

1965/48

**THE INCOME TAX (WITHHOLDING PAYMENTS)
REGULATIONS 1957, AMENDMENT NO. 3**

—
BERNARD FERGUSON, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 29th day of March
1965

Present:

THE RIGHT HON. KEITH HOLYOAKE, C.H., PRESIDING IN COUNCIL

PURSUANT to the Land and Income Tax Act 1954, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

1. (1) These regulations may be cited as the Income Tax (Withholding Payments) Regulations 1957, Amendment No. 3, and shall be read together with and deemed part of the Income Tax (Withholding Payments) Regulations 1957* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of April 1965.

2. Regulation 2A of the principal regulations (as inserted by regulation 3 (2) of the Income Tax (Withholding Payments) Regulations 1957, Amendment No. 1) is hereby amended by adding, as subclause (2), the following subclause:

“(2) For the purposes of Part II of the Act and of these regulations, all payments to which Part E of the Schedule to these regulations applies are hereby declared to be excluded from the definition of the term ‘salary or wages’ in section 2 of the Act.”

3. Regulation 5 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) Subject to the provisions of these regulations, every tax deduction from a withholding payment shall—

“(a) In the case of payments to which Part E of the Schedule to these regulations applies, be of such amount as is fixed by the tax deductions specified in that Part:

“(b) In any other case, be of the amount calculated according to the amount of the payment at the appropriate rate specified in the Schedule to these regulations.”

*S.R. 1957/280 (Reprinted with Amendment No. 1: S.R. 1962/26)
Amendment No. 2: S.R. 1963/51

4. The Schedule to the principal regulations is hereby amended by adding the following Part:

“PART E

“1. **Interpretation**—For the purposes of this Part of this Schedule, the term ‘pay period’, in relation to an employee receiving regular payments to which this Part of this Schedule applies, means the period for which any such payment is made or payable.

“2. **Application**—This Part of this Schedule shall apply to periodic payments to an absentee within the meaning of Part VI of the Land and Income Tax Act 1954 (as defined in section 76 of that Act) by way of superannuation, pension, retiring allowance, or other allowance or annuity in respect of or in relation to the past employment of the absentee or of any person of whom the absentee is or has been the wife or husband or a child or dependant.

“3. **Payments for weekly pay periods**—(1) From every payment to which this Part of this Schedule applies, where the payment is for a weekly pay period, the tax deduction shall be the appropriate amount specified in the Appendix to this Part of this Schedule, according to the amount of the payment.

“(2) Nothing in section 13 or section 14 of the Act shall apply with respect to any payment to which this Part of this Schedule applies.

“4. **Payments for pay periods longer than a week**—From every payment to which this Part of this Schedule applies, where the payment is for a pay period longer than a week, the tax deduction shall be the amount that is ascertained—

“(a) By calculating the part of the payment that is for a week, on the basis that the payment accrued at a uniform daily rate throughout the pay period; and

“(b) By calculating the amount of the tax deduction that would be made under clause 3 of this Part of this Schedule from the part of the payment that is for a week; and

“(c) By increasing the amount of the tax deduction so calculated by the proportion that the total payment bears to the part of the payment that is for a week.”

“5. **Payments for part of pay period**—Where an employee receives a payment to which this Part of this Schedule applies from any one employer for part only of a pay period, that payment shall be deemed to be for the whole of the pay period.

“6. **Amount of total deductions where several deductions made for one pay period**—Where during any pay period two or more payments to which this Part of this Schedule applies are made to an employee (whether by the same employer or by two or more employers), the amount of the total tax deduction required to be made in respect of all such payments shall be deemed to be the amount of the tax deduction that would have been required to be made if all those payments had been one payment made by one employer for that pay period, and, where that total tax deduction is not made in full, section 21 of the Act shall apply accordingly.

“7. Provisions as to deductions from advance payments and as to deductions when rate altered—The same provisions as apply in relation to salary or wages by virtue of sections 16 and 16A of the Act shall apply, as far as may be, with respect to payments to which this Part of this Schedule applies, as if—

- “(a) The expressions ‘salary or wages’ and ‘payment of salary or wages’ wherever they occur in those sections included a payment to which this Part of this Schedule applies; and
- “(b) The reference in section 16A (1) to basic tax deductions were a reference to the deductions required to be made by this Part of this Schedule; and
- “(c) The expression ‘pay period’ wherever it occurs in section 16A included a pay period as defined in clause 1 of this Part of this Schedule; and
- “(d) The references in section 16A (2) (b) to clause 3 of the First Schedule to the Act were references to clause 4 of this Part of this Schedule.

