

No. 48487

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

Agreement between the Government of New Zealand and the Government of Jersey 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 October 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 Jersey)**

Accord entre le Gouvernement de la Nouvelle-Zélande et le Gouvernement de Jersey relatif à la répartition des droits d'imposition sur certains revenus des personnes physiques et visant à établir une procédure d'accord amiable concernant l'ajustement des prix de transfert. Londres, 27 juillet 2009

Entrée en vigueur : *27 octobre 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 Jersey 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 Jersey ("the Parties"),

Recognising that the Parties have concluded an Agreement for 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 Jersey the income tax;
(hereinafter referred to as "Jersey 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 municipalities, local authorities or possessions of a Party.

Article 3

Definitions

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

- (a) "Jersey" means the Bailiwick of Jersey, including its territorial sea;
- (b) "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;
- (c) "competent authority" means, in the case of Jersey, the Treasury and Resources Minister or an authorised representative of the Minister and, in the case of New Zealand, the Commissioner of Inland Revenue or an authorised representative of the Commissioner;
- (d) "Party" means Jersey or New Zealand, as the context requires;
- (e) "national", in relation to a Party, means any individual possessing the nationality or citizenship of that Party;
- (f) "person" includes an individual, a company and any other body of persons;

- (g) "tax" means Jersey tax or New Zealand tax, as the context requires; and
- (h) "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 Jersey, a person who is a resident of Jersey for the purposes of Jersey 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.

3 Where by reason of the preceding provisions of this Article a person, being an individual, is a resident of both Parties, then the person's status shall be determined as follows: