



SUPPLEMENT
TO THE
NEW ZEALAND GAZETTE

OF
THURSDAY, OCTOBER 17, 1940.

Published by Authority.

WELLINGTON, FRIDAY, OCTOBER 18, 1940.

The 1953 War Loan Subscription Notice.

PURSUANT to Regulation 14 of the Finance Emergency Regulations 1940 (No. 2),* the Minister of Finance hereby gives notice as follows:—

1. This notice may be cited as the 1953 War Loan Subscription Notice.
2. This notice shall take effect on the date of its publication in the *Gazette*.
3. For the purposes of this notice, unless the context otherwise requires,—

“Exempt income”, in respect of any person, means non-assessable income derived during the year ended 31st March, 1939, in respect of which that person was liable to pay social security charge; and includes any other non-assessable income derived during that year from any country within the British dominions other than New Zealand in respect of which that person would have been liable to pay social security charge if that income had not been chargeable in that country with a special tax levied in respect of unemployment or social services; but does not include any dividends derived from any company resident in New Zealand:

Expressions used in this notice and also in the Land and Income Tax Act, 1923, shall, when used in this notice, have the same meanings as when used in the Land and Income Tax Act, 1923.

* Statutory Regulations 1940, Serial number 1940/118.
Amendment No. 1: Statutory Regulations 1940, Serial number 1940/250

4. Every person to whom any of the following paragraphs applies is hereby required to subscribe to the New Zealand Government War Loan, 1953, on or before the 8th day of November, 1940, an amount which, together with any amounts already so subscribed by him, is not less than the respective minimum amount indicated in that behalf in that paragraph, namely:—

- (a) In the case of every person (other than a company or a public authority) who derived assessable income but did not derive exempt income, the minimum amount shall be the nearest multiple of £10 to a sum less by £50 than the amount of the income-tax payable by him (otherwise than as an agent) in respect of income derived during the year ended 31st March, 1939:
- (b) In the case of every person (other than a company or a public authority) who derived exempt income, the minimum amount shall be the nearest multiple of £10 to a sum less by £50 than the amount of the income-tax which would have been payable by him (otherwise than as an agent) in respect of income derived during the year ended 31st March, 1939, if that exempt income had been assessable income:
- (c) In the case of every company or public authority which derived assessable income but did not derive exempt income, the minimum amount shall be the nearest multiple of £10 to a sum less by £70 than the amount of the income-tax payable by that company or public authority (otherwise than as an agent) in respect of income derived during the year ended 31st March, 1939:
- (d) In the case of every company or public authority which derived exempt income, the minimum amount shall be the nearest multiple of £10 to a sum less by £70 than the amount of the income-tax which would have been payable by that company or public authority (otherwise than as an agent) in respect of income derived during the year ended 31st March, 1939, if that exempt income had been assessable income.

5. Where the assessable income derived by any person during the year ended 31st March, 1939, has been increased by the Commissioner of Taxes by the inclusion of any amount in respect of a stock reserve created in any other year the income-tax of that person shall, for the purposes of clause 4 hereof, be calculated as if that amount had not been included.

6. Where a return of income has been made by any person for a period that is greater than a year the income-tax of that person shall, for the purposes of clause 4 hereof, be calculated as for a period of a year. For the purposes of this clause the income of that person shall be deemed to have been derived at a uniform daily rate throughout the period for which the return has been made.

7. Where any person would be liable as the agent of any other person (hereinafter referred to as the principal) for the whole or any part of the income-tax that was or would have been payable by the principal as mentioned in any of the paragraphs of clause 4 hereof if that income-tax were for the time being unpaid and if (in the case of exempt income to which paragraph (b) or paragraph (d) of that clause applies) the exempt income had been assessable income, the agent is hereby required to subscribe the appropriate minimum amount indicated in the paragraph concerned as if the whole of the income-tax that was or would have been payable by the principal as aforesaid had been payable by the agent otherwise than as an agent, and where the principal is also liable their liability shall be joint and several:

Provided that in no case shall any agent be liable to subscribe more than an amount equal to the value of the assets belonging to the principal and in the agent's hands at the date of this notice or coming into his hands at any time thereafter (whether before or after 8th November, 1940).

