

No. 48484

**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
for the allocation of taxing rights with respect to certain income of individuals and to
establish a mutual agreement procedure in respect of transfer pricing adjustments.
London, 27 July 2009**

Entry into force: *27 July 2010 by notification, in accordance with article 10*

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 la répartition des droits d'imposition sur certains revenus des personnes
physiques et visant à établir une procédure amiable concernant la correction des prix de
transfert. Londres, 27 juillet 2009**

Entrée en vigueur : *27 juillet 2010 par notification, conformément à l'article 10*

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
for
the Allocation of Taxing Rights with Respect to Certain Income of
Individuals
and
to Establish a Mutual Agreement Procedure in Respect of Transfer
Pricing Adjustments**

The Government of New Zealand and the Government of the Isle of Man ("the Parties"),

Recognising that the Parties have concluded an Agreement on the Exchange of Information with Respect to Taxes, and

Desiring to conclude an Agreement for the allocation of taxing rights with respect to certain income of individuals and to establish a mutual agreement procedure in respect of transfer pricing adjustments,

Have agreed as follows:

Article 1

Persons Covered

This Agreement shall apply to persons who are residents of one or both of the Parties.

Article 2

Taxes Covered

- 1 The existing taxes to which this Agreement shall apply are:
 - (a) in the Isle of Man, taxes on income or profits;
(hereinafter referred to as "Manx tax");
 - (b) in New Zealand, the income tax;
(hereinafter referred to as "New Zealand tax").
- 2 This Agreement shall also apply to any identical or substantially similar taxes which are imposed after the date of signature of this

Agreement in addition to, or in place of, the existing taxes. The competent authorities of the Parties shall notify each other within a reasonable period of time of any substantial changes to the taxation laws covered by this Agreement.

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

Article 3

Definitions

1 For the purposes of this Agreement, unless the context otherwise requires:

- (a) 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;
- (b) the term "Isle of Man" means the island of the Isle of Man;
- (c) the term "Party" means the Isle of Man or New Zealand, as the context requires;
- (d) the term "national", in relation to a Party, means any individual possessing the nationality or citizenship of that Party;
- (e) the term "New Zealand" means the territory of New Zealand but does not include Tokelau; it also includes any area beyond the territorial sea designated under New Zealand legislation and in accordance with international law as an area in which New Zealand may exercise sovereign rights with respect to natural resources;

- (f) the term "person" includes an individual, a company and any other body of persons;
- (g) the term "tax" means Manx tax or New Zealand tax, as the context requires; and
- (h) the term "transfer pricing adjustment" means an adjustment made by the competent authority of a Party to the profits of an enterprise as a result of applying the domestic law concerning taxes referred to in Article 2 of that Party regarding transfer pricing.

2 As regards the application of this Agreement at any time by a Party, any term not defined therein shall, unless the context otherwise requires, have the meaning that it has at that time under the law of that Party, for the purposes of the taxes to which this Agreement applies, with any meaning under the applicable tax laws of that Party prevailing over a meaning given to the term under other laws of that Party.

Article 4

Resident

1 For the purposes of this Agreement, the term "resident of a Party" means:

- (a) in the case of the Isle of Man, a person who is a resident for the purposes of Manx tax; and
- (b) in the case of New Zealand, a person who is a resident of New Zealand for the purposes of New Zealand tax.

2 A person is not a resident of a Party for the purposes of this Agreement if the person is liable to tax in that Party in respect only of income from sources in that Party.