and liable for graduated land-tax accordingly in manner provided by the last preceding section, and shall be entitled to the same deduction as is therein provided; and all references in that section to a joint assessment shall be read as references to the assessment of the company.

Shareholders liable as if they were owners of the company's land.

(2.) The term "shareholder" shall for the purposes of this and the next succeeding section include all persons on whose behalf a share in the company is held by a trustee or by any other person.

(3.) No shareholder shall be liable to graduated land-tax under this section if his assessable interest, calculated in accordance with this section, in the lands (other than business premises as hereinafter defined) owned by the company is less than five hundred pounds.

65. (1.) If two or more companies consist substantially of the same shareholders, those companies shall be deemed for the purposes of graduated land-tax to be a single company, and shall be jointly assessed and jointly and severally liable accordingly, with such right of contribution or indemnity between themselves as is just.

Two or more companies with substantially the same shareholders to be deemed a single company.

(2.) For the purposes of this section two companies shall be deemed to consist substantially of the same shareholders if not less than three-fourths of the paid-up capital of each of them is held by or on behalf of shareholders in the other. Shares in one company held by or on behalf of another company shall for this purpose be deemed to be held by the shareholders in the last-mentioned company.

66. (1.) When two or more persons own land in severalty but occupy it jointly, whether as partners or on joint account or otherwise, the same graduated land-tax shall be payable by them and by each of them as if they owned the whole of the said land jointly, in the proportions which the unimproved values of the lands so severally owned bear to one another, and for the purposes of this Part of this Act they shall be deemed to be joint owners of those lands accordingly.

Joint occupiers to be liable as if joint owners.

(2.) Without limiting in any way the meaning of the term "joint occupation," two or more persons shall be deemed to occupy lands

jointly within the meaning of this section if those lands are occupied, worked, or managed by any one or more of those persons on behalf of all of them or on a joint account, or if those lands are occupied, worked, or managed by any other person as trustee for or otherwise on behalf of all of those persons.

Buyer in possession liable, although conveyance has not been executed.

67. Where an agreement has been made for the sale of land, whether before or after the coming into operation of this Act, the buyer shall be deemed to be the owner of the land for the purposes of this Part of this Act (though not to the exclusion of the liability of any other person) so soon as he has obtained possession of the land so purchased, although the agreement has not yet been completed by conveyance.

Seller to remain liable until possession delivered to purchaser.

68. (1.) When any agreement has been made for the sale of land, whether before or after the coming into operation of this Act, and whether the same has been completed by conveyance or not, the seller shall be deemed to remain the owner of the land for the purposes of this Part of this Act (though not to the exclusion of the liability of any other person) until possession of the land has been delivered to the purchaser and at least fifteen per centum of the purchase-money has been paid :

Provided that in any case in which possession has been so delivered, but less than fifteen per centum of the purchase-money has been paid, it shall be lawful for the Commissioner to exempt the seller from the provisions of this section if the Commissioner is satisfied that the agreement for sale has been made in good faith, and not for the purpose of evading the payment of graduated land-tax, and that the agreement is still in force. In any such case the decision of the Commissioner shall be final and conclusive.

(2.) In estimating the amount of purchase-money which has been so paid, all money owing by the purchaser to the seller and secured by any mortgage or other charge on the land, and all money lent to the purchaser by the seller, and all money owing by the purchaser to any other person and directly or indirectly guaranteed by the seller, shall be deemed to be unpaid purchase-money.

Tax payable by buyer may be deducted from amount payable by seller.

(3.) When by virtue of this and the last preceding section the buyer and seller of land are both liable for graduated land-tax in respect thereof, there shall be deducted from the tax so payable by the seller in respect of the land the amount of the tax payable in respect thereof by the buyer.

(4.) Nothing in this section applies to any agreement of sale made, whether before or after the passing of this Act, by a seller who at the date of that agreement was not the owner of land the unimproved value of which, including the unimproved value of the land so sold by him, was more than forty thousand pounds.

No disposition of land to be effective for purposes of this Part of Act so long as possession retained.

69. No conveyance, transfer, declaration of trust, settlement, or other disposition of land, whether made before or after the coming into operation of this Act, shall be effective so as to exempt the person making the same, so long as he remains or is in possession or in receipt of the rents or profits of any such land, whether on his own account or on account of any other person, from any graduated land-tax which would have become payable in respect of that land had no such conveyance, transfer, declaration of trust, settlement, or disposition taken

place; and for the purposes of this Part of this Act the person so making the same shall, while he remains or is so in possession of the land or in receipt of the rents or profits thereof, be deemed (though not to the exclusion of the liability of any other person) the owner of the land.

70. Subject to the other provisions of this Part of this Act, the owner of any equitable estate in land shall be assessed and liable in respect of graduated land-tax as if the estate so owned by him were legal, but there shall be deducted from the tax so payable by him in respect of that estate the amount of any graduated land-tax paid in respect thereof by the legal owner of the land.

Equitable owners to be liable as if legal owners.

71. (1.) Any person owning land as a trustee shall be assessed and liable in respect of graduated land-tax as if he were beneficially entitled to the land, save that when he is the owner of different lands in severalty in trust for different beneficial owners who are not, by reason of joint occupation or otherwise, liable to be jointly assessed for graduated land-tax in respect of the same, the tax so payable by him shall be separately assessed in respect of each of those lands; and save also that when a trustee is also the beneficial owner of other land, he shall be separately assessed in respect of that land, and of the land of which he is a trustee, unless by reason of joint occupancy or for any other reason he is liable to be jointly assessed independently of this section.

Trustees to be liable as if beneficially entitled.

(2.) Notwithstanding anything in this section, a trustee may be assessed for graduated land-tax in respect of the interest of any beneficiary in the land owned by the trustee at the rate at which the beneficiary himself is liable to be assessed, when by reason of the ownership of other land, or his absence from New Zealand, or for any other reason the beneficiary is liable to be assessed at a higher rate than that at which the trustee would be assessed independently of this section.

72. A mortgagee in possession of land shall be deemed for the purposes of this Part of this Act, so long as such possession continues (though not to the exclusion of the liability of any other person), to be the beneficial owner of the estate or interest which is subject to the mortgage, and shall be liable for graduated land-tax accordingly; but there shall be deducted from the tax so payable by him the amount of graduated land-tax (if any) paid in respect of that estate or interest by the mortgagor.

Mortgagees in possession to be liable for graduated land-tax.

73. Whenever double taxation is imposed by this Part of this Act on the same estate or interest in land by reason of that estate or interest being owned or deemed to be owned by more than one person, and no provision is made in this Part of this Act for such a deduction as will prevent such double taxation, the Commissioner may make such deduction or other adjustment as he deems just and necessary for the avoidance of such double taxation.

In cases of double taxation for graduated land-tax, Commissioner may make adjustment.

74. (1.) If the aggregate unimproved value of all land owned by a taxpayer, and not exempt from graduated land-tax, is not less than thirty thousand pounds, the graduated land-tax payable by him in accordance with the annual taxing Act shall be increased by twenty-five per centum thereof in respect of all land other than business premises, as hereinafter defined, and the annual taxing Act shall be read and construed accordingly.

Increase of graduated land-tax where unimproved value exceeds £30,000.

(2.) When the same person is the owner both of business premises and of other land graduated land-tax shall be assessed in respect of

the whole of such business premises and other land without the said increase of twenty-five per centum, and the said increase shall then be calculated only on the amount of graduated land-tax that would be payable by him under the foregoing provisions if he were not the owner of the business premises.

"Business premises" defined.

(3.) "Business premises" means any piece of land included within the area of a building used for business purposes, together with such additional land as immediately adjoins that building and is used and occupied in connection therewith and does not exceed in extent the area of the building itself. When any area so adjoining a building and used and occupied in connection therewith exceeds the area of the building, the Commissioner shall from time to time determine, as he thinks fit, what part of that adjoining area, equal to the area of the building, shall be deemed to be business premises.

