

No. 48485

**New Zealand
and
United Kingdom of Great Britain and Northern Ireland
(in respect of Guernsey)**

Agreement between the Government of New Zealand and the States of Guernsey for the exchange of information with respect to taxes and the allocation of taxing rights with respect to certain income of individuals. London, 21 July 2009

Entry into force: *8 November 2010 by notification, in accordance with article 13*

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 Guernesey)**

Accord entre le Gouvernement de la Nouvelle-Zélande et les États de Guernesey relatif à l'échange de renseignements en matière fiscale et à l'octroi de droits d'imposition sur certains revenus des personnes physiques. Londres, 21 juillet 2009

Entrée en vigueur : *8 novembre 2010 par notification, conformément à l'article 13*

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 States
of Guernsey
for
the Exchange of Information with Respect to Taxes
and
the Allocation of Taxing Rights with Respect to Certain Income of
Individuals**

Whereas the Government of New Zealand and the States of Guernsey ("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 States of Guernsey has the right under the terms of its Entrustment from the United Kingdom to negotiate, conclude, perform and subject to the terms of this Agreement terminate a tax information exchange agreement with the Government of New Zealand;

Whereas the States of Guernsey on 21 February 2002 entered into a political commitment to the Organisation for Economic Co-operation and Development's principles of effective exchange of information.

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

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

CHAPTER I
TAXES COVERED AND DEFINITIONS

Article 1
Taxes Covered

1. Subject to paragraph 2, the taxes to which this Agreement shall apply are:

(a) in the case of New Zealand, income tax and goods and services tax ("New Zealand tax");

(b) in the case of Guernsey, income tax and dwellings profits tax ("Guernsey tax").

2. Notwithstanding paragraph 1, the only taxes to which Articles 9 and 10 shall apply are:

(a) in the case of New Zealand, income tax;

(b) in the case of Guernsey, income tax.

3. This Agreement shall apply also to any identical or substantially similar taxes imposed after the date of signature of the Agreement in addition to or in place of the taxes listed in paragraph 1 if the Parties so agree. The competent authority of each Party shall notify the other of substantial changes in laws or measures which may affect the obligations of that Party pursuant to this Agreement.

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

Article 2

Definitions

1. In this Agreement:

“Guernsey” means the islands of Guernsey, Alderney and Herm, including the territorial sea adjacent to those islands, in accordance with international law;

“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;

“collective investment fund or scheme” means any pooled investment vehicle, irrespective of legal form. The term “public collective investment fund or scheme” means any collective investment fund or scheme provided the units, shares or other interests in the fund or scheme can be readily purchased, sold or redeemed by the public. Units, shares or other interests in the fund or 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;

“company” means any body corporate or any entity that is treated as a body corporate for tax purposes;