

## Entity Tax Residency Self-Certification

In New Zealand, financial institutions are required to collect a self-certification from your entity about its Tax Residency status (and sometimes your entity's Controlling Persons). If you require further information to complete this form please refer to [www.ird.govt.nz](http://www.ird.govt.nz) and search 'CRS'.

### Section 1: Entity account holder details

All fields marked \* are mandatory

<b>Entity full legal name*</b>			
<b>Physical address*</b> (Do not provide a PO Box or in-care-of address)	Street		
	Suburb		
	Town/City		
	Postcode		
	Country (other than NZ)		
<b>NZ IRD Number*</b>			<b>Tax Rate*</b>

### Section 2: Entity account holder Tax Residence(s)

Is the entity a current tax resident in a country other than New Zealand?\*  No  Yes

Is the entity an exempt US Entity for the purposes of the Foreign Account Tax Compliance Act (FATCA)?\* (refer to [ird.govt.nz](http://ird.govt.nz) and search 'FATCA' for further information)  No  Yes

If Yes was answered to either question above, please list all countries (excluding New Zealand) of tax residency in the table below:

	Country of tax residence 1	Country of tax residence 2	Country of tax residence 3
<b>Countries of Tax Residence</b> (Other than New Zealand)			
<b>Tax Identification Number (TIN)</b> (or country equivalent)			
<b>OR</b> Select reason if TIN is not provided	<input type="checkbox"/> Country doesn't issue TIN <input type="checkbox"/> Country has not issued a TIN to me <input type="checkbox"/> Country doesn't require collection of TIN under domestic law	<input type="checkbox"/> Country doesn't issue TIN <input type="checkbox"/> Country has not issued a TIN to me <input type="checkbox"/> Country doesn't require collection of TIN under domestic law	<input type="checkbox"/> Country doesn't issue TIN <input type="checkbox"/> Country has not issued a TIN to me <input type="checkbox"/> Country doesn't require collection of TIN under domestic law
If you selected 'Country has not issued a Tax Number to me' above, please provide an explanation			

**Section 3: Entity Classification\***

Please provide the Entity account holder’s status by selecting one of the following options:

**a) Active Non-Financial Entity (Active NFE) – if none apply, go to b). If any apply go to Section 5: Declaration.**

An entity that derives the majority of its income, within a reporting year, through the course of an active trade or business. This includes retail or service based businesses.

- Active NFE – Other e.g. entity trading in goods or services, tax exempt organisation (e.g. registered charity or educational entity), company in Liquidation or Bankruptcy, start-up company
- Publicly traded NFE (Traded Security), or a related entity of one. Please specify entity if applicable

Entity: \_\_\_\_\_

- Central bank (or wholly owned by one)
- Government entity (or wholly owned by one)
- International organisation (or wholly owned by one)

**b) Financial Institution – if none apply, go to c)**

- Financial Institution – Managed Investment Entity – Go to Section 4: Controlling Persons
- Financial Institution – Depository Institution, Custodial Institution, Specified Insurance Company or Other Investment Entity – Go to Section 5: Declaration

Please provide your Global Intermediary Identification Number (GIIN) if applicable:

GIIN: \_\_\_\_\_

**c) Passive Non-Financial Entity (Passive NFE)**

An entity that derives the majority of its income within a reporting year from passive means.

- Passive NFE – complete Section 4 Controlling Person(s) of the entity Account Holder

**Section 4: Controlling Person(s) of the entity Account Holder**

Complete this section where the entity is:

1. a Passive NFE or
2. a Managed Investment Entity that is Tax Resident in a country other than New Zealand

All Controlling Persons of the entity are to be listed below. N.B. A Controlling Person must be a natural person and not an entity.

Every Controlling Person must complete a separate ‘Controlling Person Tax Residency Self-Certification’ form which must be returned with this form.

Full Legal Name of Controlling Person	Relationship to Entity (e.g. director, shareholder, partner, settlor, trustee, protector, beneficiary, director of company as Controlling Person/professional trustee)

**Section 5: Declaration and Consent**

I/we confirm the information in this form is true and complete and I/we have authority to provide it including all tax details and Self-Certification forms for Controlling Persons (if needed). I/we understand that not giving information or giving false information could have serious consequences under New Zealand law.