(4.) A building shall be deemed to be used for business purposes within the meaning of this section if it is exclusively or principally used, whether by the owner or by any occupier or occupiers, for the purposes of any business.

Increase of graduated land-tax in case of absentee taxpayers.

75. (1.) Every taxpayer who on the thirty-first day of March in the year preceding the year of assessment is an absentee within the meaning of this section shall be assessed and liable for graduated land-tax to an amount greater by fifty per centum than the amount for which he would have been assessed independently of this section, including in such last-mentioned amount his share of any graduated land-tax for which he is assessable jointly with any other taxpayer, whether an absentee or not, and the annual taxing Act shall be read and construed accordingly.

(2.) Every person shall be deemed to be an absentee for the purposes of this section unless he has been personally present in New Zealand for at least one-half of the period of four years immediately preceding the year of assessment:

Provided that no person who has acquired all his land in New Zealand within the said period of four years shall be deemed to be an absentee if he has been personally present in New Zealand for at least one-half of the period which has elapsed between the time when he first acquired any of that land and the commencement of the year of assessment.

(3.) This section shall not apply to companies, but shall apply to shareholders in companies, in accordance with the provisions of section sixty-four hereof.

(4.) Where any shareholder in a company is assessable as an absentee for graduated land-tax in respect of the land of the company, the company shall be deemed for the purposes of this Act to be the agent of the shareholder, and shall be liable to pay on his behalf the graduated land-tax payable by him so far as it relates to the land of the company, and all the provisions of this Act as to agents shall apply accordingly:

Provided that no tax shall be so recovered from the company unless a written demand therefor has been made upon the company by the Commissioner within one year from the due date of the tax, and while the taxpayer continues to remain a shareholder of the company.

(5.) No trustee assessed as such shall be deemed to be an absentee.

PART VII.

LAND-TAX ON NATIVE LAND.

76. (1.) No Native shall be chargeable with ordinary land-tax in respect of his interest in Native land unless the land is, as to his interest therein, in the occupation or possession of any person other than the Native owner or a trustee for him.

Modification of provisions as to ordinary land-tax in case of Native land.

(2.) A Native shall be chargeable with ordinary land-tax in respect of his interest in Native land at one-half of the rate applicable to European land, if such Native land is, as to his interest therein, in the occupation or possession of any person other than the Native owner or a trustee for him.

(3.) A European shall be chargeable with ordinary land-tax at the full rate in respect of his interest in any Native land.

77. (1.) No Native shall be chargeable with graduated land-tax in respect of any interest owned by him in Native land.

Graduated land-tax in respect of interests in Native land.

(2.) A European shall be chargeable with graduated land-tax, in respect of any interest owned by him in Native land, in the same manner and to the same extent as if it was not Native land, save that the owner of a leasehold estate in Native land shall not be deemed by virtue of this Act to be the owner of the fee-simple thereof.

78. This Part of this Act shall apply to the trustee of a Native in the same manner in which it applies to that Native himself.

Application of this Part to trustees of Natives.

PART VIII.

INCOME-TAX.

79. (1.) Subject to the provisions of this Act, there shall be levied and paid for the use of His Majesty in and for the year commencing on the first day of April, nineteen hundred and sixteen, and in and for each year thereafter, a tax herein referred to as income-tax.

REFER TO Act, WIDE INSET
Income-tax imposed.

(2.) Subject to the provisions of this Act, such tax shall be payable by every person on all income derived by him during the year preceding the year in and for which the tax is payable.

(3.) The year in which income is so derived is in this Act referred to as "the income year," and the year in and for which income-tax is payable is in this Act referred to as "the year of assessment."

80. (1.) Income-tax shall be assessed and levied on the taxable income of every taxpayer at such rate or rates as may be fixed from time to time by Acts to be passed for that purpose.

Rates of tax to be fixed by annual taxing Act.

(2.) The Act by which the rate of income-tax is so fixed for any year is in this Act referred to as "the annual taxing Act."

81. (1.) From the yearly assessable income of every person, other than a company or an absentee, there shall be deducted, for the purpose of assessing income-tax on that income, the sum of three hundred pounds by way of special exemption.

Special exemption of £300.

(2.) "Absentee" means, in this Part of this Act, a person whose home has not been in New Zealand during any part of the income year.

REPEALED, and substitution therefor:
Vide Inset.

ADD proviso hereto

AMENDED: WIDE INSET

REFER TO Act. VIDE INSET

Special exemption
in respect of
dependent children.

AMENDED: VIDE INSET

82. (1.) In addition to the special exemption provided for by the last preceding section, a further sum of ~~twenty-five~~ pounds shall be deducted by way of special exemption from the yearly assessable income of every person, other than an absentee, in respect of each of his children who at the end of the income year are under the age of ~~sixteen~~ years and are dependent upon him; ~~but no such deduction shall be made in respect of more than five children.~~

Ibid

(2.) No such deduction shall be made in the case of any child where the aggregate income from all sources, whether in or out of New Zealand, of the father and the mother together exceeded four hundred and twenty-five pounds in the income year, whether such income or any part thereof is assessable or not.

Ibid

(3.) Where the father of any child is entitled to a special exemption under this section, no such deduction shall also be made from the income of the mother, ~~except so far as the exemption allowable to the father is in excess of the exemption required to exempt him altogether from income tax.~~

Special exemption
in respect of
insurance
premiums.

AMENDED: VIDE INSET

83. (1.) Every person, other than an absentee, who has effected an insurance on his own life for his own benefit or for the benefit of his wife or children shall be entitled to a deduction by way of special exemption from his assessable income of the amount of premiums, ~~to the extent of not more than fifty pounds,~~ paid in the income year in respect of that insurance.

(2.) Every person, other than an absentee, who is a contributor to the National Provident Fund, or to any superannuation fund, or to the insurance fund of a friendly society, shall be entitled to a deduction by way of special exemption from his assessable income of the amount of his contributions during the income year, ~~not exceeding in the aggregate the sum of one hundred pounds.~~

ADD hereto

Certain incomes to
be wholly exempt
from taxation.

84. The following incomes shall be exempt from taxation:—

- (a.) The salary and emoluments of the Governor in respect of his office:
- (b.) The income of a local or public authority, other than income received in trust:
- (c.) Income derived by the Commissioners of Sinking Funds in respect of the public debt or of the debt of any local authority:
- (d.) The income of a building society under the Building Societies Act, 1908, or of a savings-bank under the Savings-banks Act, 1908:
- (e.) The income of a separate institution under the Hospitals and Charitable Institutions Act, 1909:
- (f.) The income of a co-operative cheese-factory or butter-factory company incorporated in New Zealand:
- (g.) Dividends and other profits derived from shares or other rights of membership in companies, other than companies which are exempt from income-tax:
- (h.) Income derived by a person who is not (within the meaning of this Part of this Act) resident in New Zealand, from stock or debentures which have been issued by the Government of New Zealand or by any local or public authority, and the interest on which is payable out of New Zealand:

REFER TO Act. VIDE INSET

AMENDED: See Act, 19
No. Section

AMENDED: VIDE INSET

REPEALED: Vide Inset

REFER TO Act. VIDE INSET

- (i.) Income derived by the trustees of a superannuation fund :
- (j.) The income of a friendly society, except so far as derived from business carried on beyond the circle of its membership :
- (k.) Income derived by trustees in trust for charitable, religious, educational, or scientific purposes of a public nature within New Zealand, or derived by any society or institution established exclusively for such purposes and not carried on for private pecuniary profit :

Provided that if the aforesaid purposes are not limited to New Zealand the Commissioner may apportion the income in such manner as he deems just and reasonable between such purposes within New Zealand and the like purposes out of New Zealand, and may allow to the trustees, society, or institution a partial exemption accordingly :

- (l.) Income expressly exempted from income-tax by any other Act to the extent of the exemption so provided.

85. Without in any way limiting the meaning of the term, the assessable income of any person shall for the purposes of this Act be deemed to include, save so far as express provision is made in this Act to the contrary,—

Items deemed to be included in assessable income.

