

Serial Number 1942/177



## THE SALES TAX REGULATIONS 1933, AMENDMENT NO. 2

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

### ORDER IN COUNCIL.

At the Government House at Wellington, this 17th day of June, 1942.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Sales Tax Act, 1932-33, and the Customs Act, 1913, 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 Sales Tax Regulations 1933, Amendment No. 2, and shall be read together with and deemed part of the Sales Tax Regulations 1933\* (hereinafter referred to as the principal regulations).

2. Clauses 7, 8, 9, 10, 11, and 12 of the Sales Tax Regulations 1933, Amendment No. 1†, are hereby revoked.

3. Clause 25 of the principal regulations is hereby amended by inserting after the words "the said Act" in subclause (2) the words "or under paragraph (a) of subsection (2) of section 10 of the Customs Acts Amendment Act, 1942".

4. The principal regulations are hereby amended by inserting after clause 25 the following new clause :—

*"Imported Goods sold to Manufacturing Retailers.*

" 25A. (1) The conditions under which refunds may be made to importers pursuant to section 10 (2) (b) of the Customs Acts Amendment Act, 1942, shall be as set forth hereunder :—

" (a) The importer shall have included in the price at which the goods were sold to the manufacturing retailer not more than one-half of the sales tax paid by him on their entry for home consumption :

" (b) The goods shall have actually been used by the manufacturing retailer in the manufacture for sale of goods in respect of which sales tax at the rate of 10 per centum of their sale value is payable :

" (c) An application in form 14A shall be delivered to the Collector within twenty-eight days after the end of the month in which the manufacturing retailer completed the manufacture of the goods for the purposes of which he acquired the imported goods :

\* *Gazette*, 28th March, 1933, Vol. I, page 519.

† *Gazette*, 22nd February, 1934, Vol. I, page 429.

“(d) The applicant shall produce to the Collector such documents and shall furnish such information in relation to the application as the Collector may require :

“(e) Proper records shall be kept by the applicant showing such particulars as are necessary to enable the grounds of the application and the amount of the refund to be verified.

“(2) Notwithstanding anything in the last preceding subclause, the Comptroller may, in any special case, grant a refund of sales tax under paragraph (b) of subsection (2) of section 10 of the Customs Acts Amendment Act, 1942, although the foregoing conditions have not been strictly complied with.”

5. Clause 26 of the principal regulations is hereby amended by revoking subclause (4) thereof, and substituting the following subclause :—

“(4) Where a licensed wholesaler or a licensed manufacturing retailer is engaged in the manufacture of taxable goods and also of non-taxable goods, the Collector (in the case of any such wholesaler) may allow the sales tax paid on materials used in the manufacture of non-taxable goods and (in the case of any such manufacturing retailer) may allow either the sale value of such materials or the sales tax paid thereon to be shown as a deduction in the appropriate monthly return required to be made by the taxpayer :

“Provided that if in the case of any such return the amount of sales tax paid by the taxpayer on materials used in the manufacture of non-taxable goods exceeds the net amount that would be payable by him if allowance in accordance with this subclause were not made, the amount of such excess may, at the option of the Collector, either be paid to the taxpayer or be retained by the Collector and applied towards payment of any sales tax that is for the time being payable, or may at any time become payable, by the taxpayer.”

6. (1) Forms numbered 3, 4, and 14 in the Schedule to the principal regulations are hereby revoked, and the forms numbered 3, 4, and 14 respectively in the Schedule hereto are substituted therefor.

(2) Form numbered 14A in the Schedule hereto is hereby inserted in the Schedule to the principal regulations.

## SCHEDULE.

Section 14.

Regulations 11-13, 17-21.

### Form 3.

*New Zealand Customs.*

The Sales Tax Act, 1932-33.

RETURN BY WHOLESALER.

RETURN under section 14 of the Sales Tax Act, 1932-33, of all goods sold during the month ended . . . . ., 19.., at . . . . ., in the district(s) of . . . . . (being the places in such district(s) at which business was carried on by the under-mentioned wholesaler), and of the sales tax payable in respect thereof.

Full Name.	Address in Place from which Return delivered.	License No.

