

PROTOCOL AMENDING THE CONVENTION BETWEEN NEW ZEALAND
AND JAPAN FOR THE AVOIDANCE OF DOUBLE TAXATION
AND THE PREVENTION OF FISCAL EVASION
WITH RESPECT TO TAXES ON INCOME

The Government of New Zealand and the Government
of Japan,

Desiring to amend the Convention between New Zealand
and Japan for the Avoidance of Double Taxation and the
Prevention of Fiscal Evasion with respect to Taxes on
Income, signed at Wellington on 30 January 1963,

Have agreed as follows:

ARTICLE I

Article V shall be deleted and replaced by the
following:

"ARTICLE V

(1) Subject to paragraphs (2) and (3) of Article III,
profits derived by an enterprise of one of the Contracting
States from the operation of ships or aircraft in
international traffic shall be exempt from tax in the other
Contracting State.

(2) A New Zealand enterprise shall likewise be exempt
from the local inhabitant taxes and the enterprise tax in
Japan in respect of the operation of ships or aircraft in
international traffic."

ARTICLE II

(1) The present Protocol shall be ratified and the
instruments of ratification shall be exchanged at Tokyo as
soon as possible.

(2) The present Protocol shall come into force on
the thirtieth day after the date of exchange of instruments
of ratification and shall have effect -

(a) In Japan:

as regards income derived during the
taxable years ending on or after the
first day of January in the calendar
year in which the present Protocol comes
into force;

(b) In New Zealand:

as regards income derived during the income years ending on or after the thirty-first day of March in the calendar year in which the present Protocol comes into force.

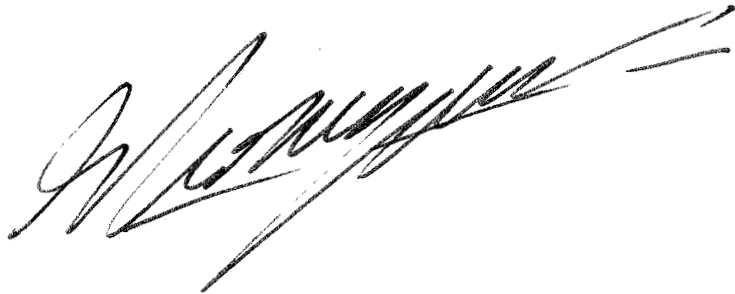
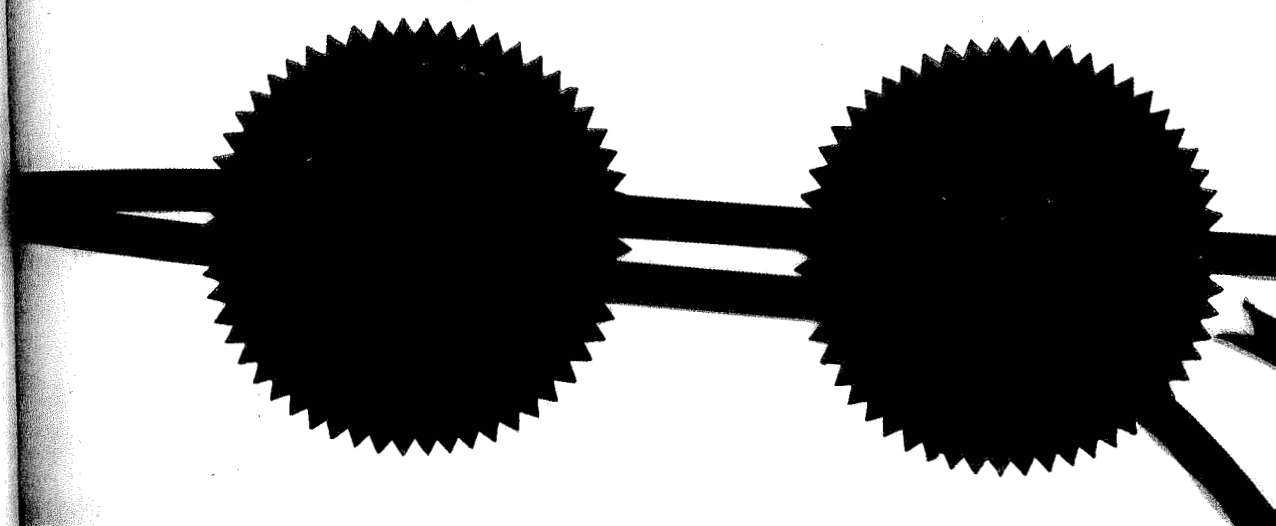
IN WITNESS WHEREOF, the representatives of the two Governments duly authorised for the purpose, have signed the present Protocol.

