



19 March 2019

Mr Jon Molyneux
Fyi-request-9655-3cfa1092@requests.fyi.org.nz

[sent via email]

Dear Mr Molyneux

Thank you for your request made under the Official Information Act 1982 (OIA), received on 24 February 2019. You requested:

- 1) *Any correspondence you have had from the United Kingdom tax department, Her Majesty's Revenue and Customs (HMRC), in relation to the 05 April 2019 Disguised Remuneration Loan Charge likely to impact 260+ New Zealand residents who worked as contractors in the UK between 1999–2019?*
- 2) *Any indication from HMRC how many New Zealand residents will be impacted by this over and above the 260 letters they have already sent to New Zealanders?*
- 3) *Any analysis undertaken internally to understand the potential scale of the impact on New Zealand tax residents?*
- 4) *Any justifications from HMRC for effectively retrospectively taxing legal arrangements back to 1999?*
- 5) *Any justifications for taxing New Zealand citizens and/or residents in 2019 who have not been UK tax residents for many years and/or who are not UK tax residents on 05/04/2019?*
<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-questions/Commons/2018-07-06/161577/>
- 6) *In addition, are you able to please provide an indication of where the Inland Revenue department stands on enforcing retroactive, or effectively retrospective, tax legislation under MARD agreement?*

Questions 1 and 2: Correspondence with HMRC about the DRLC, and HMRC's indication on how many New Zealanders will be affected by the DRLC

Inland Revenue has not received any correspondence from the United Kingdom (UK)'s tax department, Her Majesty's Revenue and Customs (HMRC), about the UK's Disguised Remuneration Loan Charge (DRLC). HMRC has not provided any indication on how many New Zealanders will be affected by the DRLC.

Question 3: Analysis to understand the impact of the DRLC on New Zealanders

Inland Revenue has not analysed the impact of the DRLC on New Zealanders.

Questions 4 and 5: HMRC's justifications for the DRLC, and justifications for taxing New Zealanders who are no longer UK tax residents

Inland Revenue has no jurisdiction in the UK or over any decisions made by HMRC. We are therefore unaware of any justification HMRC may have made about the DRLC or about taxing New Zealanders who are no longer UK tax residents.

Question 6: Inland Revenue's stand on the MARD agreement

Inland Revenue does not form a view about decisions made by the tax agencies of other jurisdictions.

All the parts of your request are refused under section 18(g) of the OIA, because the information is not held by Inland Revenue.

As all the information you have requested is about HMRC, it would be more appropriate to make your request to HMRC. You can make a freedom of information request via HMRC's website at <https://www.gov.uk/make-a-freedom-of-information-request>.

Rights of review

If you disagree with my decision on your OIA request, you can have the decision reviewed by an Inland Revenue review officer. To ask for an internal review, please email: CommissionersCorrespondence@ird.govt.nz.

Alternatively, under section 28(3) of the OIA, you have the right to ask the Ombudsman to investigate and review my decision. You can contact the office of the Ombudsman at: info@ombudsman.parliament.nz.

Thank you for your request.

Yours sincerely



Anu Anand
Strategy and Intelligence Manager
International Revenue Strategy
Competent Authority