- (a.) All profits or gains derived from any business :
- (b.) All salaries, wages, or allowances (whether in cash or otherwise), including all sums received or receivable by way of bonus, gratuity, extra salary, or emolument of any kind, in respect of or in relation to the employment or service of the taxpayer :
- (c.) All profits or gains derived from the sale or disposition of land or any interest therein, if the business of the taxpayer comprises dealing in such property, or if the property was acquired for the purpose of selling or otherwise disposing of it at a profit :
- (d.) All profits or gains derived from the use or occupation of land, or the extraction, removal, or sale of minerals, timber, or flax, whether by the owner of land or by any other person :
- (e.) All rents, royalties, fines, premiums, or other revenues (including payments for or in respect of the goodwill of any business, or the benefit of any statutory license or privilege) derived by the owner of land from any lease, license, or easement affecting the land, or from the grant of any right of taking the profits thereof :
- (f.) All interest, dividends, annuities, and pensions :
- (g.) Income derived from any other source whatsoever.

AMENDED: VIDE INSET

AMENDED: VIDE INSET

ADD proviso hereto

AMENDED: See Act, 19
No. Section

86. (1.) In calculating the assessable income derived by any person from any source no deduction shall be made in respect of any of the following sums or matters:—

How assessable income to be calculated.

- (a.) Expenditure or loss of any kind not exclusively incurred in the production of the assessable income derived from that source :
- (b.) The repair of premises, or the repair, alteration, or supply of implements, utensils, or machinery used in the production of income, beyond the sum usually expended in any year for those purposes :

REPEALED: Vide Inset

Provided that in cases where depreciation of such implements, utensils, or machinery, whether caused by fair

AMENDED: VIDE INSET

REFER TO ACT, 19
No. Section

AMENDED: VIDE INSET

wear-and-tear, or by the fact of such implements, utensils, or machinery becoming obsolete or useless, cannot be made good by repair, the Commissioner may allow such deduction as he thinks just:

- (c.) Investment, expenditure, loss, or withdrawal of capital; money used or intended to be used as capital; money used in the improvement of premises occupied; interest which might have been made on such capital or money if laid out at interest:
- (d.) Bad debts, except debts which are proved to the satisfaction of the Commissioner to have become bad and to have been actually written off by the taxpayer in the income year:
Provided that all amounts at any time received on account of any such bad debt shall be credited as income in the year in which they are received, and shall be subject to tax accordingly:
- (e.) Any expenditure or loss recoverable under any insurance or contract of indemnity:
- (f.) Payments of any kind made by a husband to his wife or by a wife to her husband:
- (g.) Rent of any dwellinghouse or domestic offices, save that, so far as such dwellinghouse or offices are used in the production of the assessable income, the Commissioner may allow a deduction of such proportion of the rent as he may think just and reasonable:
- (h.) Land-tax or income-tax:
- (i.) Interest, except so far as the Commissioner is satisfied that it is payable on capital employed in the production of the assessable income.

REPEALED, and substitution therefor:
Vide Inset.

Special exemption
in respect of income
derived from use of
land.

(2.) Notwithstanding anything in this section, if any person carries on more than one business the profits of which are assessable for income-tax, and makes a loss in one business and a profit in another in the same income year, the loss so made in the one business may for the purposes of income-tax be deducted from the profit made in the other.

87. (1.) When any land in which a taxpayer owns an interest, or any portion of such land, has throughout the income year or any portion thereof been actually used by the taxpayer exclusively for the purposes of his business or for the purpose of deriving rent, royalties, or other profits therefrom, he shall be entitled, by way of special exemption, to deduct from the assessable income derived by him during the income year, so far as derived from such use of the land, a sum computed in respect of the period of such use at the rate of five per centum per annum on the capital value for the time being of his interest in the land or in the portion thereof so actually used by him, as the case may be, and income-tax shall be assessed and payable accordingly.

(2.) When a taxpayer has so used any land or any portion thereof partly for the purposes aforesaid and partly for other purposes, he shall be entitled to deduct such proportion of the amount which would have been allowable under the last preceding subsection, had the use been exclusively for the purposes aforesaid, as the Commissioner determines in his discretion to be justly proportionate to the use so made of the land for the purposes aforesaid.

AMENDED: VIDE INSET

(3.) If any land, whilst so used as aforesaid, is subject to a mortgage, the amount of the aforesaid deduction shall be reduced by the amount of interest accruing in respect of that mortgage during the income year or that part of the income year for which the land was so used.

(4.) If any such mortgage includes any property other than the land in respect of which the aforesaid deduction is made, the interest accruing in respect of such mortgage shall be apportioned by the Commissioner in such manner as he thinks just and reasonable between such land and such other property.

(5.) For the purposes of this section the unpaid purchase-money of land shall be deemed to constitute a mortgage of that land, and the amount of any rent charge or annuity shall be deemed to be interest on a mortgage.

(6.) In this section the term "capital value" means the capital value of the taxpayer's interest in the land as appearing in the district valuation roll under the Valuation of Land Act, 1908, in force for the time being during any such period of use, exclusive, however, of the value of the interest of the taxpayer in any minerals, timber, or flax (other than the roots of flax-plants).

(7.) When the capital value as so appearing in the said roll includes the interest of the taxpayer in any other land the Commissioner shall apportion the capital value as so appearing on that roll in such manner as he thinks just and reasonable between the two areas of land, and the deduction provided for by this section shall be computed in accordance with that apportionment.

(8.) This section shall apply only to the interests actually owned at law or in equity by the taxpayer, and shall not extend to interests constructively deemed to be owned by him for the purposes of this Act.

88. (1.) Subject to the provisions of this Act, all income derived by any person who is resident in New Zealand at the time when he derives that income shall be assessable for income-tax, whether it is derived from New Zealand or from elsewhere:

Residents in New Zealand liable in respect of income, wherever derived.

Provided that in the case of any taxpayer (whether a company or not) carrying on the business of the carriage by sea of merchandise, mails, or passengers, the income derived by that taxpayer out of New Zealand in respect of such business shall not be assessable for income-tax.

Exception.

(2.) Subject to the provisions of this Act, all income derived from New Zealand shall be assessable for income-tax, whether the person deriving that income is resident in New Zealand or elsewhere.

All income assessable if derived from New Zealand.

(3.) Subject to the provisions of this Act, no income which is neither derived from New Zealand nor derived by a person then resident in New Zealand shall be assessable for income-tax.

ADD proviso **AMENDED: VIDE INSET**

89. (1.) A person other than a company shall be deemed to be resident in New Zealand within the meaning of this Part of this Act if his home is in New Zealand.

Place of residence, how determined.

(2.) A company shall be deemed to be resident in New Zealand within the meaning of this Part of this Act if—

- (a.) It is incorporated in New Zealand; or
- (b.) Has its head office in New Zealand.

REPEALED: Vide Inset

AMENDED: VIDE INSET

REPEALED: Vide Inset

(3.) The head office of a company means the centre of its administrative management.

Classes of income deemed to be derived from New Zealand.

90. Subject to the provisions of the next succeeding section, the following classes of income shall be deemed to be derived from New Zealand:—

- (a.) Income derived from any business carried on in New Zealand:
- (b.) All salaries, wages, allowances, and emoluments of any kind earned in New Zealand in the service of any employer or principal, whether resident in New Zealand or elsewhere:
- (c.) Income derived by any person as the owner of land in New Zealand:
- (d.) Income derived by any person from any mortgage of land in New Zealand:
- (e.) Income derived from shares in or membership of a New Zealand company, or from debentures issued by a New Zealand company or by a local or public authority:
- (f.) Income derived from debentures or other securities issued by the Government of New Zealand, or from any contract made with that Government:
- (g.) Any pension or annuity payable by the Government of New Zealand, or out of any superannuation fund established in New Zealand:
- (h.) Income derived from money invested in the common fund of the Public Trustee:
- (i.) Income derived from the sale or other disposition of any property, corporeal or incorporeal, situated in New Zealand:
- (j.) Income derived from money lent in New Zealand:
- (k.) Income derived by a beneficiary under any trust, so far as the income of the trust fund is derived from New Zealand:
- (l.) Income derived from contracts made or wholly or partly performed in New Zealand:
- (m.) Income derived from the carriage by sea of merchandise, mails, or passengers shipped or embarked in New Zealand:
- (n.) Income derived directly or indirectly from any other source in New Zealand.