	Goods subject to 10 per Cent. Sales Tax.	Goods non- taxable or subject to 20 per Cent. Sales Tax.
(1) Total sale value of all goods sold .. .. .	£.....	£.....
(2) Total sale value of all taxable goods (on which sales tax has not been paid) purchased or imported by the wholesaler and used by him during the month to which this return relates otherwise than as materials in the manufacture of goods for sale ..	£.....	£.....
Total .. .. .	£.....	£.....

**Deductions—**

(3) Sale value of taxable goods sold to other licensed wholesalers for resale, &c., as shown in Part A hereof .. .. .	£.....	£.....
(4) Sale value of non-taxable goods, as shown in Part B hereof .. .. .	..	£.....
(5) Credits allowed by wholesaler on taxable goods returned or damaged or on account of any other consideration [ <i>Nature of consideration to be stated</i> ] .. .. .	£.....	£.....
(6) Sale value of goods sold to persons other than licensed wholesalers before entry under section 51 of the Customs Act, 1913, for home consumption or for warehousing on which sales tax is payable on entry for home consumption .. .. .	..	£.....
Total deductions .. .. .	£.....	£.....
(7) Sale value on which sales tax is payable .. .. .	£.....	£.....
(8) Sales tax .. .. .	£.....	£.....
(9) Deduct amount of sales tax already paid on above goods, as shown in Part C hereof .. .. .	£.....	£.....
(10) Less .. . . . . discount for prompt payment .. .. .	£.....	£.....
(11) Amount of sales tax payable .. .. .	£.....	£.....
(12) Total amount of sales tax payable .. .. .	£.....	
(13) Sale value of taxable goods exported otherwise than on the sale thereof ( <i>e.g.</i> , goods exported on consignment) .. .. .	£.....	

*[Such value shall be the value which would have been the sale value if paragraph (a) of subsection (1) of section 13 of the Act had applied to the goods.]*

I, [Full name], of [Address], being (the managing director) (or the manager) (or a partner) (or an agent duly authorized under the Sales Tax Act) of the above-named wholesaler, do hereby declare—

- (1) That the above particulars and the particulars shown in Parts A, B, and C hereof are true and correct in every respect :
- (2) That no business was carried on by the above-named wholesaler during the month ended ....., 19.., at any place in the district(s) of ..... not shown in the above return :
- (3) That the non-taxable goods referred to in paragraph (4) above include no goods other than those set out in Part B hereof.

.....  
[Usual signature.]

Dated at ....., this ..... day of ....., 19..  
To the Collector of Sales Tax at .....

*Extracts from Sales Tax Act, 1932-33.*

13. (1) For the purposes of this Act the sale value of goods shall be determined in accordance with the following provisions:—

(a) In the case of goods sold by a wholesaler to a retailer the sale value shall be the price for which the goods are actually sold, and, in the case of any other goods sold by a wholesaler, shall be the fair market value of such goods as if they were sold by a wholesaler to a retailer in the ordinary course of business:

\* \* \*

(2) For the purposes of paragraphs (a) and (b) of the last preceding subsection, except in such cases as may be prescribed, the price for which any goods are sold, or the fair market value of any goods, shall be determined as if such goods were sold on credit on usual trade terms, and no deduction shall be made from such price or from such fair market value, as the case may be, because of any discount, rebate, or allowance granted or offered in consideration of payment of the purchase-money at or before the time of sale or within any specified time thereafter.

NOTES.—(1) This return must be delivered to the Collector of Sales Tax within twenty-eight days after the end of the period to which it relates (see section 14 of the Sales Tax Act and clause 19 of the Sales Tax Regulations). A return is not deemed to be delivered to the Collector until it has been received by him at his office (see clause 18 of the Sales Tax Regulations).

(2) If no goods of a class or kind referred to in Part A, Part B, or Part C hereof have been sold during the month, such Part and references thereto which are inapplicable may, with the permission of the Collector, be omitted.

(3) No person shall be deemed to act as a wholesaler or to carry on business as a wholesaler at any place unless he occupies premises at that place for the purposes of his business. A person visiting any place as a *bona fide* commercial traveller is not by reason thereof deemed to be an occupier of any premises at that place (see clause 10 of the Sales Tax Regulations).

