

**Reprint
as at 1 April 2005**



Estate Duty Abolition Act 1993

Public Act 1993 No 13
Date of assent 1 April 1993
Commencement see section 1(2)

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An Act to abolish estate duty

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Inland Revenue Department.

1 Short Title and commencement

- (1) This Act may be cited as the Estate Duty Abolition Act 1993.
- (2) Except as provided in section 7(2), this Act shall be deemed to have come into force on 17 December 1992.

2 This Act to be an Inland Revenue Act

This Act is hereby declared to be one of the Inland Revenue Acts within the meaning of the Tax Administration Act 1994.

Section 2: amended, on 1 April 1995 (applying with respect to the tax on income derived in 1995–96 and subsequent income years), by section YB 1 of the Income Tax Act 1994 (1994 No 164).

3 Estate duty abolished in respect of deaths occurring on or after 17 December 1992

No estate duty shall be payable under the Estate and Gift Duties Act 1968 in respect of the estate of any person who dies on or after 17 December 1992.

4 Interpretation

Amendment(s) incorporated in the Act(s).

5 Limitation on imposition of estate duty

Amendment(s) incorporated in the Act(s).

6 Gift duty to remain payable in case of death occurring on or after 17 December 1992

Nothing in section 42 of the Estate and Gift Duties Act 1968 shall apply to provide any relief from gift duty, or any entitlement to a refund of or in respect of any gift duty, where the donor dies on or after 17 December 1992; and—

- (a) notwithstanding subsection (1)(a) of the said section 42, no gift duty paid before the donor's death in respect of property included in any such donor's dutiable estate (or that would have been so included but for the proviso to section 6(1) of the Estate and Gift Duties Act 1968) shall be treated as constituting or having constituted a debt owing by the Crown to the administrator or any other person; and

- (b) to the extent that the amount of any such duty (including any sum referred to in subsection(1)(b) of the said section 42) has been refunded to the administrator or other person entitled thereto before the date on which this Act receives the Royal assent, that amount shall, for the purposes of the Estate and Gift Duties Act 1968, be treated as if it were an amount of gift duty due and payable on the date of the refund by—
 - (i) the administrator of the estate, where the amount was refunded to the administrator and the estate still has an administrator after the date of the said Royal assent; or
 - (ii) the person or persons entitled to the estate, in any case where there is no administrator after that date or the Commissioner considers that the administrator, by virtue of any distributions or otherwise, is not in a position to pay the amount (with the appropriate liability of such persons to be determined in accordance with section 54 of the Estate and Gift Duties Act 1968, where more than 1 person is so entitled); and
- (c) notwithstanding subsection (1)(c) of the said section 42, any gift duty unpaid at the date of death of the donor shall be deemed not to have ceased to be payable.

7 Custody and release of administration by Commissioner

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) This section shall come into force on the date on which this Act receives the Royal assent.

8 Notice of payments, etc, without change of ownership to be given to Commissioner

Amendment(s) incorporated in the Act(s).

9 Refund of estate duty, penalty, and interest paid in excess

Amendment(s) incorporated in the Act(s).

10 Testamentary annuities charged on property*[Repealed]*

Section 10: repealed, on 1 April 2005 (effective for 2005–06 tax year and later tax years, except when the context requires otherwise), by section YA 2 of the Income Tax Act 2004 (2004 No 35).

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Notes

1 *General*

This is a reprint of the Estate Duty Abolition Act 1993. The reprint incorporates all the amendments to the Act as at 1 April 2005, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Income Tax Act 2004 (2004 No 35): section YA 2

Income Tax Act 1994 (1994 No 164): section YB 1