8. The personal representatives of any person who derived income during the year ended 31st March, 1939, and died before the date of this notice are hereby required to subscribe to the said loan on or before the 8th day of November, 1940, out of the assets of the deceased, the amount computed by reference to that income that the deceased would have been liable to subscribe if he had not died, less the amount of the death duties payable in respect of the estate of the deceased:

Provided that in no case shall the personal representatives be liable to subscribe more than an amount equal to the value of the assets of the deceased in their hands at the date of this notice or coming into their hands at any time thereafter (whether before or after 8th November, 1940).

Dated at Wellington, this 18th day of October, 1940.

W. NASH, Minister of Finance.

For public information Regulation 14 of the Finance Emergency Regulations 1940 (No. 2), as amended by the Finance Emergency Regulations 1940, Amendment No. 1, is set out below:—

REGULATION 14.—POWER TO REQUIRE CONTRIBUTIONS TO WAR-PURPOSES LOANS.

(1) If the Minister has reason to believe that any person has not subscribed in due proportion to his means to any loan for the time being authorized to be raised by the Minister for the purposes of the War Expenses Account established under Part I of the War Expenses Act, 1939 (hereinafter in this regulation referred to as a war-purposes loan), the Minister may, by notice in writing under his hand or by successive notices, require that person to subscribe to that loan, within such time or times as may be specified in the notice or notices, such amount as may be therein specified.

(1A) Any notice under this regulation may be given by publication in the *Gazette* or otherwise, in accordance with Regulation 18 hereof, to any specified person or to two or more specified persons or to all persons of any specified class or classes, and may indicate in such manner as the Minister thinks fit the amount or the respective amounts required by the notice to be subscribed to any war-purposes loan.

(1B) Where any such amounts are indicated by reference to the amounts of income derived in any year or to the amounts of income-tax payable for any year by persons of any specified class, the Reserve Bank shall, after the expiry of the time specified in the notice, furnish to the Commissioner of Taxes particulars of the names, addresses, and descriptions of the persons who have subscribed to the loan and of the amounts subscribed by them respectively, and the Commissioner shall furnish to the Minister, or as he directs, a statement or statements showing the name, address, and description of every person known to the Commissioner to belong to that class who, according to the information supplied by the Reserve Bank, has failed to comply with the terms of the notice, and also showing the extent to which he has so failed.

(1C) With respect to any person whose name appears in any such statement the Commissioner of Taxes shall, if directed by the Minister so to do, furnish to the Minister or as he directs a certificate signed by or on behalf of the Commissioner as to the amount which that person is required by the notice to subscribe to the loan. The production of any certificate purporting to be given under this clause shall, in the absence of proof to the contrary, be conclusive evidence of the facts stated therein, and all Courts shall in all proceedings take judicial notice of the signature to any such certificate.

(2) For the purposes of this regulation, in ascertaining the amount subscribed by any person to any war-purposes loan, the Minister shall cause to be taken into account, upon or subject to such conditions as he thinks fit, all moneys paid by or on behalf of that person to that or any other war-purposes loan or otherwise lent or given by or on behalf of that person to the Minister for the purposes of the War Expenses Account, but shall not take into account any other moneys paid for securities issued in respect of any war-purposes loan unless those moneys are paid directly to the Minister or to his agents in respect of the loan.

(3) Any person affected by a notice under this regulation may, within twenty-one days after the notice takes effect or within such further time as the Minister in any case allows, appeal to the Minister on the ground that for the reasons specified in his notice of appeal compliance by him with the notice would be a cause of undue hardship.

(4) Upon receiving any such appeal the Minister shall cause the circumstances to be fully investigated and he may refer the appeal to the Emergency Finance Council or to such other body or person as he thinks fit for inquiry and report, and if the Minister deems it just and equitable so to do he shall revoke or vary the notice or take such other action in relation thereto as he thinks fit.

(5) If any person to whom a notice is given under this regulation and who has not appealed or whose appeal has not been allowed refuses or fails to comply with the terms of that notice, or with the terms of that notice as modified on appeal under this regulation, he commits an offence against these regulations and shall be liable on summary conviction, in addition to any other penalty imposed under these regulations, to a fine not exceeding the amount specified in the notice or in the notice as so modified. The amount of every such fine shall be paid into the War Expenses Account.

(6) The fact that any person has been convicted of an offence against this regulation or has served his sentence or paid the fine imposed on him shall not relieve him from compliance with the terms of the notice in respect of which the offence was committed.