Apportionment, in cases where income derived partly in New Zealand and partly elsewhere.

91. Whenever by reason of the manufacture, production, or purchase of goods in one country and their sale in another, or by reason of successive steps of production or manufacture in different countries, or by reason of the making of contracts in one country and their performance in another, or for any other reason whatever, the source of any income is not exclusively in New Zealand, that income shall be apportioned between its source in New Zealand and its source elsewhere, or attributed to one of such sources to the exclusion of the other, in such manner as may be prescribed by regulations made under this Act; and in default of such regulations, or so far as they do not extend, then in such manner as the Commissioner thinks just and reasonable, having regard to the nature and relative importance of the sources of that income; and the income, so far as so apportioned or attributed to a

source in New Zealand, shall be deemed to be derived from New Zealand, and shall be assessable for income-tax accordingly.

92. (1.) Income derived by a person resident in New Zealand but not derived from New Zealand shall be exempt from income-tax if and so far as the Commissioner is satisfied that it is derived from some other country within the British dominions and that it is chargeable with income-tax in that country.

Income not derived from New Zealand exempt if chargeable with tax in other part of British dominions.

(2.) In determining the country from which income is derived the Commissioner shall apply the same rules, *mutatis mutandis*, as are applicable in determining whether income is derived from New Zealand.

(3.) In this section "income-tax" means, in respect of any country other than New Zealand, any tax which in the opinion of the Commissioner is substantially of the same nature as income-tax under this Act.

93. For the purposes of this Act every person shall be deemed to have derived income although it has not been actually paid to or received by him, or already become due or receivable, but has been credited in account, or reinvested, or accumulated, or capitalized, or carried to any reserve, sinking, or insurance fund, or otherwise dealt with in his interest or on his behalf.

Income credited in account or capitalized, &c., deemed to have been received for purposes of this Act.

94. Notwithstanding anything to the contrary in this Act, the taxable income of a banking company shall in each year be deemed to be a sum equal to thirty shillings in every hundred pounds of the average of its total assets and liabilities for the four quarters of the year according to the sworn statements published in the *Gazette* as required by law, ~~less an amount equal to the income derived by the banking company during that year as interest on debentures issued under the New Zealand Loans Amendment Act, 1915, and income-tax shall be payable accordingly.~~

Special provisions with respect to income of banking companies.

REFER TO Act, VIDE INSET

AMENDED: VIDE INSET

95. Notwithstanding anything to the contrary in this Act, the following provisions shall apply to the income of a company carrying on the business of insurance or guarantee against loss, damage, or risk of any kind whatever except life assurance:—

Special provisions with respect to income of insurance companies.

(a.) The assessable income of such a company shall not include income derived from insurance business carried on out of New Zealand:

REFER TO ACT, 1921
No. 5 Section 7

(b.) The income of such a company shall not include sums recovered from companies which do not carry on business in New Zealand in respect of losses on risks reinsured with such companies, and no deduction shall be allowed from such income in respect of premiums paid for re-insurance with companies not carrying on business in New Zealand.

96. (1.) Notwithstanding anything to the contrary in this Act, the taxable income of any foreign company carrying on the business of life insurance shall be deemed to be a sum equal to its total income from investments of any kind in New Zealand, and income-tax shall be payable on that sum accordingly.

Special provisions with respect to income of foreign insurance companies. AMENDED: VIDE INSET

(2.) The Government Life Insurance Department shall for the purposes of income-tax be deemed to be a New Zealand company, and shall be assessable and chargeable with income-tax accordingly.

Special provisions
as to companies
engaged in gold-
mining or scheelite-
mining.

97. (1.) Notwithstanding anything to the contrary in this Act, if the Commissioner is satisfied that the sole or principal source of the income of a company, whether incorporated in New Zealand or elsewhere, is the business of gold-mining or scheelite-mining in New Zealand, the taxable income derived by that company in any year shall be deemed to be one-half of the total sum paid as dividends during that year to the shareholders of the company, and the company shall be assessed and liable accordingly.

(2.) The term "dividends" includes all sums distributed in any manner and under any name among shareholders of a company on account of profits made by the company.

Special provisions
with respect to
income derived
jointly by partners,
trustees, &c.

98. When income is derived by two or more persons jointly as partners, co-trustees, or otherwise the following provisions shall apply:—

(a.) In the case of trustees, they shall make a return of that income, and shall be jointly assessable thereon and jointly and severally liable for the tax so assessed:

(b.) In the case of partners—

(i.) They shall make a joint return of the income of the firm, setting forth the amount of that income and the shares of the several partners therein:

(ii.) Each partner shall make a separate return of all income derived by him and not included in any such joint return:

(iii.) There shall be no joint assessment, but each partner shall be separately assessed and liable for the tax payable on his total income, including his share of the income of any firm in which he is a partner:

(c.) In any case other than that of co-trustees or partners, each person by whom income is so derived shall include in his return the amount of his share in the joint income, and shall be assessed and liable accordingly.

Special provisions
with respect to
income derived by
trustees.

99. With respect to income derived by a trustee the following provisions shall apply:—

(a.) If and so far as the income of the trustee is also income derived by a beneficiary entitled in possession to the receipt thereof under the trust during the same income year, the trustee shall in respect thereof be deemed to be the agent of that beneficiary, and shall be assessable and liable for income-tax thereon accordingly, and all the provisions of this Act as to agents shall, so far as applicable, apply accordingly:

(b.) If and so far as the income of the trustee is not also income derived by any beneficiary as aforesaid, the trustee shall be assessable and liable for income-tax on that income in the same manner as if he was beneficially entitled thereto, save that the rate of tax shall be computed by reference to that income alone, and that the trustee shall be entitled to no deduction by way of special exemption under sections eighty-one, eighty-two, or eighty-three of this Act:

(c.) The trustee shall in every case make a return of the whole income so derived by him as trustee, and each such return shall be separate and distinct from any return of income derived by him under any other trust or in his own right:

AMENDED: VIDE INSET

ADD proviso hereto

(d.) Nothing in this section shall be so construed as to exempt a beneficiary from any income-tax which would be payable by him had he derived the income to which he is entitled under the trust directly instead of through a trustee.

100. When any person in New Zealand, on behalf of a principal resident or carrying on business out of New Zealand, is instrumental in procuring the purchase from that principal of goods or merchandise which are in New Zealand or are to be imported into New Zealand in pursuance or in consequence of such purchase, whether the contract of purchase is made in New Zealand or elsewhere, the principal shall in respect of the sale by him of such goods or merchandise be deemed to be carrying on business in New Zealand through the agency of that person; and the income derived from such business shall be deemed to be derived from New Zealand, in the same manner and to the same extent as if the contract had been made in New Zealand, and shall be assessable for income-tax accordingly, and the agent shall make returns and pay tax accordingly.

Special provisions as to resident agents of principals resident or carrying on business out of New Zealand.

101. (1.) In this section the term "commission agent" means any person who carries on in New Zealand by himself or by any person on his behalf the business of making commission agency contracts in New Zealand or of procuring such contracts to be made with him elsewhere.

Special provisions as to commission agents.

(2.) In this section the term "commission agency contract" means a contract by which any person is authorized to sell out of New Zealand any goods or merchandise on commission or otherwise on behalf of any person resident or carrying on business in New Zealand.

(3.) The income derived by any commission agent in the performance out of New Zealand of commission agency contracts so made or procured in New Zealand shall, subject to any apportionment which may be made under this Act in respect of its source out of New Zealand, be deemed to be derived by him from the business so carried on in New Zealand, and income-tax shall be payable thereon accordingly.

Commission agency contract defined.

