

# Settlors of trusts disclosure

Tax Administration Act 2004

● Please read the notes on the back before completing this form.

1. Trust's name

2. Trust's IRD number  (8 digit numbers start in the second box. 1 2 3 4 5 6 7 8)  
If the trust does not have an IRD number, complete an *IRD number application - non-individual (IR596)* and return it with this form.

3. Trust's address   
Street address  
  
Town or city

4. Settlor's name   
Settlor's IRD number   
Settlor's address   
Street address  
  
Town or city  
Date trust settled    Attach a copy of the trust deed and any amendments made.  
Day Month Year

5. Full description of the nature and date of the settlement (see note 5)  
If there is not enough space, please use a separate sheet of paper and staple it to this form.

6. Names and addresses of trustees  
If there is not enough space, please use a separate sheet of paper and staple it to this form.

Trustee's name   
Trustee's address

Trustee's name   
Trustee's address

Trustee's name   
Trustee's address

**Important: You must attach a copy of the trust deed and any amendments that may alter the nature of the trust and/or the beneficiaries. For more information please call us on 0800 377 774.**



7. Names and addresses of beneficiaries  
If there is not enough space, please use a separate sheet of paper and staple it to this form.

Beneficiary's name
Beneficiary's address
Beneficiary's name
Beneficiary's address

### Declaration

To be made by the settlor, nominee settlor or nominal settlor.

*I declare that the information given on this form is true and correct.*

Name of person completing this form	State whether settlor, nominee settlor or nominal settlor
Signature	Date

## Notes about disclosures

### 1. Who has to make a disclosure and when

The following people must make a disclosure.

(i) Anyone who makes a settlement to a trust on or after 17 December 1987 and is resident in New Zealand at the time of settlement, and either:

- no trustee was resident in New Zealand at the time of settlement, or
- there was a resident trustee at settlement and at any time thereafter the trustee became non-resident.

A disclosure in this situation must be made within three months of the date of settlement or of the date on which there is no trustee of the trust resident in New Zealand.

(ii) Anyone who makes a settlement to a trust on or after 17 December 1987 and is resident in New Zealand at the time of settlement, and

- the settlement is made as a nominee for another person or is of a nominal amount, made at the request of another person, and
- no trustee was resident in New Zealand at the time of settlement.

In this case, the disclosure is required within three months of the date of settlement.

### 2. Settlements

A settlement is any transaction, action or failure to act that makes a person a settlor.

### 3. Settlers

A settlor is a person who:

- makes any disposition, or
- makes any property available (including financial assistance), or
- provides any service for the benefit of a trust for less than market value. This includes any person who acquires the use of any property or services from the trust for greater than market value.

If a settlement is made by a person:

- as a nominee for any other person, or
- at the request of any other person and is of a nominal amount, the other person is treated as the settlor.

### 4. Documents to send

Attach a copy of the trust deed and any amendments that may alter the nature of the trust and/or the beneficiaries.

If you live in:

**Northland**  
send this form to  
Inland Revenue  
PO Box 3753  
Christchurch Mail Centre  
Christchurch 8140

**Auckland**  
send this form to  
Inland Revenue  
PO Box 761  
Waikato Mail Centre  
Hamilton 3240

**other North Island areas**  
send this form to  
Inland Revenue  
PO Box 39010  
Wellington Mail Centre  
Lower Hutt 5045

**the South Island**  
send this form to  
Inland Revenue  
PO Box 3753  
Christchurch Mail Centre  
Christchurch 8140

### 5. Details to disclose

At Question 5 on the front page, please give full details of the property or services and the transaction (disposal, making available, providing or acquiring) that makes the person a settlor under section YA 1 of the Income Tax Act 2007. This includes:

- date of original and subsequent settlements
- the market value of the property transferred
- consideration paid or received.

If a settlement includes land, shares, financial arrangements or providing services for less than market value, the disclosure must include:

- for land - the legal description and the location of the property
- for shares - the number, type, company name and country of incorporation
- for financial arrangements - the holder and issuer, interest rate and term
- for services - nature of service and consideration paid.

### 6. Number of disclosures

Please use a separate disclosure form for each trust in respect of which a settlement has been made.

### 7. Election to change category of trust for tax purposes

An election can be made to pay tax on trustee income of a foreign or non-complying trust if this would not otherwise be required. An election can also be made by new residents who have settled a trust before coming to New Zealand. Making an election may enable the trust to become a complying trust. This means that distributions that would otherwise be taxable will not be taxed in the hands of beneficiaries. If you want to know more about making an election, request an *Election to pay income tax on trustee income (IR463)* form. You can view a copy on our website at [www.ird.govt.nz](http://www.ird.govt.nz)

### 8. When a trust owes an amount to a beneficiary of the trust, the beneficiary does not become a settlor when either:

- the trust pays the beneficiary a market interest rate equal to or greater than the prescribed rate of interest, or
- the amount retained in the beneficiary's current account at the end of the income year is not more than \$25,000.