

1972/182



THE INCOME TAX (WITHHOLDING PAYMENTS)
REGULATIONS 1967, AMENDMENT NO. 4

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 21st day of August 1972

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL 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.

REGULATIONS

1. Title, commencement, and application—(1) These regulations may be cited as the Income Tax (Withholding Payments) Regulations 1967, Amendment No. 4, and shall be read together with and deemed part of the Income Tax (Withholding Payments) Regulations 1967* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

(3) These regulations shall apply with respect to withholding payments which are made on or after the date of the commencement of these regulations and relate to any pay period (as defined in the Social Security Act 1964), not being a pay period (as so defined) that commenced before the 5th day of July 1972.

2. Exemption certificates—Regulation 5 of the principal regulations is hereby amended by adding the following proviso to subclause (1):

“Provided that this subclause shall not apply with respect to any payment to which Part F of the First Schedule to these regulations applies.”

3. Amounts of tax deductions—Regulation 6 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

*S.R. 1967/71
Amendment No. 1: (*Revoked by S.R. 1971/74*)
Amendment No. 2: (*Revoked by S.R. 1972/133*)
Amendment No. 3: S.R. 1972/133

“(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 First Schedule to these regulations applies, be of such amount as is fixed by the tax deductions specified in that Part:
- “(b) In the case of payments to which Part F of the First Schedule to these regulations applies, be of such amount as is fixed by the tax deductions specified in that Part:
- “(c) In any other case, be of the amount calculated according to the amount of the payment at the appropriate rate specified in the First Schedule to these regulations.”

4. Amounts of tax deductions from payments of superannuation benefit—The First Schedule to the principal regulations is hereby amended by adding the following Part:

“PART F

“1. **Interpretation**—For the purposes of this Part of this Schedule, unless the context otherwise requires,—

“‘Commission’ means the Social Security Commission appointed under the Social Security Act 1964:

“‘Superannuation benefit’, in relation to any person, means a superannuation benefit under Part I of the Social Security Act 1964 but does not include any partial or reduced benefit payable at the discretion of the Commission under section 75 of the Social Security Act 1964.

“2. **Application**—This Part of this Schedule shall apply to payments of superannuation benefit.

“3. **Tax deductions from payments of superannuation benefit**—
(1) From every payment of superannuation benefit the tax deduction shall be—

“(a) To the extent that the superannuation benefit is paid at the rate which is specified in clause 1 of the First Schedule to the Social Security Act 1964 and which has not been increased in accordance with clause 2 of the said First Schedule, one twenty-eighth of \$3.60 in respect of each day for which that superannuation benefit is payable at that rate; and

“(b) To the extent that the superannuation benefit is paid at the rate which is specified in clause 1 of the First Schedule to the Social Security Act 1964 and which has been increased in accordance with clause 2 of the said First Schedule, one twenty-eighth of \$6.40 in respect of each day for which that superannuation benefit is payable at that rate.

“(2) Notwithstanding that, in respect of any payment of superannuation benefit,—

“(a) The rate of superannuation benefit specified in the First Schedule to the Social Security Act 1964 has been reduced pursuant to section 70 of that Act; or

“(b) The amount of any benefit received under the legislation of the United Kingdom has, pursuant to Article 27 or Article 30 of the agreement set out in the Schedule to the Social Security (Reciprocity with the United Kingdom) Act 1969, been deducted from the amount of the superannuation benefit payable at the rate specified in the said First Schedule,— the superannuation benefit shall, for the purposes of this Part of this Schedule be deemed to have been paid at the rate which would otherwise have been applicable in accordance with the said First Schedule:

“Provided that in no case shall the amount of the tax deduction in respect of the payment of that superannuation benefit exceed the amount of that payment.

“(3) Nothing in section 11 or in section 13 or in section 14 or in section 18 of the Act shall apply with respect to any payment to which this Part of this Schedule applies.

“(4) Where the superannuation benefit for any period is paid in 2 or more separate sums, the tax deduction may, at the option of the Commission, be made wholly from 1 of those sums or in part from each of any 2 or more of those sums.”

P. J. BROOKS,
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 payments of the superannuation benefit under Part I of the Social Security Act 1964 to be withholding payments for the purposes of the Income Tax (Withholding Payments) Regulations 1967, and prescribe the rates of tax deductions to be made from those payments.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 24 August 1972.

These regulations are administered in the Inland Revenue Department.