102. When the Commissioner is satisfied that any person carrying on business in New Zealand (herein called the agent) is so far under the control of any person carrying on business out of New Zealand (herein called the principal) that the relation between them is in effect that of agent and principal, he may treat the business carried on in New Zealand as that of the principal, and as being carried on by the agent on his behalf, and may require returns to be made, and may make assessments accordingly, and the principal and agent shall be liable for income-tax accordingly.

In certain cases Commissioner may treat person carrying on business in New Zealand as agent of other person carrying on business out of New Zealand.

REPEALED; and substitution there

Vide Inset.

103. (1.) When income is derived by any person in any year by way of fines, premiums, or payment for goodwill on the grant of a lease, or in any other like manner by way of anticipation, the Commissioner may, if he thinks fit in his discretion, at the request of that person during the next succeeding year, apportion that income between the income year and any number of subsequent years not exceeding five, and the part so apportioned to each of those years shall be deemed to have been derived in that year, and shall be assessable for income-tax accordingly.

Income received in anticipation may be apportioned by Commissioner.

(2.) Any such apportionment may be at any time cancelled by the Commissioner, and thereupon the income so apportioned or the

part thereof on which income-tax has not yet been paid shall become assessable for income-tax as if derived during the year preceding that in which the apportionment was so cancelled.

(3.) Any such apportionment made before the passing of this Act under the corresponding provisions of any Act hereby repealed shall be deemed to have been made under this Act, and shall operate accordingly.

Commissioner may in certain cases demand special returns, and make special assessments and levies of income-tax.

104. (1.) This section applies to the following persons:—

(a.) An agent:

(b.) A non-resident trader:

(c.) A person who is believed by the Commissioner to be about to leave New Zealand or to be about to discontinue the carrying-on of business in New Zealand:

(d.) A person who has ceased to carry on business in New Zealand or to derive assessable income:

(e.) The executors or administrators of a deceased taxpayer in respect of income derived by him in his lifetime:

(f.) A person who has become bankrupt, or a company which is in course of being wound up.

(2.) The Commissioner may, if he thinks fit, at any time during the income year or in any subsequent year, and either before or after the passing of the annual taxing Act or the due date of tax, require any person to whom this section applies to make a return of income derived from any specified transaction or transactions, or during any specified period, and may assess him for income-tax on the income so returned; or, when default is made in making such return, or the Commissioner is dissatisfied therewith, then on such sum as the Commissioner thinks reasonable, and shall give notice of the assessment to the person so assessed.

(3.) Any person so assessed shall have the same right of objection as if he had been assessed in the ordinary course.

(4.) Tax so assessed shall be payable on demand, which may be made in and by the notice of assessment or at any later date, and the tax shall be recoverable in the same manner as income-tax assessed in the ordinary course.

(5.) If any such assessment of income derived in any year is made before the passing of the annual taxing Act by which the rate of tax payable on such income is fixed, the tax shall be assessed at the rate fixed by the annual taxing Act last passed before the date of the assessment.

(6.) No assessment made under this section shall in any manner preclude a subsequent assessment of the same person in the ordinary course in respect of the whole of the income derived by him during the income year with respect to which the assessment under this section was made, but in such case the tax paid under the former assessment shall be credited in the later assessment.

Non-resident agents and non-resident traders not to carry on business without warrant of Commissioner.

105. (1.) In respect of the sale or purchase of goods, a non-resident agent shall not act as agent, and a non-resident trader shall not carry on business, unless that agent or trader is the holder of a warrant in that behalf issued in the prescribed form by the Commissioner or by a Collector of Customs.

(2.) A warrant so issued may be at any time revoked by the Commissioner by notice given to the holder.

(3.) In every case in which a warrant is issued by a Collector of Customs he shall forthwith notify the Commissioner of the issue thereof.

(4.) In all proceedings against any person for a breach of this section it shall be for the defendant to prove that he is the holder of a warrant.

106. (1.) The Commissioner may at any time and from time to time require any non-resident trader or non-resident agent to give security by way of bond, deposit, or otherwise, to the satisfaction of the Commissioner, for the payment of any income-tax which may become payable by him.

Commissioner may require non-resident agent or non-resident trader to give security.

(2.) After security has been so demanded, and before it has been duly given, it shall not be lawful for the non-resident trader to carry on business or for the non-resident agent to act as an agent, except with the leave of the Commissioner.

PART IX.

AGENTS.

107. In this Part of this Act the term "absentee" means—

"Absentee" defined.

(a.) Any person (other than a company) who is for the time being out of New Zealand:

(b.) Any foreign company unless it has a fixed and permanent place of business in New Zealand at which it carries on business in its own name:

(c.) Any foreign company which is declared by the Commissioner to be an absentee for the purposes of this Act by notice given to that company or to its agent or attorney in New Zealand, so long as that declaration remains unrevoked.

108. Every person who in New Zealand carries on any business for and on behalf of a principal who is an absentee shall for the purposes of this Act be the agent of that principal in respect of all income derived by the principal through the business so carried on in New Zealand by means of that agent, and the agent shall make returns and be assessable and liable for income-tax on that income accordingly, whether the income comes to the hands of the agent or not.

Liability of agent of absentee principal to make returns and pay tax.

109. Every person who in New Zealand has the receipt, control, or disposal of any income derived by a principal who is an absentee shall for the purposes of this Act be the agent of the principal in respect of that income, and shall make returns and be assessable and liable for income-tax on that income accordingly.

Person having disposal of income deemed to be the agent of absentee principal.

110. Every person who in New Zealand carries on business in partnership with an absentee shall for the purposes of this Act be the agent of that absentee in respect of his share of the income of the business, and shall make returns and be assessable and liable for income-tax accordingly.

Partner of absentee deemed to be his agent.

111. (1.) When an absentee, by means of any ship owned by him or under charter to him, carries on the business of the carriage of merchandise, mails, or passengers, the master of that ship shall (though not to the exclusion of any other agent) be the agent of that absentee for the purposes of this Act in respect of all assessable income so derived

Master of ship deemed to be the agent of absentee owner.

by the absentee, and shall be assessable and liable for income-tax accordingly.

(2.) Pending the payment of any tax assessed against such an absentee or against any person who is his agent for the purposes of this Act, a Collector of Customs shall on the requisition of the Commissioner withhold the clearance of the ship in respect of which the tax is payable.

Company deemed to be the agent of debenture-holders.

112. (1.) Every company which has issued debentures, whether charged on the property of the company or not, shall for the purposes of this Act be the agent of all debenture-holders, whether absentees or not, in respect of all income derived by them from those debentures, and shall make returns and be assessable and liable for income-tax on that income accordingly.

(2.) No deduction by way of special exemption or otherwise shall be allowed to the company as such agent, or to any debenture-holders, in respect of the income so derived from debentures.

AMENDED: See Act, 1918
No. 2 Section 6

(3.) Income so derived by debenture-holders in companies shall be assessable and chargeable with income-tax separately from income derived by the debenture-holders from other sources, and at the rate prescribed by the annual taxing Act as appropriate to income so derived.

REFER TO ACT, 1920
No. 35 Section 26

REFER TO Act. WIDE INSET

Company deemed to be the agent of absentee shareholders.

113. A New Zealand company which is exempt from income-tax shall be the agent of all shareholders or members who are absentees, and the company shall make returns and be assessable accordingly on all dividends and other profits paid or credited by the company to such shareholders or members at any time while they are absentees.

Banking company to be the agent of absentee depositors.

114. Every banking company, and every other company, local or public authority, or other person, who in the course of business receives or holds money by way of deposit and allows interest thereon shall for the purposes of this Act be the agent of all depositors who are absentees, and shall make returns and be assessable and liable for income-tax accordingly on any interest which is paid or credited to a depositor while he is an absentee, if that interest exceeds fifty pounds in any year.

Non-resident trader deemed to be the agent of persons employed by him in New Zealand.

115. Every non-resident trader shall for the purposes of this Act be the agent of all persons in his employment in New Zealand in respect of the salary, wages, or other emoluments received by them, and shall make returns and be assessable and liable for income-tax thereon accordingly.

