



# Cabinet Legislation Committee

## Minute of Decision

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### Tax Administration (Extension of Deadline for Research and Development Loss Tax Credit Statements) Order 2022

Portfolio                      Revenue

On 15 December 2022, the Cabinet Legislation Committee:

- 1        **noted** that R&D loss tax credits (R&DLTCs) currently require businesses to submit a R&DLTC statement on or before the date that an income tax return is filed for the year;
- 2        **noted** that the Tax Administration Act 1994 contains a broad power to extend, by Order in Council, the time provided for doing something under the Act;
- 3        **noted** that the Tax Administration (Extension of Deadline for Research and Development Loss Tax Credit Statements) Order 2022 extends the deadline in paragraph 1 until 30 April 2023 for the 2021–22 tax year;
- 4        **agreed** that the Tax Administration (Extension of Deadline for Research and Development Loss Tax Credit Statements) Order 2022 give effect to this extension of the deadline for submitting an R&DLTC statement;
- 5        **noted** that a waiver of the 28-day rule is sought:
  - 5.1        so that the Tax Administration (Extension of Deadline for Research and Development Loss Tax Credit Statements) Order 2022 can come into force on 22 December 2022;
  - 5.2        on the grounds that not waiving the rule will:
    - 5.2.1        cause frustration for businesses that are seeking R&DLTCs as soon as possible but cannot have their R&DLTC application approved for a further 28 days, resulting in the delayed receipt of those tax credits;
    - 5.2.2        increase the processing backlog for Inland Revenue, as Inland Revenue would not be able to fully process affected R&DLTC statements for a further 28 days;
- 6        **agreed** to waive the 28-day rule;

- 7 **authorised** the submission to the Executive Council of the Tax Administration (Extension of Deadline for Research and Development Loss Tax Credit Statements) Order 2022 [PCO 25168/4.0].

Rebecca Davies  
Committee Secretary

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**Present:**

Hon Andrew Little  
Hon David Parker  
Hon Michael Wood (Chair)  
Hon Dr David Clark  
Hon Kieran McAnulty  
Dr Duncan Webb, MP

**Officials present from:**

Office of the Prime Minister  
Officials Committee for LEG