



Ombudsmen (Protection of Name) Amendment Act 2020

Public Act 2020 No 3
Date of assent 10 March 2020
Commencement see section 2

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New Schedule 1AA inserted	

The Parliament of New Zealand enacts as follows:

- 1 Title**

This Act is the Ombudsmen (Protection of Name) Amendment Act 2020.
- 2 Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent.
- 3 Principal Act**

This Act amends the Ombudsmen Act 1975 (the **principal Act**).

4 New section 2A inserted (Transitional, savings, and related provisions)

After section 2, insert:

2A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

5 Section 28A replaced (Protection of name)

Replace section 28A with:

28A Protection of name

- (1) A person may not use the name “Ombudsman” in connection with any business, trade, or occupation or the provision of any service, whether for payment or otherwise, or hold themselves out to be an Ombudsman unless—
 - (a) the person is an Ombudsman appointed under section 3 of this Act; or
 - (b) the person is appointed by the Chief Ombudsman under section 11 of this Act as an officer or employee holding a position with a title that includes the word “Ombudsman”; or
 - (c) the person has been permitted by the Minister to use that name.
- (2) The Minister may only give permission under subsection (1)(c) to—
 - (a) a department named in Part 1 of Schedule 1;
 - (b) an organisation named in Part 2 of Schedule 1.
- (3) A person who contravenes this section commits an offence and is liable on conviction to a fine not exceeding \$1,000.
- (4) In this section, **Minister** means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act.

6 New Schedule 1AA inserted

Insert the Schedule 1AA set out in the Schedule of this Act as the first schedule to appear after the last section of the principal Act.

Schedule
New Schedule 1AA inserted

s 6

Schedule 1AA
Transitional, savings, and related provisions

s 2A

Part 1
Provisions relating to Ombudsmen (Protection of Name)
Amendment Act 2020

1 Interpretation

In this Part, **Amendment Act** means the Ombudsmen (Protection of Name) Amendment Act 2020.

2 Savings provision for Banking Ombudsman Scheme Limited

Despite the enactment of the Amendment Act, the entity known as Banking Ombudsman Scheme Limited is entitled to continue to use “Banking Ombudsman” in—

- (a) its current name; and
- (b) any new name arising from a restructure of that entity.

3 Savings provision for Insurance & Financial Services Ombudsman Scheme Incorporated

Despite the enactment of the Amendment Act, the entity known as Insurance & Financial Services Ombudsman Scheme Incorporated is entitled to continue to use “Insurance & Financial Services Ombudsman” in—

- (a) its current name; and
- (b) any new name arising from a restructure of that entity.

4 Savings provision in respect of application by Financial Services Complaints Limited to use “Ombudsman”

- (1) This clause applies if the Chief Ombudsman consents (whether before or after the commencement of the Amendment Act) to FSCL’s application under section 28A(1) of the Ombudsmen Act 1975 to use the name “Ombudsman”.
- (2) If this clause applies, FSCL may use “Ombudsman” in its name in accordance with the consent given by the Chief Ombudsman as if the Amendment Act had not been enacted.

- (3) In this clause, **FSCL** means Financial Services Complaints Limited, the appellant in the proceedings that were the subject of the judgment of the Court of Appeal reported in *Financial Services Complaints Limited v Chief Ombudsman* [2018] NZCA 27.

Legislative history

30 April 2019	Introduction (Bill 133–1)
8 May 2019	First reading and referral to Governance and Administration Committee
30 October 2019	Reported from Governance and Administration Committee (Bill 133–2)
17 December 2019	Second reading
12 February 2020	Committee of the whole House
4 March 2020	Third reading
10 March 2020	Royal assent

This Act is administered by the Ministry of Justice.