Tenant, mortgagor, or other debtor deemed to be the agent of absentee landlord, mortgagee, or other creditor.

116. Any tenant, mortgagor, or other person who transmits from New Zealand to any landlord, mortgagee, or other creditor, being an absentee, any rent, interest, or other moneys being income derived by that absentee from New Zealand, shall for the purposes of this Act be the agent of that absentee in respect of all moneys so transmitted by him at any time after the Commissioner has given notice to him that he is accountable as the agent of that absentee, and he shall in respect of all such moneys make returns and be assessable and liable for income-tax accordingly.

Guardian of person under disability deemed to be his agent.

117. Every person who, as guardian, committee, or otherwise, has the receipt, control, or disposition of any income derived by a person under any legal disability shall for the purposes of this Act be the agent of that person in respect of that income, and shall make returns and be assessable and liable for income-tax accordingly.

118. Every person who on the thirty-first day of March in any year has the control or management of any land, or the receipt, control, or disposal of the rents or profits thereof, on behalf of an owner of that land who is an absentee or is under any legal disability, shall for the purposes of this Act be the agent of the owner in respect of land-tax payable in and for the next succeeding year, and shall make returns and be assessable and liable for that tax accordingly.

Person having control of land or of rents and profits deemed to be the agent of absentee owner.

119. (1.) Every agent shall be personally liable for the tax on the land or income in respect of which he is an agent.

Agents to be personally liable for payment of tax.

(2.) When the Commissioner is satisfied that an agent has no moneys of his principal with which he can pay the tax, and that he has not paid away any such moneys after notice of the assessment of the tax, and that immediate enforcement of payment by the agent would be a cause of hardship, the Commissioner may allow the agent such further period for the payment thereof, not exceeding six months after the date of the notice of assessment, as the Commissioner thinks necessary, and the additional tax imposed by section one hundred and twenty-seven of this Act on taxpayers in default shall not accrue until the expiry of the period so allowed.

120. Every agent shall make returns of the land and income in respect of which he is an agent, and shall be assessed thereon in the same manner as if he was the principal, save that he shall be entitled to no special exemption other than such exemption (if any) as his principal may be entitled to.

Agent to make returns and to be assessed as if he were the principal.

121. Except where otherwise expressly provided by this Act, the rate of tax for which an agent shall be so assessed and liable shall be determined by reference to the total taxable land or income of the principal, but it shall be charged and payable only on the land or income in respect of which the agency exists, and in the same proportion which that land or income bears to the total taxable land or income of the principal.

Rate and amount of tax payable by agent, how determined.

122. (1.) Nothing in this Act relating to an agent shall be so construed as to release the principal from liability to make returns and to be assessed and chargeable with tax.

Liability of principal not affected by obligation imposed on agent.

(2.) No assessment of the agent shall preclude an assessment of the principal for the same tax, nor shall an assessment of the principal preclude an assessment of the agent for the same tax, and the principal and agent shall be jointly and severally liable for all tax for which the agent is liable.

(3.) When two or more persons are liable to be assessed as agents in respect of the same tax, they shall be jointly and severally liable therefor.

123. When an agent pays any tax he may recover the amount so paid from his principal, or may deduct the amount from any moneys in his hands belonging or payable to his principal.

Agent may recover from principal amount of tax paid by him.

124. An agent may from time to time during the year preceding the year of assessment, or at any later time, retain out of any moneys belonging or payable to his principal such sums as may reasonably be deemed sufficient to pay the tax for which the agent is or may become liable.

Agent may retain from moneys of principal amount required for payment of tax.

125. An assessment made by the Commissioner shall, as between an agent and his principal, be a sufficient authority for the payment by the agent of the tax so assessed, and the agent shall be entitled as against his principal to reimbursement accordingly.

Assessment of Commissioner deemed sufficient authority for payment of tax by agent.

PART X.

RECOVERY OF TAX.

Governor in Council
to fix dates for
payment of taxes.

126. (1.) Land-tax and income-tax shall, except where expressly made payable on demand by any provisions of this Act, be due and payable on such respective dates as are appointed in that behalf by the Governor in Council, and the Commissioner shall in each case give not less than fourteen days' public notice of the date so appointed.

Notice to be
gazetted.

(2.) Such notice shall be given by the publication thereof in the *Gazette* and in such other manner (if any) as the Commissioner thinks necessary and sufficient.

REFER TO Act. **VIDE INSET**

If default made in
payment of tax,
additional amount
to be charged.

127. (1.) Subject to the provisions of this section, if any tax remains unpaid at the expiration of twenty-one days after the due date thereof (whether already assessed or not), or after the date of demand, as the case may be, ~~ten~~ per centum on the amount of the tax unpaid shall be and be deemed to be added thereto by way of additional tax, and shall be payable accordingly; and if any tax remains unpaid at the expiration of three months after such due date or date of demand the rate of additional tax shall be ~~twelve and a half~~ per centum; and if any tax remains unpaid at the expiration of six months after such due date or date of demand the rate of additional tax shall be ~~fifteen~~ per centum on the amount of tax unpaid.

AMENDED: See Act, 1920

No. 35 Section 28

Ibid

(2.) In any case in which an assessment is not made until after the due date of the tax, or is increased after the due date of the tax, and the Commissioner is satisfied that the taxpayer has not been guilty of wilful neglect or default in making due and complete returns for the purposes of that tax, the Commissioner shall in his notice to the taxpayer of the assessment or amended assessment, or in any subsequent notice, fix a new date for the payment of the tax or of the increase, as the case may be, and the date so fixed shall be deemed to be the due date of that tax or increase for the purposes of the last preceding subsection.

(3.) Where the taxpayer is resident beyond New Zealand and has no agent in New Zealand, the Commissioner shall, before charging the additional tax as aforesaid, grant such further time, not exceeding six months after the due date of the tax, as he may deem necessary.

Mode of recovery of
unpaid tax.

128. All unpaid tax shall be recoverable in any Court of competent jurisdiction by the Commissioner on behalf of the Crown by suit in his official name.

Procedure in
Supreme Court
where defendant
absent from New
Zealand.

129. In any action in the Supreme Court for the recovery of tax from a defendant absent from New Zealand the Supreme Court may grant leave to serve the writ out of New Zealand, or to proceed without service in the same manner as may be provided in other cases by the Rules of the Supreme Court for the time being in force, save that no security shall be required from the Commissioner.

Procedure in
Magistrate's Court
where defendant
absent from New
Zealand.

130. In an action in a Magistrate's Court for the recovery of tax, if the defendant is absent from New Zealand or cannot after reasonable inquiry be found, service of the summons may with the leave of a Magistrate be effected by posting a duplicate or sealed copy thereof in a letter addressed to the defendant at his present or last known place of abode or business, whether in New Zealand or elsewhere.

131. In an action in a Magistrate's Court for the recovery of tax, if the summons is served on the defendant at least thirty days before the day appointed for hearing, then unless within the time limited by law for filing a notice of intention to defend an action in that Court notice of that intention is duly filed by or on behalf of the defendant, judgment shall be given for the amount claimed and costs without allowing any defence, and without it being necessary for the Commissioner or any one on his behalf to appear in Court or to prove the liability of the defendant.

Notice to be given by defendant of intention to defend action in Magistrate's Court.

132. In an action in any Court for the recovery of tax it shall be sufficient if the particulars of claim or demand state the amount sought to be recovered and the date on which the same became payable, and such further particulars (if any) as the Commissioner thinks necessary in order fully to inform the defendant of the nature of the claim.

Particulars of claim or demand to be stated by Commissioner.

133. In all proceedings in a Magistrate's Court on objection to an assessment of tax, and in any action in a Magistrate's Court for the recovery of tax, the Commissioner may, if he thinks fit, appear by some officer in the Public Service, and the statement of any person so appearing that he is such an officer and that he appears for the Commissioner shall be sufficient evidence of the facts so stated and of his authority in that behalf.