“APPENDIX

TAX DEDUCTIONS FROM PART E WITHHOLDING PAYMENTS TO ABSENTEES

Weekly Payment			Amount of Deduction			Weekly Payment			Amount of Deduction			Weekly Payment			Amount of Deduction		
£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
	5	0			7	£	12	15	0	£	1	16	3	£	25	5	0
	10	0		1	3		13	0	0		1	17	3		25	10	0
	15	0		2	0		13	5	0		1	18	1		25	15	0
1	0	0		2	8		13	10	0		1	19	0		26	0	0
1	5	0		3	3		13	15	0		2	0	1		26	5	0
	1	10		4	0		14	0	0		2	1	0		26	10	0
	1	15		4	8		14	5	0		2	2	0		26	15	0
	2	0		5	4		14	10	0		2	3	0		27	0	0
	2	5		6	0		14	15	0		2	4	0		27	5	0
	2	10		6	8		15	0	0		2	5	1		27	10	0
	2	15		7	4		15	5	0		2	6	1		27	15	0
	3	0		8	0		15	10	0		2	7	1		28	0	0
	3	5		8	8		15	15	0		2	8	3		28	5	0
	3	10		9	4		16	0	0		2	9	5		28	10	0
	3	15		10	1		16	5	0		2	10	6		28	15	0
	4	0		10	9		16	10	0		2	11	7		29	0	0
	4	5		11	4		16	15	0		2	12	9		29	5	0
	4	10		12	1		17	0	0		2	13	10		29	10	0
	4	15		12	9		17	5	0		2	15	0		29	15	0
	5	0		13	5		17	10	0		2	16	2		30	0	0
	5	5		14	1		17	15	0		2	17	6		30	10	0
	5	10		14	9		18	0	0		2	18	7		31	0	0
	5	15		15	6		18	5	0		2	19	8		31	10	0
	6	0		16	1		18	10	0		3	1	0		32	0	0
	6	5		16	10		18	15	0		3	2	1		32	10	0
	6	10		17	5		19	0	0		3	3	3		33	0	0
	6	15		18	1		19	5	0		3	4	6		33	10	0
	7	0		18	10		19	10	0		3	5	8		34	0	0
	7	5		19	6		19	15	0		3	6	11		34	10	0
	7	10		1	0	3	20	0	0		3	8	2		35	0	0
	7	15		1	0	10	20	5	0		3	9	5		35	10	0
	8	0		1	1	6	20	10	0		3	10	8		36	0	0
	8	5		1	2	3	20	15	0		3	11	10		36	10	0
	8	10		1	2	11	21	0	0		3	13	1		37	0	0
	8	15		1	3	6	21	5	0		3	14	5		37	10	0
	9	0		1	4	2	21	10	0		3	15	8		38	0	0
	9	5		1	4	11	21	15	0		3	17	0		38	10	0
	9	10		1	5	7	22	0	0		3	18	3		39	0	0
	9	15		1	6	3	22	5	0		3	19	7		39	10	0
	10	0		1	7	2	22	10	0		4	0	11		40	0	0
	10	5		1	7	11	22	15	0		4	2	2		40	10	0
	10	10		1	8	8	23	0	0		4	3	5		41	0	0
	10	15		1	9	5	23	5	0		4	4	10		41	10	0
	11	0		1	10	3	23	10	0		4	6	2		42	0	0
	11	5		1	11	1	23	15	0		4	7	6		42	10	0
	11	10		1	11	10	24	0	0		4	8	10		43	0	0
	11	15		1	12	11	24	5	0		4	10	2		43	10	0
	12	0		1	13	7	24	10	0		4	11	7		44	0	0
	12	5		1	14	6	24	15	0		4	12	11		44	10	0
	12	10		1	15	5	25	0	0		4	14	3		45	0	0

APPENDIX—*continued*

Weekly Payment			Amount of Deduction			Weekly Payment			Amount of Deduction		
£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
45	10	0	11	11	10	48	0	0	12	11	11
46	0	0	11	15	10	48	10	0	12	16	1
46	10	0	11	19	10	49	0	0	13	0	3
47	0	0	12	3	10	49	10	0	13	4	5
47	10	0	12	7	11	50	0	0	13	8	7

Where the weekly payment is of an amount between any of the amounts of weekly payments specified in this Appendix, the amount of the deduction shall be the amount specified in this Appendix in respect of the nearest weekly payment below.”

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations declare to be withholding payments for the purposes of the principal regulations, and not salary or wages, payments to absentees by way of superannuation, pension, retiring allowance or other allowance or annuity in respect of the past employment of the absentee or of any other person of whom the absentee is or has been the wife or husband or a child or dependant.

The regulations prescribe a table of tax deductions to be made from payments so declared to be withholding payments.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 1 April 1965.

These regulations are administered in the Inland Revenue Department.