## PART A.

Names of all licensed wholesalers to whom taxable goods were sold during the month ended . . . . ., 19.., as under:—

(a) For resale; or

(b) For use as materials in the manufacture of goods for sale; or

(c) Where the wholesaler making this return is unable to state whether or not the goods have been sold for resale,—

and the total sale value of such goods.

Names.	Total Sale Value.	
	Goods subject to 10 per Cent. Sales Tax.	Goods subject to 20 per Cent. Sales Tax.
	£	£

PART B.

Particulars of goods exempt from sales tax and sold during the month ended ....., 19...

*Table (1).—Exempted Goods not included in Table (2) or Table (3).*

List of Trade-names of Goods.	Total Sale Value.
	£

*Table (2).—Goods exempt because exported as Cargo during the said Month.*

Description of Goods.	Ship by which exported.	Sale Value.
		£    s.    d.
	Total .. .. .	£

*Table (3).—Goods exempt because exported as Ships' Stores during the said Month.*

Description of Goods.	Ship by which exported.	Sale Value.
		£    s.    d.
	Total .. .. .	£

NOTE.—Taxable goods exported after the end of the month in which they were sold may be entered for drawback of sales tax.

*Table (4).—Summary, showing Total Sale Value.*

	£	s.	d.
Total sale value shown in Table (1) .. .. .			.....
Total sale value shown in Table (2) .. .. .			.....
Total sale value shown in Table (3) .. .. .			.....
Total .. .. .	£		.....

PART C.

Particulars of goods other than wine manufactured in New Zealand sold during the month ended ....., 19., on which sales tax has been already paid, and the amount of such sales tax :—

Description of Goods.	From whom purchased.	Date of Purchase.	Sales Tax paid [Amount to be shown without deduction of any discount or addition of any penalty].					
			Goods subject to 10 per Cent. Sales Tax.		Goods subject to 20 per Cent. Sales Tax.			
			£	s.	d.	£	s.	d.
		Total ..	£			£		

Section 14.  
Regulations 14, 15, 17-21, 26 (4).

Form 4.

New Zealand Customs.

The Sales Tax Act, 1932-33.

RETURN BY MANUFACTURING RETAILER.

RETURN under section 14 of the Sales Tax Act, 1932-33, of all goods manufactured during the month ended . . . . ., 19.., at . . . . ., in the district(s) of . . . . . (being the places in such district(s) at which business was carried on by the undermentioned manufacturing retailer), and of the sales tax payable in respect thereof.

Full Name.	Address in Place from which Return delivered.	License No.

	Goods sub- ject to 10 per Cent. Sales Tax.	Goods sub- ject to 20 per Cent. Sales Tax.
(1) Total sale value of all taxable goods manufactured for use by the manufacturing retailer or for sale otherwise than to licensed wholesalers for resale, except those goods shown in Part D hereof . . . . .	£.....	£.....
(2) Sale value of goods shown in Part D . . . . .	£.....	£.....
(3) Total sale value of all taxable goods shown in Part C of this return, or in the corresponding Part of any previous return, and disposed of or used during the said month otherwise than as materials in the manufacture of goods . . . . .	£.....	£.....
Total . . . . .	£.....	£.....
(4) Deduct sale value of taxable materials received into factory for use in manufacture, as shown in column No. 4 of Part C hereof . . . . .	£.....	£.....
<p>NOTES.—(a) Subject to note (b) hereunder, only 50 per cent. of the sale value of materials on which 10 per cent. sales tax has been paid and which have been or are to be used in the manufacture of goods subject to sales tax in excess of 10 per cent. may be deducted.</p> <p>(b) Deduction under paragraph (4) not to be made in respect of materials referred to in paragraph (7) or used in manufacturing goods referred to in paragraph (2).</p>		
(5) Sale value on which sales tax is payable . . . . .	£.....	£.....
(6) Sales tax . . . . .	£.....	£.....
(7) Deduct amount of sales tax already paid on taxable materials received into factory for use in manufacture, as shown in column No. 5 of Part C hereof . . . . .	£.....	£.....
<p>NOTE.—Deduction under paragraph (7) not to be made in respect of materials referred to in paragraph (4) or used in manufacturing goods referred to in paragraph (2).</p>		
(8) Less . . . . . discount for prompt payment . . . . .	£.....	£.....
(9) Amount of sales tax payable . . . . .	£.....	£.....
(10) Total amount of sales tax payable . . . . .	£.....	
(11) Total sale value of all taxable goods manufactured for sale to licensed wholesalers for resale, as shown in Part A hereof . . . . .	£.....	
(12) Total sale value of all non-taxable goods manufactured, as shown in Part B hereof . . . . .	£.....	

I, [Full name], being (the managing director) (or the manager) (or a partner) (or an agent duly authorized under the Sales Tax Act) of the above-named manufacturing retailer, do hereby declare—

- (1) That the above particulars, and the particulars shown in Parts A, B, C, and D hereof, are true and correct in every respect :
- (2) That no business was carried on by the above-named manufacturing retailer during the month ended . . . . ., 19.., at any place in the district(s) of . . . . . not shown in the above return :
- (3) That all goods shown in Part C of this return or in the corresponding Part of any previous return delivered to the Collector by the above-named manufacturing retailer, and not included in paragraph (3) of this return or in the corresponding paragraph of any such previous return, have been used or are intended to be used by the said manufacturing retailer in the manufacture of goods as mentioned in the said Part C.

. . . . .  
[Usual signature.]

Dated at . . . . ., this . . . . . day of . . . . ., 19..  
To the Collector of Sales Tax at . . . . .

*Extracts from Sales Tax Act, 1932-33 (as amended by the Customs Acts Amendment Act, 1942).*

13. (1) For the purposes of this Act the sale value of goods shall be determined in accordance with the following provisions:—

\* \* \*

- (b) In the case of goods manufactured by a manufacturing retailer, the sale value shall be the fair market value of such goods as if they were sold by a manufacturing retailer to a retailer in the ordinary course of business :

Provided that where the Collector is satisfied with respect to any taxable goods used by a manufacturing retailer in the manufacture of any goods as aforesaid that sales tax has been paid on such taxable goods (or that they were purchased, manufactured, or imported by the manufacturing retailer not later than the eighth day of February, nineteen hundred and thirty-three), he shall, in his discretion, but subject in any case to direction by the Minister, either ascertain the sale value of such manufactured goods by deducting from their fair market value the sale value of the taxable goods used in their manufacture, or determine that the sale value of such manufactured goods shall be deemed to be the cost of their manufacture (exclusive of the value of the taxable goods used in their manufacture), increased by such amount as he thinks reasonable in respect of the manufacturer's profit on the cost of production :

Provided also that where sales tax at the rate of ten per centum has been paid on any taxable goods used in the manufacture of any goods in respect of which sales tax is payable at a rate in excess of ten per centum of the sale value thereof, the sale value of the manufactured goods shall be ascertained either by deducting from their fair market value fifty per centum and no more of the sale value of the taxable goods used in their manufacture or in accordance with the second alternative provided for in the foregoing provisions of this paragraph.

\* \* \*

- (2) For the purposes of paragraphs (a) and (b) of the last preceding subsection, except in such cases as may be prescribed, the price for which any goods are sold, or the fair market value of any goods, shall be determined as if such goods were sold on credit on usual trade terms, and no deduction shall be made from such price or from such fair market value, as the case may be, because of any discount, rebate, or allowance granted or offered in consideration of payment of the purchase-money at or before the time of sale or within any specified time thereafter.

NOTES.—(1) This return must be delivered to the Collector of Sales Tax within twenty-eight days after the end of the period to which it relates (see section 14 of the Sales Tax Act and clause 19 of the Sales Tax Regulations). A return is not deemed to be delivered to the Collector until it has been received by him at his office (see clause 18 of the Sales Tax Regulations).

(2) If no goods of a class or kind referred to in Part A, Part B, Part C, or Part D hereof have been manufactured or received, as the case may be, during the month, or if the sale value of all the goods manufactured during the month is shown in Part D, the Part or Parts and references thereto which are inapplicable may, with the Collector's permission, be omitted.

