

No. 48483

**New Zealand
and
United Kingdom of Great Britain and Northern Ireland
(in respect of the Isle of Man)**

**Agreement between the Government of New Zealand and the Government of the Isle of Man
on the exchange of information with respect to taxes. London, 27 July 2009**

Entry into force: *27 July 2010 by notification, in accordance with article 12*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *New Zealand, 1 April 2011*

**Nouvelle-Zélande
et
Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
(à l'égard de l'île de Man)**

**Accord entre le Gouvernement de la Nouvelle-Zélande et le Gouvernement de l'île de Man
relatif à l'échange de renseignements en matière fiscale. Londres, 27 juillet 2009**

Entrée en vigueur : *27 juillet 2010 par notification, conformément à l'article 12*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Nouvelle-Zélande, 1^{er} avril 2011*

[ENGLISH TEXT – TEXTE ANGLAIS]

**Agreement
between
the Government of New Zealand
and
the Government of the Isle of Man
on
the Exchange of Information
with Respect to Taxes**

Whereas New Zealand and the Isle of Man ("the Parties") recognise that present legislation already provides for cooperation and the exchange of information in criminal tax matters;

Whereas the Parties have long been active in international efforts in the fight against financial and other crimes, including the targeting of terrorist financing;

Whereas it is acknowledged that the Isle of Man under the terms of its Entrustment from the United Kingdom has the right to negotiate, conclude, perform and, subject to the terms of this Agreement, terminate a tax information exchange agreement with New Zealand;

Whereas the Isle of Man on the 13th December 2000 entered into a political commitment to the OECD's principles of effective exchange of information and actively participated in the drafting of the Organisation for Economic Co-operation and Development Model Agreement on Exchange of Information on Tax Matters;

Whereas the Parties wish to enhance and facilitate the terms and conditions governing the exchange of information with respect to taxes;

Now, therefore, the Parties have agreed to conclude the following Agreement, which contains obligations on the part of the Parties only:

Article 1

Object and Scope of this Agreement

The Parties shall provide assistance through exchange of information that is foreseeably relevant to the administration and enforcement of the domestic laws of the Parties concerning taxes covered

by this Agreement. Such information shall include information that is foreseeably relevant to the determination, assessment, enforcement, recovery or collection of such taxes, with respect to persons liable to such taxes, or to the investigation or prosecution of tax matters in relation to such persons. Information shall be exchanged in accordance with the provisions of this Agreement and shall be treated as confidential in the manner provided in Article 8. The rights and safeguards secured to persons by the laws or administrative practice of the Requested Party remain applicable. The Requested Party shall use its best endeavours to ensure that the effective exchange of information is not unduly prevented or delayed.

Article 2

Jurisdiction

The Requested Party is not obligated to provide information which is neither held by its authorities nor in the possession of or obtainable by persons who are within its territorial jurisdiction.

Article 3

Taxes Covered

- 1 The existing taxes which are the subject of this Agreement are:
 - (a) in the Isle of Man, taxes on income or profits; and
 - (b) in New Zealand, the income tax.

- 2 This Agreement shall also apply to any identical or substantially similar taxes imposed after the date of signature of this Agreement in addition to, or in place of, the existing taxes. This Agreement shall also apply to such other taxes as may be agreed in an exchange of letters between the Parties. The competent authorities of the Parties shall notify

each other of any substantial changes to the taxation and related information gathering measures covered by this Agreement.

3 This Agreement shall not apply to taxes imposed by states, municipalities or other political subdivisions, or possessions of a Party.

Article 4

Definitions

- 1 For the purposes of this Agreement, unless otherwise defined:
 - (a) the term "collective investment scheme" means any pooled investment vehicle, irrespective of legal form. The term "public collective investment scheme" means any collective investment scheme provided the units, shares or other interests in the scheme can be readily purchased, sold or redeemed by the public. Units, shares or other interests in the scheme can be readily purchased, sold or redeemed "by the public" if the purchase, sale or redemption is not implicitly or explicitly restricted to a limited group of investors;
 - (b) the term "company" means any body corporate or any entity that is treated as a body corporate for tax purposes;
 - (c) the term "competent authority" means, in the case of the Isle of Man, the Assessor of Income Tax or an authorised delegate and, in the case of New Zealand, the Commissioner of Inland Revenue or an authorised representative of the Commissioner;
 - (d) the term "criminal laws" means all criminal laws designated as such under domestic law irrespective of whether contained in the tax laws, the criminal code or other statutes;