



Treaty Series No. 20 (1958)

Exchange of Notes

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Netherlands Government

extending to the Netherlands Antilles the Convention
of October 15, 1948 for the Avoidance of
Double Taxation and the Prevention of Fiscal Evasion
with respect to Taxes on Income

London, July 13 and 29, 1955

*Presented to Parliament by the Secretary of State for Foreign Affairs
by Command of Her Majesty
June 1958*

LONDON

HER MAJESTY'S STATIONERY OFFICE

FOURPENCE NET

EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE NETHERLANDS GOVERNMENT EXTENDING TO THE NETHERLANDS ANTILLES THE CONVENTION OF OCTOBER 15, 1948, FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON INCOME

London, July 13 and 29, 1955

No. 1

The Netherlands Chargé d'Affaires at London to the Secretary of State for Foreign Affairs

*Royal Netherlands Embassy,
London, 13th July, 1955.*

Sir,

I have the honour to refer to the Convention between the Kingdom of the Netherlands and the United Kingdom of Great Britain and Northern Ireland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, signed at London on the 15th of October, 1948,⁽¹⁾ and to inform Your Excellency that the Government of the Netherlands Antilles have expressed the desire that the said Convention shall be extended to their territory.

I have the honour to propose on behalf of the Government of the Kingdom of the Netherlands that, in accordance with the provisions of Article XIX, the abovementioned Convention should be extended to the Netherlands Antilles in the following manner:—

(1) The said Convention shall apply—

- (a) as if the Contracting Parties were the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Netherlands Antilles;
- (b) as if the term "Netherlands" (except where the context otherwise requires) meant the Netherlands Antilles;
- (c) as if the taxes concerned in the case of the Netherlands Antilles were the income tax and the profits tax and in the case of the United Kingdom of Great Britain and Northern Ireland included the excess profits levy; and
- (d) as if references to "the date of signature of the present Convention" were references to the date of the present Exchange of Notes.

(2) The present extension shall come into force when the last of those measures shall have been taken in the United Kingdom necessary to give the extension the force of law in the United Kingdom⁽²⁾ and shall thereupon have effect—

- (a) in the United Kingdom: as respects income tax (including surtax) for any year of assessment beginning on or after the 6th April,

⁽¹⁾ "Treaty Series No. 43 (1950)," Cmd. 8015.

⁽²⁾ March 15, 1957.

1953; as respects profits tax and the excess profits levy in respect of the following profits—

- (i) profits by reference to which income tax is, or but for the present application of the Convention would be, chargeable for any year of assessment beginning on or after the 6th April 1953;
 - (ii) other profits being profits by reference to which income tax is not chargeable, but which arise in any chargeable accounting period beginning on or after the 1st April, 1953, or are attributable to so much of any chargeable accounting period falling partly before and partly after that date as falls after that date;
- (b) in the Netherlands Antilles: as respects income tax for any year of assessment beginning after the 31st December, 1952; as respects profits tax for any chargeable accounting period or for any calendar year beginning after the 31st December, 1952, and for the unexpired portion of any chargeable accounting period current at that date.
- (3) The Government of the United Kingdom shall inform the Government of the Kingdom of the Netherlands in writing when the last of the measures necessary, as indicated in paragraph (2), have been taken in the United Kingdom.
- (4) The present extension shall remain in force indefinitely and shall continue to remain in force notwithstanding that the Convention may have been terminated by either of the High Contracting Parties in accordance with Article XXI thereof. Either High Contracting Party may, however, on or before the 30th June in any calendar year not earlier than the year 1957, give to the other through the diplomatic channel written notice of termination of the present extension, and in such event it shall cease to have effect—
- (a) in the United Kingdom: as respects income tax (including surtax) for any year of assessment beginning on or after the 6th April in the calendar year next following that in which the notice is given; as respects profits tax in respect of the following profits:—
- (i) profits by reference to which income tax is chargeable for any year of assessment beginning on or after the 6th April in the calendar year next following that in which the notice is given;
 - (ii) other profits being profits by reference to which income tax is not chargeable, but which arise in any chargeable accounting period beginning on or after the 1st April in the next following calendar year or are attributable to so much of any chargeable accounting period falling partly before and partly after that date as falls after that date;
- (b) in the Netherlands Antilles: as respects income tax for any year of assessment beginning after the end of the calendar year in which the notice is given; as respects profits tax for any chargeable accounting period or for any calendar year beginning after the end of the calendar year in which notice is given, and for the unexpired portion of any chargeable accounting period current at the end of that year.

If the foregoing proposal is acceptable to the Government of the United Kingdom, I have the honour to suggest that the present Note and Your Excellency's reply to that effect, should be regarded as constituting an

Exchange of Notes as provided for in the first paragraph of Article XIX of the abovementioned Convention, and as placing on record the agreement reached between the two Governments in this matter.

I have, &c.

A. H. HASSELMAN.

No. 2

*The Secretary of State for Foreign Affairs to the Netherlands
Chargé d'Affaires at London*

Foreign Office, S.W. 1,

July 29, 1955.

Sir,

I have the honour to acknowledge receipt of your Note of the 13th of July, 1955, which reads as follows:—

[As in No. 1.]

In reply I have the honour to inform you that the Government of the United Kingdom accept the foregoing proposal and agree to regard your Note, together with the present reply, as constituting an Exchange of Notes as provided for in the first paragraph of Article XIX of the abovementioned Convention, and as placing on record the agreement reached between the two Governments in this matter.

I have, &c.

(For the Secretary of State).

F. A. WARNER.

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