

Land Transfer Tax Statement

Sections 156B & 156C of the Land Transfer Act 1952

- You can use this form to provide the required tax details as part of registering your property transfer.
- A separate tax statement will need to be completed for each individual or entity
- See notes (attached) for details on how to complete this form.

1. Property details

Certificate of title reference (Computer Register)

Instrument number (if available)

Q1.1: Does the transfer involve land that has a home on it?

Yes

No

2. Seller /Buyer identity

Indicate if this statement is for the seller (transferor) or buyer (transferee)

Transferor

Transferee

Transferor

Full name of the person/s or entity involved in the transaction *(Before completing the name refer to section 2 in the notes)*

Q2.1: Are you or a member of your immediate family a New Zealand citizen or a holder of either a resident, work or student visa?

Yes

No

Q2.2: If you are a buyer and you or a member of your immediate family hold a work or student visa, do you or a member of your immediate family intend living on the land?

Yes

No

Not Applicable

3. Non-notifiable transfer reasons

If you wish to claim an exemption from providing tax details enter the non-notifiable reason code

Refer to section 3 in the notes

If you have claimed a non-notifiable reason go directly to section 5 to sign

4. Tax details at the date of this statement

Enter your New Zealand IRD number here

(Before completing the IRD number refer to section 4 in the notes)

Are you a tax resident in a country/jurisdiction other than (or as well as) New Zealand

Yes

No

If you answered no to the last question go directly to section 5 to sign

Country/jurisdiction you are a tax resident in

Country code *(refer to section 4 in the notes)*

Your taxpayer identification number for this country

Note: *If you are a tax resident in more than one country/jurisdiction, other than New Zealand, complete the above three boxes for the second and subsequent country/jurisdiction and attach to this statement*

5. Signature

I certify that the information in this statement is true and correct at the time of signing this. I am aware there are penalties for providing incorrect information.

Signature

Date

Name

Position or office held

(if signing as an authorised person)

Notes for Land Transfer Tax Statement

When do you need to complete this statement

This form will need to be completed for transfers of freehold, leasehold, life estates, stratum estates, licences to occupy and other specified estates in land as defined in section 156A(1) of the Land Transfer Act 1952. You do not need to complete the form if the transfer relates to Māori Land as defined by Te Ture Whenua Māori Act 1993, if the transfer is a part of the Treaty of Waitangi settlement process or for any contract for the transfer of land that was entered into before 1 October 2015 if the transfer is registered on or before 1 April 2016.

How to complete the statement

Your answers to these questions should be correct at the date of the statement

1. Property details

Certificate of title reference (Computer Register) can be found in the sale and purchase agreement, or your lawyer or conveyancer will be able to provide this.

Instrument Number is the number allocated by Land Information NZ for lodgement of the transfer. If entered it should include the sequence number, e.g. 123456.1

Home is defined as a dwelling mainly used as a residence e.g. house, apartment, unit whether tenanted, occupied or not

2. Seller / Buyer identity

If there is more than one seller (transferor) or buyer (transferee), each person will need to complete their own tax statement.

Transferor is the person/entity who is selling or disposing a property

Transferee is the person/entity who is buying or acquiring a property

Name of person/s or entity

For an individual, enter the full name with first name/s then the last name (family name or surname).

For an entity, enter the registered name.

Where a person is acting on behalf of a person or entity or in a different capacity:

- in the capacity of the trustee of the trust – enter the name of the trustee
- as a nominee or under a power of attorney – enter the name of the person who made the nomination or granted the power of attorney
- in the capacity of a partner in a partnership – enter the name of the partnership if it is a registered entity (i.e. limited partnership) otherwise it should be the name of the individual(s). A separate tax statement is required for each individual
- on behalf of a Body Corporate under the Unit Titles Act 2010 – enter Body Corporate and the number (e.g. Body Corporate 12345).

3. Non-notifiable transfer reasons

You may claim an exemption from providing your tax details if:

- A: the land being transferred qualifies as your main home
- B: you are disposing of the land as part of a mortgagee sale, rating sale under the Local Government (Rating) Act 2002, a court ordered sale or statute ordered sale.
- C: you are acting as a transferor or transferee on behalf of a public authority as defined in the Income Tax Act 2007 (e.g. Her Majesty the Queen)
- D: you are acting as a transferor or transferee on behalf of a local authority as defined in the Income Tax Act 2007
- E: you are acting as executor or administrator for a deceased person's estate

If applicable, enter the most appropriate code.