## PART A.

Names of all licensed wholesalers to whom taxable goods intended for resale have been manufactured during the month ended ....., 19.., and the total sale value of such goods:—

Names.	Total Sale Value.
	£

## PART B.

Particulars of goods exempt from sales tax, manufactured during the month ended ....., 19...

*Table (1).—Exempted Goods not included in Table (2) or Table (3).*

List of Trade-names of Goods.	Total Sale Value.
	£

*Table (2).—Goods exempt because exported as Cargo during the said Month.*

Description of Goods.	Ship by which exported.	Sale Value.		
		£	s.	d.
Total	.. .. .	£		

*Table (3).—Goods exempt because exported as Ships' Stores during the said Month.*

Description of Goods.	Ship by which exported.	Sale Value.		
		£	s.	d.
Total	.. .. .	£		

NOTE.—Taxable goods exported after the end of the month in which they were manufactured may be entered for drawback of sales tax.

*Table (4).—Summary showing Total Sale Value.*

Total sale value shown in Table (1)	..	..	£.....
Total sale value shown in Table (2)	..	..	£.....
Total sale value shown in Table (3)	..	..	£.....
Total	..	..	£.....



PART C.

Particulars of taxable goods upon which sales tax has been paid, received into factory during the month ended . . . . ., 19.., for use as materials in the manufacture of—

- (a) Taxable goods (except those shown in Part D hereof); or
- (b) Non-taxable goods.

Description of Goods.	From whom purchased or, if imported, Number of Import Entry.	Date of Purchase or Importation.	Sale Value (as at time of Purchase or Importation).		Sales Tax paid [Amount to be shown without deduction of any discount or addition of any penalty.]		Description of Goods manufactured or to be manufactured from the Goods mentioned in Column No. 1.
			Goods subject to 10 per Cent. Sales Tax.	Goods subject to 20 per Cent. Sales Tax.	Goods subject to 10 per Cent. Sales Tax.	Goods subject to 20 per Cent. Sales Tax.	
Column No. 1.	Column No. 2.	Column No. 3.	Column No. 4.		Column No. 5.		Column No. 6.
			£ s. d.	£ s. d.	£ s. d.	£ s. d.	
Total amount to be shown in paragraph (4) (or (7)) of return			£	£	£	£	

PART D.

[To be used only in cases where the Collector has permitted the sale value of manufactured goods to be ascertained by reference to the cost of their manufacture.]

Particulars of all goods manufactured during the month ended . . . . ., 19.. the sale value of which has been ascertained by reference to the cost of their manufacture :—

Description of Goods.	Cost of Manufacture of all Taxable Goods made during the Month (exclusive of the Value of the Taxable Goods used in their Manufacture—e.g., Amount of Labour Charges, Overhead Expenses, or other Particulars on which Cost is based).	Amount or Percentage (if any) added to arrive at Sale Value.	Sale Value.	
			Goods subject to 10 per Cent. Sales Tax.	Goods subject to 20 per Cent. Sales Tax.
	£ s. d.		£ s. d.	£ s. d.

Sales Tax Act, 1932-33, section 11 (1) (c).  
Customs Acts Amendment Act, 1942, section 10 (2) (a).  
Regulation 25.

## Form 14.

New Zealand Customs.

Sales Tax Act, 1932-33.

APPLICATION BY IMPORTER FOR REFUND OF SALES TAX PAID BY HIM ON GOODS SOLD BY THE IMPORTER TO A LICENSED WHOLESALER FOR RESALE OR FOR USE IN THE MANUFACTURE OF GOODS FOR SALE.

I, [Full name], (the managing director) (or the manager) (or a partner) (or an agent duly authorized under the Sales Tax Act), of [Name of company or firm—to be struck out if inapplicable], hereby make application for refund of sales tax, to the amount stated below, paid by me as importer on goods which have been sold by me to a licensed wholesaler for resale by him or for the use by him in the manufacture of goods for sale, and submit the following statement in respect thereof:—

Description of Goods.	To whom sold.	Date of Sale.	Number and Date of Entry for Home Consumption.	Sale Value upon which Sales Tax has been paid.	Net Amount of Sales Tax paid.
				£ s. d.	£ s. d.
Total amount of refund for which application is made .. .. .					£

NOTE.—Refund is conditional on the importer not having included in the price at which the goods were sold to the wholesaler any of the sales tax paid by the importer on their entry for home consumption. In such cases the importer should state on his invoice for the goods to the wholesaler that the price charged therefor is exclusive of sales tax.

