

# **Goods and Services Tax Amendment Act (No 2) 1995**

Public Act 1995 No 75  
Date of assent 12 December 1995

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## **An Act to amend the Goods and Services Tax Act 1985**

**BE IT ENACTED by the Parliament of New Zealand as follows:**

### **1 Short Title**

This Act may be cited as the Goods and Services Tax Amendment Act (No 2) 1995, and shall be read together with and deemed part of the Goods and Services Tax Act 1985 (hereinafter referred to as the principal Act).

### **2 Interpretation**

- (1) This subsection substituted paragraph (a) of the definition of **associated persons** in section 2(1) of the principal Act.

- (2) This subsection amended paragraph (c) of the definition of **input tax** in section 2(1) of the principal Act.
- (3) Subsection (1) of this section applies with respect to supplies made on or after the 17th day of August 1995.
- (4) Subject to subsection (5) of this section, subsection (2) of this section applies with respect to—
  - (a) Supplies made on or after the 21st day of June 1995; and
  - (b) Supplies made at any time before that date where the registered person to whom the supply was made has not before that date furnished a return in which a deduction for input tax in relation to the supply has been made.
- (5) Subsection (2) of this section does not apply where—
  - (a) There is a supply by way of sale under an unconditional contract entered into before 21 June 1995 or a conditional contract entered into before 21 June 1995 that became unconditional before that date; and
  - (b) No return was furnished on or before 21 June 1995 for the taxable period in which payment for the supply was made.

Subsection (5) was substituted, as from 21 June 1995, by section 48(1) Taxation (Remedial Provisions) Act 1996 (1996 No 159).

### **3 Meaning of term supply**

- (1) This subsection inserted section 5(15) to (19) of the principal Act.
- (2) Subject to subsections (3) and (4) of this section, this section applies with respect to—
  - (a) Any supply made on or after the 11th day of August 1995; and
  - (b) Any supply made before that date to—
    - (i) A registered person who has not, before that date, furnished a return in which a deduction for input tax in relation to that supply has been made; or
    - (ii) A registered person who has made such a deduction but has had it denied by the Commissioner in an assessment made before that date and has not as at that date a live objection or appeal in respect of the deduction.

- (3) Notwithstanding subsection (2)(b)(i) of this section, this section does not apply where—
- (a) There is a supply by way of sale under an unconditional contract entered into before 11 August 1995 or a conditional contract entered into before 11 August 1995 that became unconditional before that date; and
  - (b) No return was furnished on or before 11 August 1995 for the taxable period in which payment was made.
- (4) Nothing in subsection (2) or subsection (3) of this section limits the ability of any person to make an election under section 5(19) of the principal Act in respect of a supply made before the 11th day of August 1995.

Subsection (3) was substituted, as from 11 August 1995, by section 49(1) Taxation (Remedial Provisions) Act 1996 (1996 No 159).

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