

DETERMINATION > COVID-19 VARIATION

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

Issued: 6 July 2022

COV 22/19

EFFECTIVE: 6 July 2022 to 30 September 2022

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 June 2022, the date on or before which that application must be filed with the Commissioner is amended to be 30 September 2022.

This variation only applies in circumstances where the planning or conduct of eligible research and development or the ability to appropriately obtain necessary information, seek advice and formulate an application under section 68CB of the Tax Administration Act 1994 on time has been materially delayed or disrupted because of circumstances arising either from COVID-19 or COVID-19 response measures. This could include the impact of a key staff member or advisor having reduced availability, or the financial impact of COVID-19 causing significant disruption to the normal business operations of the taxpayer.

Application date

This variation applies from 6 July 2022 to 30 September 2022.

Dated at Wellington on 6 July 2022.

Jonathan Rodgers

Group Leader – Tax Counsel Office

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 August 2022 to 30 September 2022 the time by which a person with a 30 June 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.

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 the planning or conduct of research and development or the ability to obtain information, seek advice and formulate an application or complete a return, for some customers has been materially delayed.

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 2022. This variation is an exercise of that power.