

Serial Number 1942/88



**THE FOOD-DISTRIBUTING COMPANIES TAXATION
EMERGENCY REGULATIONS 1942**

C. L. N. NEWALL, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 31st day of
March, 1942.

Present :

THE HON. D. G. SULLIVAN PRESIDING IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

1. These regulations may be cited as the Food-distributing Companies Taxation Emergency Regulations 1942.

2. In these regulations, unless inconsistent with the context,—

“Food-distributing company” means a company limited by shares incorporated under the Companies Act, 1933—

(a) In which there is no shareholder (save in respect of shares held by or on behalf of the Crown) except persons, firms, or companies engaged in the sale or distribution of food; and

(b) Which is formed for the purpose of distributing food products in a manner tending to the conservation of manpower and of motor-spirits; and

(c) Which is certified in writing by the Minister of Marketing to the Commissioner of Taxes to have been formed at the instance of the Government for the purpose set out in paragraph (b) of this definition :

“Partner” means any person, firm, company, or public authority deemed by Regulation 3 hereof to be a partner in a partnership consisting of the shareholders of a food-distributing company :

“ Tax ” includes every tax or charge (other than land-tax) imposed under the Land and Income Tax Act, 1923, the Social Security Act, 1938, the Finance Act, 1940, and the Excess Profits Tax Act, 1940, or any amendment thereof or any regulation made thereunder respectively :

Expressions used herein have the meanings assigned to them by the Land and Income Tax Act, 1923.

3. Where any person, firm, company, or public authority is a shareholder in a food-distributing company, such person, firm, company, or public authority shall for the purposes of assessment and recovery of tax be deemed to be a partner in a partnership consisting of all the shareholders of the food-distributing company and shall make returns and declarations and be assessed and liable for tax accordingly.

4. The profits or losses of the food-distributing company shall be deemed to be the profits or losses of the partnership so deemed to exist, and shall be deemed to be divided among the partners in the same proportion as the profits of the food-distributing company are divisible among the shareholders, irrespective of the extent to which such last-mentioned profits are in fact distributed among the shareholders.

5. A food-distributing company shall make joint returns on behalf of the partners in respect of the income deemed to be derived by the partners from the business of the food-distributing company in accordance with the last preceding regulation, but shall not be under any liability for tax in respect of such income.

6. Any certificate given by the Minister of Marketing under these regulations may be withdrawn by the Minister if in his opinion the character of the food-distributing company in question has changed so that it shall no longer be entitled to the benefit of these regulations.

T. J. SHERRARD,

Acting Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 1st day of April, 1942.

These regulations are administered in the Land and Income Tax Department.