I/we authorise Somerset Smith Partners "SSP" to make any enquiries it considers necessary for confirmation of the above.

I/we agree to provide extra information about those tax details or Self-Certification forms, if asked. If the entity's or Controlling Person's circumstances change or information becomes incorrect, I/we will promptly provide updated information to SSP within 20 days. This includes when a beneficiary receives a distribution from a trust or intends to exercise vested rights.

I/we acknowledge that information in this Self-Certification form and any Self-Certification forms for Controlling Persons will be held by SSP.

I/we authorise and consent to my/our agent, like a solicitor, giving the information and Self-Certification forms and any extra information asked for to SSP for me/us.

I/we acknowledge that SSP may have to share the information and forms with Inland Revenue, who may exchange the information with tax authorities of jurisdictions where the entity or Controlling Person is Tax Resident.

I/we certify that this Declaration also extends to any information that I/we or an authorised person on my behalf may provide to SSP or an agent, like a solicitor, in whatever manner, after signing this form.

**Authorised Entity Representatives:**

<b>Signature 1:</b>	<b>Date:</b>
<b>Name:</b>	
<b>Capacity to Sign (e.g. Settlor, Trustee):</b>	

<b>Signature 2:</b>	<b>Date:</b>
<b>Name:</b>	
<b>Capacity to Sign (e.g. Settlor, Trustee):</b>	

<b>Signature 3:</b>	<b>Date:</b>
<b>Name:</b>	
<b>Capacity to Sign (e.g. Settlor, Trustee):</b>	

## **Glossary of Terms**

### **Financial Institution**

Depository Institution, Custodial Institution, Specified Insurance Company or Other Investment Entity other than as set out for Active Non-Financial Entity (NFE).

Apart from the entities such as banks, this can also include non-bank deposit takers, collective investment entities, mutual funds, private equity funds, hedge funds, investment managers and advisers, and certain brokers and trusts (including some managed family trusts).

### **Active Non-Financial Entity (NFE)**

An entity that derives the majority of its income within a reporting year, through the course of an active trade or business. This includes retail or service based businesses.

### **Passive Non-Financial Entity (NFE)**

Main source of income is passive e.g. does your organisation have 50% or more passive income and 50% or more passive income generating assets in the previous reporting period.

### **Controlling Person**

If the entity is a Passive NFE or a managed investment entity in a non-Participating Jurisdiction, the Controlling Persons of the entity must be identified. For companies, partnerships, associations, body corporates and any other legal persons, Controlling Person(s) means:

- The natural person(s) who ultimately has a controlling ownership interest (generally more than 25%) in the Entity;
- Where no natural person(s) exercise control through ownership interest, the natural person(s) who exercise control of the Entity through other means;
- Where no natural person(s) is identified as exercising control of the entity through other means, the natural person(s) who are senior managing official(s) of the Entity.

For trusts, Controlling Persons means the settlor(s), the trustee(s), the protector(s) (if any), the beneficiary(ies) or class(es) of beneficiaries must always be treated as Controlling Persons of a trust, regardless of whether or not any of them exercises control over the activities of the trust. However, a discretionary beneficiary (that does not otherwise control a trust) should be treated as a Controlling Person if they have received a distribution from the trust or intends to exercise vested rights.

SSP must be informed if a distribution is made to such beneficiary or when a beneficiary intends to exercise rights. Where a person connected to the trust (e.g. settlor, trustee, protector, beneficiary) is an entity you must also identify who the Controlling Persons of that connected entity are. SSP may be required to report them as Controlling Persons of the trust.

For legal arrangements similar to a trust, Controlling Persons means persons in equivalent or similar position to persons connected to a trust.

### **Exempt US Entity**

Exempt US Entity Under the Foreign Tax Compliance Act (FATCA) are Exempt US Entities if they do not meet the definition of Specified US Person in the Intergovernmental Agreement 'IGA'. For more information, please refer to [ird.govt.nz](http://ird.govt.nz) and search for 'FATCA'.