DONE in duplicate at Wellington, in the English and Japanese languages, both texts being equally authentic, this 22nd day of March 1967.

For the Government of New Zealand:

A handwritten signature in black ink, reading "Keith Holyoake", with a horizontal line underneath.

For the Government of Japan:

A handwritten signature in black ink, appearing to be "W. Masuda", written in a cursive style.

PROTOCOL OF EXCHANGE OF INSTRUMENTS
OF RATIFICATION

The undersigned, John V. Scott, Ambassador Extraordinary and Plenipotentiary of New Zealand to Japan, and Takeo Miki, Minister for Foreign Affairs of Japan, being duly authorized by their respective Governments, have met for the purpose of exchanging the instruments of ratification by their respective Governments of the Protocol amending the Convention between New Zealand and Japan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, signed at Wellington on March 22, 1967.

The respective instruments of ratification of the Protocol aforesaid having been examined and found to be in due form, the exchange thereof took place this day.

IN WITNESS WHEREOF, they have signed the present Protocol.

DONE in duplicate, in the English and Japanese languages, at Tokyo this thirty-first day of August, 1967.

FOR THE GOVERNMENT OF
NEW ZEALAND:

FOR THE GOVERNMENT OF
JAPAN:

J. V. Scott

Takeo Miki

EMBASSY OF JAPAN

WELLINGTON, N.Z.

Wellington, March 22 , 1967.

Your Excellency,

I have the honour to acknowledge the receipt of Your Excellency's Note of today's date which reads as follows:-

"I have the honour to refer to paragraph (2) of Article V of the Convention between New Zealand and Japan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income as set out in Article I of the Protocol amending the Convention which was signed today.

I have the honour to inform you that if the Government of New Zealand or a local authority thereof introduces any taxes of a character substantially similar to the local inhabitant taxes or the enterprise tax in Japan after the date of signature of the present Protocol, it is the understanding of the Government of New Zealand that the two Governments agree to consult with a view to amending paragraph (2) of Article V on a reciprocal basis in such manner as

The Right Honourable K.J. Holyoake, C.H.,
Minister of External Affairs,
WELLINGTON.

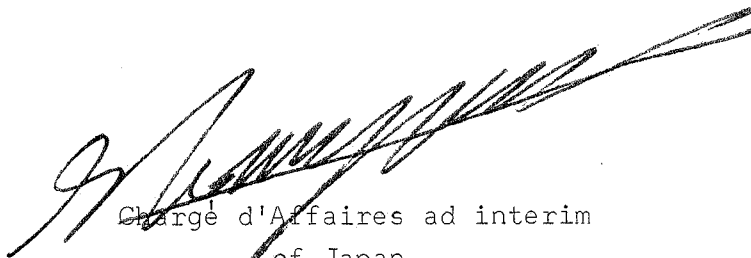
may be considered appropriate.

I have the honour to request you to be good enough to confirm that the foregoing represents the understanding of the Government of Japan on this matter."

I have the honour to confirm that the understanding recorded in Your Excellency's Note is also the understanding of the Government of Japan.

I avail myself, Excellency, of this opportunity to renew the assurances of my highest consideration.

I have the honour to be,
Excellency,
Your obedient servant,

A handwritten signature in dark ink, appearing to be 'G. ...', written over the typed name of the Charge d'Affaires ad interim of Japan.

Charge d'Affaires ad interim
of Japan.

March 1967

Sir,

I have the honour to refer to paragraph (2) of Article V of the Convention between New Zealand and Japan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, as set out in Article I of the Protocol amending the Convention which was signed today.

I have the honour to inform you that if the Government of New Zealand or a local authority thereof introduces any taxes of a character substantially similar to the local inhabitant taxes or the enterprise tax in Japan after the date of signature of the present Protocol, it is the understanding of the Government of New Zealand that the two Governments agree to consult with a view to amending paragraph (2) of Article V on a reciprocal basis in such manner as may be considered appropriate.

I have the honour to request you to be good enough to confirm that the foregoing represents the understanding of the Government of Japan on this matter.

/I

Mr S. Nomiyama,

Charge d'Affaires ad interim
of Japan,

WELLINGTON.

2.

I avail myself, Sir, of this opportunity to renew
the assurances of my high consideration.

I have the honour to be,

Sir,

Your obedient servant,

Minister of External Affairs