The undermentioned documents relative to the above are produced herewith:—

[Such documents as the Collector may require.]

Further, I do hereby declare—

- (i) That the above particulars are true and correct in every respect;
- (ii) That (I have) (my company has) (my firm has) not already made application for or received directly or indirectly refund of any portion of the sales tax of which the refund is now claimed; and
- (iii) That the price at which the goods were sold to the wholesaler included no amount in respect of sales tax paid on entry of the goods for home consumption.

.....  
[Usual signature.]

Postal address of applicant: .....

To the Collector of Sales Tax at .....

NOTE.—This application must be delivered to the Collector of Sales Tax within twenty-eight days after the end of the month in which the goods were sold (see clause 25 of the Sales Tax Regulations).

Customs Acts Amendment Act, 1942, section 10 (2) (b).  
Regulation 25A.

## Form 14A.

New Zealand Customs.

Sales Tax Act, 1932-33.

APPLICATION BY IMPORTER FOR REFUND OF ONE-HALF OF THE SALES TAX PAID AT THE RATE OF 20 PER CENTUM OF THEIR SALE VALUE ON GOODS SOLD BY THE IMPORTER TO A MANUFACTURING RETAILER AND USED BY HIM IN THE MANUFACTURE FOR SALE OF GOODS IN RESPECT OF WHICH SALES TAX AT THE RATE OF 10 PER CENTUM OF THEIR SALE VALUE IS PAYABLE.

I, [Full name], (the managing director) (or the manager) (or a partner) (or an agent duly authorized under the Sales Tax Act), of [Name of company or firm—to be struck out if inapplicable], hereby make application for refund under paragraph (b) of subsection (2) of section 10 of the Customs Acts Amendment Act,

1942, of sales tax to the amount stated below, being one-half of the sales tax at the rate of 20 per centum of their sale value paid by me as importer on goods which have been sold by me to a manufacturing retailer and used by him in the manufacture for sale of goods in respect of which sales tax at the rate of 10 per centum of their sale value is payable:—

Description of Goods.	To whom sold.	Date of Sale.	Number and Date of Entry for Home Consumption.	Sale Value upon which Sales Tax has been paid.	Net Amount of Sales Tax paid.	Description of Goods in respect of which the Goods have been used in Manufacture.
<i>Column No. 1.</i>	<i>Column No. 2.</i>	<i>Column No. 3.</i>	<i>Column No. 4.</i>	<i>Column No. 5.</i>	<i>Column No. 6.</i>	<i>Column No. 7.</i>
				£ s. d.	£ s. d.	
Total amount of refund for which application is made .. ..				..	..	£

NOTE.—Refund is conditional on the importer having included in the price at which the goods were sold to the manufacturing retailer not more than one-half of the sales tax, at the rate of 20 per centum, paid by the importer on entry of the goods for home consumption. In such cases the importer should state on his invoice for the goods to the manufacturing retailer the rate of sales tax (if any) included in the price charged therefor.

The undermentioned documents relative to the above are produced herewith:—

[Such documents as the Collector may require.]

Further, I do hereby declare—

- (i) That the above particulars are true and correct in every respect;
- (ii) That (I have) (my company has) (my firm has) not already made application for or received directly or indirectly refund of any portion of the sales tax of which the refund is now claimed;
- (iii) That the price at which the goods were sold included not more than one-half of the sales tax paid on their entry for home consumption; and
- (iv) That the goods in respect of which refund is claimed have actually been used by the purchaser(s) in the manufacture for sale of the goods mentioned in column No. 7.

.....  
[Usual signature.]

Postal address of applicant: .....

To the Collector of Sales Tax at .....

NOTE.—This application must be delivered to the Collector of Sales Tax within twenty-eight days after the end of the month in which manufacture of the goods mentioned in column No. 7 was completed.

C. A. JEFFERY,  
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.  
Date of notification in *Gazette*: 18th day of June, 1942.  
These regulations are administered in the Customs Department.