

Version
as at 28 October 2021



Finance Act 1990

Public Act 1990 No 20
Date of assent 28 March 1990
Commencement see section 1(2)

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Treasury.

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An Act to make provision with respect to public finances and other matters

1 Short Title and commencement

- (1) This Act may be cited as the Finance Act 1990.
- (2) Except as provided in Part 1 and Part 2, this Act shall come into force on the date on which it receives the Royal assent.

2 Act binds the Crown

This Act binds the Crown.

Part 1

Application of State-Owned Enterprises Act 1986 and other Acts to Telecom Corporation of New Zealand Limited

3 Commencement of this Part

- (1) This Part shall come into force on a date to be appointed by the Governor-General by Order in Council; and 1 or more Orders in Council may be made bringing different provisions of this Part into force on different dates.
- (2) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

| | | |
|---------------------|--|-------------------------------|
| Publication | PCO must publish it on the legislation website and notify it in the <i>Gazette</i> | LA19 s 69(1)(c) |
| Presentation | The Minister must present it to the House of Representatives | LA19 s 114, Sch 1 cl 32(1)(a) |
| Disallowance | It may be disallowed by the House of Representatives | LA19 ss 115, 116 |

This note is not part of the Act.

Section 3(1): section 4(3) and (4) brought into force, on 14 June 1990, by clause 2 of the Finance Act Commencement Order 1990 (SR 1990/138).

Section 3(1): sections 4(1), (2), and (5), 5, 6, 7, and 8 brought into force, on 12 September 1990, by clause 2 of the Finance Act Commencement Order (No 3) 1990 (SR 1990/194).

Section 3(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

4 Amendment to State-Owned Enterprises Act 1986

- (1) *Amendment(s) incorporated in the Act(s).*

- (2) Notwithstanding the coming into force of subsection (1), section 22 of the State-Owned Enterprises Act 1986 shall, so long as Ministers of the Crown continue to hold shares in Telecom Corporation of New Zealand Limited (in this section called **the Corporation**), continue to apply in relation to the Corporation as if—
- (a) the Corporation were a State enterprise; and
 - (b) the Minister of Finance and the Minister for State Owned Enterprises were the shareholding Ministers for the Corporation.
- (3) *Amendment(s) incorporated in the Act(s).*
- (4) Notwithstanding the coming into force of subsection (3) and whether or not all or any of the shares in the Corporation are held by Ministers of the Crown on behalf of the Crown, sections 23 to 30 of the State-Owned Enterprises Act 1986 and any Order in Council made at any time pursuant to any of those sections shall continue to apply after the coming into force of subsection (3) as if—
- (a) the Corporation were a State enterprise and a company named in Schedule 2 of that Act; and
 - (b) the Minister of Finance and the Minister for State Owned Enterprises were the shareholding Ministers for the Corporation.
- (5) Each Minister of the Crown who holds shares in the Corporation on behalf of Her Majesty the Queen may exercise all or any of Her Majesty's rights and powers as the holder of those shares.

5 Amendment to Official Information Act 1982

Amendment(s) incorporated in the Act(s).

6 Amendment to Ombudsmen Act 1975

Amendment(s) incorporated in the Act(s).

7 Amendment to Income Tax Act 1976

[Repealed]

Section 7: repealed, on 1 April 2005 (effective for 2005–06 tax year and later tax years, except when the context requires otherwise), by section YA 2 of the Income Tax Act 2004 (2004 No 35).

8 Amendment to State Sector Act 1988

Amendment(s) incorporated in the Act(s).

Part 2

New Zealand Railways Corporation

9 Commencement of this Part

This Part shall be deemed to have come into force on 21 March 1990.

10 Loan and swap obligations of New Zealand Railways Corporation guaranteed by the Crown

- (1) All obligations of the New Zealand Railways Corporation (in this section called **the Corporation**) arising in respect of any loan or swap transaction raised or entered into by the Corporation pursuant to the New Zealand Railways Corporation Act 1981, whether before or after the commencement of this section, and all obligations of the Corporation arising pursuant to that Act, whether before or after the commencement of this section, in respect of the issue of redeemable preference shares or convertible notes by NZ Railways Finance Corporation Limited are hereby declared to be guaranteed in accordance with the following provisions of this section.
- (2) If any default is made by the Corporation in the payment of any principal, interest or other money payable in respect of an obligation of the Corporation described in subsection (1), such principal, interest or other money, as the case may be, shall be paid out of a Crown Bank Account by the Minister of Finance or the Treasury without further appropriation than this section.
- (3) All money paid under the authority of subsection (2) on account of an obligation of the Corporation described in subsection (1) shall constitute a debt due by the Corporation to the Crown and may be recoverable accordingly.

Section 10(2): amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

11 Certain matters not affected by legislation relating to New Zealand Railways Corporation

Neither the introduction into the House of Representatives of any Bill that relates to the restructuring of the New Zealand Railways Corporation (in this section called **the Corporation**) or to the transfer or vesting of any assets or liabilities of the Corporation, nor any thing done by or on behalf of the Crown, or the Corporation, or any other person, in connection with the introduction into the House of Representatives of any such Bill, or the enactment of any such Bill, or in contemplation of its enactment, whether before or after the commencement of this section,—

- (a) shall be regarded as placing the Corporation or any other person in breach of, or default under, any contract or in breach of confidence or as otherwise making any of them guilty of a civil wrong:
- (b) shall be regarded as giving rise to a right for any person to terminate or cancel any contract or arrangement or to accelerate the performance of any obligation:
- (c) shall be regarded as placing the Corporation or any other person in breach of any enactment or rule of law or contractual provision prohibiting, restricting, or regulating the assignment or transfer of any property or the disclosure of any information:
- (d) shall release any surety wholly or in part from all or any obligation:

(e) shall invalidate or discharge any contract or security.

Compare: 1986 No 129 s 6(g)

Notes**1 General**

This is a consolidation of the Finance Act 1990 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Secondary Legislation Act 2021 (2021 No 7): section 3

Income Tax Act 2004 (2004 No 35): section YA 2

Finance Act Commencement Order (No 3) 1990 (SR 1990/194)

Finance Act Commencement Order 1990 (SR 1990/138)

Public Finance Act 1989 (1989 No 44): section 65R(3)