UK Pension – Withdrawal for Tax Liability

Use this form:
To make a withdrawal from the Smart KiwiSaver Scheme for the purposes of payment of NZ tax liability arising from a UK pension transfer. Send this completed form by email to kiwisaver@smartinvest.co.nz or post to us at P.O. Box 105262, Auckland City 1143. If you have not previously provided documents that verify your identity and your address to Smart under the anti-money laundering legislation, you will need to provide it before a payment can be made.

About UK Pension – Withdrawal for Tax Liability

Under the KiwiSaver legislation, you can withdraw from your KiwiSaver Account an amount for the payment of your liability for:

- Tax, other than interest or penalties, arising under the Income Tax Act 2007, from your transfer of your UK Pension to a KiwiSaver scheme.
- Repayment obligations arising under the Student Loan Scheme Act 2011, from your transfer of your UK Pension to a KiwiSaver scheme.

Amount that can be withdrawn

The amount you can withdraw must be the lesser of:

- Your liability for tax relating to the transfer;
- Your liability for terminal tax in the tax year to which the tax relates;

and the amount withdrawn cannot exceed the value at the time of the withdrawal of your KiwiSaver Account balance excluding the amount of the Government contributions.

Application

You must apply within 24 months from the end of the month in which your liability for tax is assessed.

- Complete the attached withdrawal form and have the statutory declaration section signed by a JP or other person (e.g. notary public, solicitor, officer or the court) authorised to take and receive statutory declarations.
- Attach a copy of your completed IR3 tax form to confirm details of the tax to be paid.

Payment

Payment of the tax amount will be made to the IRD on your behalf. Smart is also required to advise the IRD of the details of the withdrawal.

Reporting payments following the transfer of a UK pension

Following the transfer of a UK pension, there are UK rules imposed by His Majesty's Revenue and Customs (HMRC) that require the reporting of payments made from transferred funds.

*continued on the next page

We are required to report payments that are made from your transfer values, during the periods:

- Within five complex tax years of you ceasing to be UK-resident, and
- Within ten years from the date of the transfer of the funds from the UK registered pension scheme.

The requirements apply to all payments made from UK tax-relieved pension funds. This applies to both authorised and unauthorised payments. Authorised payments are retirement benefits which meet the following criteria:

- You have reached age 55, and
- A maximum of 25% of the transferred funds can be withdrawn as a lump sum, and any further withdrawal must be paid as a pension.

Payments that are made that do not conform to these criteria, may be classified as "unauthorised" by HMRC and potentially become subject to UK unauthorised payment charges of up to 55% of the payment

SECTION 1: Your Details

KiwiSaver Member Number

Title (Mr, Mrs, Miss, Ms, Mx, Dr or Other)

Date of Birth (dd/mm/yyyy)

First Name

Surname

Home Phone

Work Phone

Mobile

Email

SECTION 2: Member Declaration

I want to withdraw $

☐ I confirm that this withdrawal is for the purpose of the payment of the NZ tax liability arising from UK pension transfer to KiwiSaver

☐ I have attached my completed IR3 form and accept that the payment will be made to the IRD on my behalf

☐ I accept that should there be an unauthorised payment charge by HMRC arising from this withdrawal, that this will be my responsibility.

SECTION 3: Statutory Declaration

I, (full name)

of, (address)

and (occupation)

Solemnly and sincerely declare that:

The details of my UK pension transfer are as follows:

UK Pension Transfer From:

Amount of Transfer

Amount Invested in Smart KiwiSaver Scheme

Tax Liability Assessed

All the documents attached in support of my application are a true and correct record of my tax liability arising from my UK Pension Transfer to my KiwiSaver Account.

And I made this solemn declaration conscientiously believing the same to be true, and by virtue of the Oaths and Declaration Act 1957.

Signature of Declarant

Signature of Witness[1]

Declared at (dd/mm/yyyy)

Before me:

[1]A Justice of the Peace, or other person (e.g. notary public, solicitor, officer of the court) authorised to take and receive Statutory Declarations.