Commissioner may appear, in legal proceedings, by officer of Public Service.

134. In all proceedings in any Court for the recovery of tax costs may be awarded to or against the Commissioner in the same manner as in other cases, but all costs so awarded against the Commissioner shall be payable out of moneys appropriated by Parliament, and not otherwise.

Costs against Commissioner.

135. No action instituted by the Commissioner for the recovery of tax, and no proceedings on objection to an assessment of tax, shall abate by reason of any vacancy in the office of Commissioner, or shall be deemed defectively constituted by reason of any change in the holder of that office, and every such action or proceeding shall be continued in the ordinary course as if the Commissioner and his successors in office were a corporation sole.

Proceedings not affected by vacancy or change in office of Commissioner.

136. No statute of limitations shall bar or affect any action or remedy for the recovery of tax.

No limitation of action to recover tax.

137. Nothing in this Act shall be so construed as to limit or affect the operation of the Crown Suits Act, 1908, and all rights and remedies conferred upon the Crown by that Act and by this Act shall coexist and may be exercised independently of one another, and tax may be recovered accordingly.

Crown Suits Act not affected by this Act.

138. Whenever, after reasonable inquiry to the satisfaction of the Commissioner, the name of the owner of any land cannot be ascertained the following provisions shall apply:—

Special provisions where name of owner of land not known.

(a.) He shall be assessed for land-tax under the designation of "the owner" of that land:

(b.) Proceedings for the recovery of such tax may be taken and judgment may be given against him and enforced under the designation aforesaid:

(c.) Good service of any notice, summons, or writ may be effected on him by affixing the same or a sealed copy or duplicate thereof on a conspicuous part of any land to which the tax relates, any Act or rule of Court to the contrary notwithstanding.

Recovery of land-tax from persons other than owner of land.

139. (1.) When land-tax has been assessed and has become due and payable in respect of any land, and the taxpayer has made default in payment thereof, the Commissioner may thereupon or at any time thereafter, so long as such default continues, by notice in writing, demand payment of the tax from any of the following persons, who shall thereupon become personally liable in the same manner as the taxpayer:—

- (a.) Any person who is at the time of demand the owner at law or in equity of the estate or interest in respect of which the tax was assessed, as the successor in title of the taxpayer:
- (b.) Any person who is at the time of demand a tenant of the land, holding under the taxpayer or his successor in title:
- (c.) Any person who is at the time of demand a mortgagee of the estate or interest in respect of which the tax was assessed.

(2.) If the land so held by a successor in title or tenant, or so subject to a mortgage, is only part of the land in respect of which the tax was assessed, the tax shall for the purposes of this section be apportioned by the Commissioner in such manner as he deems just, and the liability of the successor in title, tenant, or mortgagee shall be determined accordingly.

(3.) All payments made under this section by any person on whom demand has been so made shall be deemed to be made on behalf of the taxpayer.

Tax paid by one person on behalf of another may be recovered as a debt.

140. Every person who in pursuance of this Act pays any tax for or on behalf of any other person shall be entitled to recover the same from that other person as a debt, or to retain or deduct the same out of or from any money which is or becomes payable by him to that other person; and if he has paid the same as mortgagee, then, until repaid, it shall be deemed to form part of the moneys secured by the mortgage, and shall bear interest at the same rate accordingly.

PART XI.

PENALTIES.

Penalty for failure to furnish returns, &c.

141. Every person who—

- (a.) Refuses or fails to furnish any return or information as and when required by this Act or the regulations made thereunder, or by the Commissioner; or
- (b.) Wilfully or negligently makes any false return, or gives any false information, or misleads or attempts to mislead the Commissioner, in relation to any matter or thing affecting his own or any other person's liability to taxation; or
- (c.) Refuses or fails without lawful justification to duly attend and give evidence when required by the Commissioner, or to truly and fully answer any question put to him, or to produce any book or paper required of him; or
- (d.) Obstructs any officer acting in the discharge of his duties or in the exercise of his powers under this Act; or
- (e.) Commits any other offence against this Act or against any regulation made thereunder for which no other penalty is expressly provided; or

(f.) Aids, abets, or incites any other person to commit any offence against this Act or against any regulation made thereunder— is liable to a fine not exceeding one hundred pounds and not less than two pounds.

142. All fines under this Act shall be recoverable by way of summary prosecution, and only upon the information of the Commissioner or Deputy Commissioner, or of some person authorized in writing by the Commissioner in that behalf, and the signature of the Commissioner to any warrant of authority under this section shall be judicially noticed.

Fines recoverable summarily on information of Commissioner.

143. Notwithstanding anything in the Justices of the Peace Act, 1908, or in any other Act to the contrary, any information in respect of any offence against this Act or against any regulation made thereunder may be laid at any time within four years after the termination of the year in which the offence was committed.

Information may be laid within four years.

144. If any taxpayer evades, or attempts to evade, or does any act with intent to evade, or makes default in the performance of any duty imposed upon him by this Act or the regulations thereunder with intent to evade, the assessment or payment of any sum which is or may become chargeable against him by way of tax (which sum is hereinafter referred to as the deficient tax), he shall be chargeable, by way of penalty for that offence, with additional tax (hereinafter called penal tax) equal to treble the amount of the deficient tax.

Penal tax payable in case of evasion or attempted evasion.

145. Subject to the provisions of this Part of this Act, penal tax shall for all purposes be deemed to be tax of the same nature as the deficient tax, and shall be deemed to be payable in and for the same year of assessment as the deficient tax.

Nature of penal tax.

146. The penal tax shall be assessed by the Commissioner in the same manner, so far as may be, as the deficient tax, but separately therefrom.

Assessment of penal tax.

147. (1.) Any such assessment of penal tax shall be subject, in the same manner as any other assessment of tax, to objection on the ground that the person so assessed is not chargeable with penal tax, or on the ground that the amount so assessed is excessive.

Objections to penal tax.

(2.) All the provisions of this Act as to objections shall apply to an objection to an assessment of penal tax, save that the burden of proving the offence in respect of which penal tax is chargeable shall lie upon the Commissioner.

148. (1.) An assessment of penal tax may be made and the tax so assessed shall be recoverable at any time whether before or after the passing of the annual taxing Act by which the rate of the deficient tax is determined, and whether before or after the deficient tax has been assessed, or become assessable or payable, or has been paid.

Recovery of penal tax.

(2.) When an assessment of penal tax is made before the passing of the annual taxing Act by which the rate of the deficient tax is determined, the deficient tax shall for that purpose be estimated by reference to the rate determined by the last preceding annual taxing Act.

149. (1.) Penal tax shall be assessable against and recoverable from the executors or administrators of a deceased taxpayer, but, if so assessed, the amount thereof shall be recoverable only as a debt incurred by the deceased in his lifetime.

Recovery of penal tax from executors or administrators of deceased taxpayer.

(2.) No penal tax shall be recoverable from any person other than the taxpayer himself; or his executors or administrators.

Amendment of assessment of penal tax.

Penal tax not to be assessed after expiration of four years from date of assessment of deficient tax.

Recovery of penal tax not affected by conviction of taxpayer for offence under Act.

Provisions of this Act applicable to certain offences committed before the passing thereof.

150. An assessment of penal tax may be amended from time to time in the same manner as any other assessment.

151. No assessment of penal tax shall be made or increased at any time after the expiration of four years after the year of assessment of the deficient tax.

152. The assessment or recovery of penal tax in respect of any offence shall not be in any manner barred or affected by the fact that the taxpayer has been convicted under this Act of the same or any other offence, but no person who has paid the penal tax assessed against him for any offence shall be thereafter convicted of the same offence.

153. Every person who before the passing of this Act has committed any offence punishable by a fine of treble tax under section one hundred and six of the Land and Income Assessment Act, 1908, shall, if the offence was committed in respect of tax assessable in and for the year commencing on the first day of April, nineteen hundred and sixteen, or any subsequent year, be assessable and liable for penal tax under the foregoing provisions of this Act in the same manner as if he had attempted to evade the payment of tax under this Act, and all the provisions of this Act shall apply accordingly in lieu of the provisions of the Land and Income Assessment Act, 1908, in respect of treble tax.

