



**THE PROPERTY SPECULATION TAX EXEMPTION ORDER
1973**

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 3rd day of December 1973

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 22 of the Property Speculation Tax Act 1973, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. Title, commencement, and application—(1) This order may be cited as the Property Speculation Tax Exemption Order 1973.

(2) This order shall be deemed to have come into force on the 15th day of June 1973, and shall apply to all dispositions of land made on or after that date.

2. Interpretation—(1) In this order expressions defined in the Property Speculation Tax Act 1973 have the meanings so defined.

(2) In this order the expression “associated persons” has the meaning defined in subsection (10) of section 88AA of the Land and Income Tax Act 1954 and includes any 2 persons one of whom is the issue, or the spouse of the issue, of the other person or is a trustee for that issue or for that spouse.

(3) The Acts Interpretation Act 1924 shall apply with respect to this order as if this order were an Act of the General Assembly.

3. Exemption from property speculation tax—In any case where, in relation to any disposition of land by any person (in this order hereinafter referred to as the owner), the Commissioner is satisfied that the land was occupied, or intended by the owner to be occupied, by any other person primarily and principally—

(a) As a residence for that other person and any member of his family living with him; or

(b) For the purpose of erecting a dwellinghouse on the land to be occupied as a residence for that other person and any member of his family living with him; or

(c) For the purpose of or directly related to the carrying on by that other person of a bona fide business,—
and the owner and that other person are associated persons, the land shall be deemed to have been so occupied or intended to be occupied by the owner for the purposes of exempting from property speculation tax under sections 18 and 19 of the Property Speculation Tax Act 1973 any profit derived by the owner from that disposition.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the order, but is intended to indicate its general effect.

The effect of this order is that where any residential or business premises are owned by one person and occupied, or intended to be occupied, by another, and the 2 persons are associated persons as defined, the owner will, on a disposition of the property, be eligible for exemption from property speculation tax in circumstances under which the occupier or intended occupier would have been exempt had he also been the owner.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 6 December 1973.
This order is administered in the Inland Revenue Department.