

DETERMINATION > COVID-19 VARIATION

Variation to section 68CB(2) of the Tax Administration Act 1994

Issued: 3 November 2022

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EFFECTIVE: 3 November 2022 to 7 February 2023

Variation

The Commissioner of Inland Revenue has, under the discretion provided under section 6I of the Tax Administration Act 1994, made the following statutory variation:

For a general approval application in relation to the R&D tax credit for the 2021-2022 income tax year under section 68CB(2) of the Tax Administration Act 1994, for applicants whose 2021-2022 income year ends on 30 September 2022, the date on or before which that application must be filed with the Commissioner is amended to be 7 February 2023.

This variation applies only where the impacts of COVID-19 have resulted in the applicant not receiving, prior to 1 August 2022, information from Inland Revenue or Callaghan Innovation that is reasonably necessary to efficiently make their application.

Application date

This variation applies from 3 November 2022 to 7 February 2023.

Dated at Wellington on 3 November 2022.

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Inland Revenue

Background (material under this heading does not form part of the variation)

Summary of effect

1. The effect of the variation will be to extend from 7 November 2022 to 7 February 2023 the time by which a person with a 30 September balance date, to be entitled to research and development tax credits under s LY 1 of the Income Tax Act 2007, must apply for a general approval for the 2021-2022 income year. This is only where COVID-19 has prevented applicants receiving in a timely manner information needed for their general approval applications.

Provisions affected

2. Section 68CB(2) of the Tax Administration Act 1994.

Application of variation

3. This variation applies to a person who is seeking the Commissioner's approval of their research and development activities by filing a general approval application for the 2021-2022 income year under s 68CB of the Tax Administration Act 1994.
4. The variation recognises that the impact of COVID-19 means that in some cases Inland Revenue and Callaghan Innovation have not been able to provide applicants with information and feedback they reasonably need to put together an adequate application in an efficient manner.
5. Customers can choose not to apply the variation to their circumstances. You can make that decision by taking a tax position, such as in a tax return, or by telling us. If you've already complied with the existing legislation in taking a tax position, we will consider that you have not chosen to apply the variation.

References

Legislative references

Tax Administration Act 1994: ss 6H and 6I, s 68CB(2)

About this publication

To help customers manage the impacts of COVID-19, the Commissioner now has a discretion to vary a requirement under an Inland Revenue Act (including for these purposes, the Unclaimed Money Act 1971). This discretion is found in ss 6H and 6I of the Tax Administration Act 1994 and applies from 17 March 2020 to 30 September 2023. This variation is an exercise of that power.