PART XII.

GENERAL.

Conduct of inquiries by Commissioner for purposes of Act.

154. (1.) The Commissioner may, by notice in writing, require any person, whether a taxpayer or not, to attend and give evidence before him, or before any officer authorized by him in that behalf, concerning any land, income, return, or assessment, and to produce all books and documents in that person's custody or under his control relating thereto.

(2.) The Commissioner may require such evidence to be given on oath, and either verbally or in writing, and for that purpose he or the officer authorized as aforesaid may administer an oath.

Commissioner to have free access to lands, buildings, books, documents, &c., for purposes of Act.

155. The Commissioner or any officer authorized by him in that behalf shall at all times have full and free access to all lands, buildings, places, books, and documents for the purpose of inspecting the same in the execution of his office, and for this purpose may make extracts from or copies of any such books or documents.

Information to be furnished on request of Commissioner.

156. Every person shall from time to time, as required by the Commissioner, furnish in writing any information or produce any books or documents relating to any land, income, return, or assessment (including lists of shareholders of companies, with the amount of capital contributed by and dividends paid to each shareholder, and also copies of balance-sheets and of profit and loss and other accounts) which may be in his knowledge, possession, or control.

Employers to make returns as to persons employed by them.

157. Every person shall from time to time, as required by the Commissioner, make a return of all persons employed by him during any year, and of all salaries, wages, allowances, and other emoluments received during that year by each person so employed.

158. Every bank, local or public authority, or other company or person who in the course of business holds money by way of deposit and allows interest thereon shall from time to time, as required by the Commissioner, make a return of all interest so allowed during the year or other period to which the requisition of the Commissioner relates, together with the names, addresses, and occupations of the persons to whom such interest has been allowed.

Banking companies to make returns of amounts paid by way of interest on deposits.

159. Every company or local or public authority shall from time to time, as required by the Commissioner, make a return giving such particulars as the Commissioner requires relative to debentures issued by that company or local or public authority, the holders thereof, and the interest paid or payable thereon.

Companies, &c., to make returns as to debentures issued and interest paid thereon.

160. In any case where the Commissioner is satisfied that tax has been paid in excess, he shall refund the excess, provided that written application therefor has been made by or on behalf of the taxpayer within three years from the end of the year of assessment.

Excess tax may be refunded within three years.

AMENDED: VIDE INSET

161. In any case where it is shown to the satisfaction of the Commissioner that any taxpayer has suffered such loss that the exaction of the full amount of tax owing by him will entail serious hardship, the Commissioner may release that taxpayer wholly or in part from his liability and make such alterations in the assessment as are necessary for that purpose.

In case of serious hardship, Commissioner may release taxpayer wholly or in part.

162. Every contract, agreement, or arrangement made or entered into, either before or after the coming into operation of this Act, shall be absolutely void in so far as, directly or indirectly, it has or purports to have the purpose or effect of in any way altering the incidence of land-tax or income-tax, or relieving any person from his liability to pay such tax.

Agreements purporting to alter the incidence of taxation to be void.

REFER TO Act. VIDE INSET

163. (1.) The Governor may from time to time, by Order in Council gazetted, make regulations, not inconsistent with this Act, for the following purposes:—

Regulations.

- (a.) Prescribing the duties and functions of officers and other persons appointed or employed under this Act:
- (b.) Prescribing the form of returns to be made, the particulars to be set forth therein, the persons by whom and the time when or within which such returns shall be made, and the forms of the assessments, notices, and other documents referred to in this Act or necessary in order to give effect thereto:
- (c.) Providing, where there is no provision in this Act or no sufficient provision in respect of any matter or thing necessary to give effect to this Act, in what manner and form the deficiency shall be supplied:
- (d.) Making any provisions which may be convenient for the administration of this Act or which may be desirable or necessary in order to carry its objects into full effect.

(2.) All regulations made under this Act shall have the same force and effect as if they were contained in this Act, and the existence and provisions thereof shall be judicially noticed.

164. (1.) If anything required by or under this Act to be done at or within a fixed time cannot be or is not so done, the Governor, by Order in Council, may from time to time appoint a further or other time for doing the same, whether the time within which the same ought to have been done has or has not expired.

Power to extend time for doing anything under Act.

(2.) Anything done within the time prescribed by such Order in Council shall be as valid as if it had been done within the time fixed by or under this Act.

Application of Act and of regulations thereunder.

165. (1.) This Act shall, so far as it relates to income-tax, extend and apply to all income derived during the year ending on the thirty-first day of March, nineteen hundred and sixteen, or during any subsequent year.

(2.) This Act shall, so far as it relates to land-tax, extend and apply to all land owned at noon on the thirty-first day of March in the year nineteen hundred and sixteen or in any subsequent year.

(3.) All regulations made under this Act shall, so far as they relate to income-tax, and except so far as otherwise expressly provided in those regulations, extend and apply to income derived during the year preceding that in which the regulations are made or during any subsequent year.

(4.) All regulations made under this Act shall, so far as they relate to land-tax, and except so far as otherwise expressly provided in those regulations, extend and apply to all land owned at noon on the thirty-first day of March in the year preceding that in which the regulations are made or in any subsequent year.

(5.) For the purposes of this section this Act shall be deemed to have been in operation since the commencement of the year ending on the thirty-first day of March, nineteen hundred and sixteen.

Returns made under repealed Acts may be accepted for purposes of this Act.

166. All returns which have, before the commencement of this Act, been made in respect of land owned on the thirty-first day of March, nineteen hundred and sixteen, or in respect of income derived during the year ending on that day, in accordance with the provisions of any enactment hereby repealed, shall be deemed to have been also made under this Act, and may be accepted and acted upon by the Commissioner accordingly; but the Commissioner may, so far as he thinks necessary, require all persons to make further returns in respect of that land or income under this Act.

Officers under repealed Acts deemed to have been appointed under this Act.

167. The Commissioner of Taxes, Deputy Commissioner of Taxes, and all other officers holding office at the commencement of this Act under the Land and Income Assessment Act, 1908, shall be deemed to have been duly appointed to the like offices under this Act, and to have duly taken the oath of office required by this Act, and for all purposes whatever the office of Commissioner of Taxes under this Act shall be deemed to be the same office as that of the Commissioner of Taxes under the Land and Income Assessment Act, 1908.

Taxes imposed by this Act deemed to be the same taxes as imposed under repealed Acts.

168. Ordinary land-tax, graduated land-tax, and income-tax, as imposed by this Act, shall for all purposes be deemed to be the same taxes as those imposed under the same name by the Acts hereby repealed.

Repeals.

169. (1.) The enactments mentioned in the Schedule hereto are hereby repealed.

(2.) For all purposes whatsoever in respect of any tax which at the commencement of this Act has been already assessed or paid or is still assessable or payable in or for the year ending on the thirty-first day of March, nineteen hundred and sixteen, or in or for any previous year, in accordance with the provisions of any enactment hereby repealed, that enactment and all the provisions thereof, including its penal provisions, and all regulations, warrants, and other acts of

authority originating thereunder, shall, notwithstanding the repeal thereof, be deemed to remain in full force and effect; and all proceedings under any such enactment, including proceedings for the recovery of any fine or penalty in respect of any offence committed, whether before or after the commencement of this Act, may be taken or continued accordingly as if this Act had not been passed.

(3.) All proceedings in respect of offences committed against any enactment hereby repealed or any regulations thereunder before the commencement of this Act may be instituted or continued as if this Act had not been passed.

SCHEDULE.

Schedule.

ENACTMENTS REPEALED.

1908, No. 95.—The Land and Income Assessment Act, 1908.

1912, No. 10.—The Land and Income Assessment Amendment Act, 1912.

1913, No. 13.—The Land and Income Assessment Amendment Act, 1913.

1915, No. 39.—The Finance Act, 1915: Sections 6 to 23.