Notes for main home exemption

A main home means for a person, the 1 dwelling

- a) that is mainly used as a residence by you and your family (if applicable) (a home); and
- b) with which the person has the greatest connection, if they have more than 1 home

Greatest connection includes where their immediate family live, whether the person's personal property is in the dwelling, the time the person occupies the dwelling, where their social ties are strongest and whether the person has employment, business interests and economic ties to the area where the dwelling is located.

As a seller (transferor) you can't claim the "Main home" exemption if:

- you are not a natural person (e.g. a trust or a company)
- you are an offshore person
- you have relied on this exemption at least 2 times within the 2 years immediately preceding the date of the transfer
- a trust owns the home
- the land has not been used predominately, for most of the time you owned the land, for a dwelling that was your main home

As a buyer (transferee) you can't claim the "Main home" exemption if:

- you are not a natural person (e.g. a trust or a company)
- you are an offshore person
- a trust will own the home
- the land is not intended to be used predominantly for a dwelling that will be your main home

An **Offshore person** means;

- a) for an individual,—
 - i) a New Zealand citizen who is outside New Zealand and has not been in New Zealand within the last 3 years:
 - ii) a person who holds a resident residence class visa granted under the Immigration Act 2009, and who is outside New Zealand and has not been in New Zealand within the last 12 months:
 - iii) a person who is not a New Zealand citizen and who does not hold a resident residence class visa granted under the Immigration Act 2009:
- b) for a body corporate or an unincorporated body of persons, including a trust or a unit trust, a person who would be an overseas person under section 7(2)(b) to (e) (f) of the Overseas Investment Act 2005, treating references to an overseas person or persons in that section as including a person or persons described in paragraph (a) of this definition

4. Tax details

If you are acting on behalf of a person or entity, or in a different capacity, the answers that you give must relate to the person or entity you are acting on behalf of, or in that capacity.

New Zealand IRD Number

If you do not have a New Zealand IRD number, you will need to get one before your land transfer can be registered. Go to www.ird.govt.nz to find out how to do this.

- for a trust - use the trust's IRD number not the trustees
- for a partnership – user the partnerships IRD number not the partners
- if acting as a nominee or under a power of attorney – use the IRD number of the person who made the nomination or granted the power of attorney
- if acting on behalf of a body corporate under the Unit Titles Act 2010 – use the Body Corporate's IRD number
- if acting on behalf of an unincorporated body – use the unincorporated body's IRD number

Are you a tax resident in another jurisdiction/country?

You need to answer yes to this question if you are currently a tax resident in another jurisdiction under the tax laws of that jurisdiction. Generally you are a tax resident of another jurisdiction if you need to file an income tax return in that jurisdiction for your world-wide income (rather than just for income that has a source in that country). You need to answer yes to this question even if, under a double tax agreement, you would not be treated as tax resident in that country.

If you are not sure if you are a current tax resident of another country/jurisdiction, you will need to contact that tax authority to confirm.

Country name and code

If you are a tax resident in another country/jurisdiction other than New Zealand you need to give us that country's name and country code. You can find the country code on the Inland Revenue website www.ird.govt.nz (search keywords: country code).

Taxpayer identification number

Provide your taxpayer identification number in that country.

If you are a current tax resident in more than one country/jurisdiction, other than New Zealand, you will need to provide the country name, code and IRD number equivalent for the second and subsequent countries/jurisdiction and attach to this statement

5. Signature

Each seller (transferor) and buyer (transferee) involved in the property transfer must sign their own tax statement.

If signing as an authorised person please include the name of the person signing and the title of position held e.g. power of attorney, company director, executive office holder.

Offence

A person commits an offence under section 156E(1) of the Land Transfer Act 1952 if they give a tax statement to a certifier or to Land Information New Zealand that, to the person's knowledge or with intent to deceive, contains false or misleading tax information.

Section 156E(2) of the Land Transfer Act 1952, specifies the penalties for giving false or misleading information.

New Zealand Government