

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE]
House of Representatives, 19 October 1965

Words struck out by the Statutes Revision Committee are shown in italics within bold round brackets, or with black rule at beginning and after last line of struck out matter; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line of new matter.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]
House of Representatives, 30 October 1965

Words inserted by the Committee of the Whole are shown in roman underlined with a triple rule.

Hon. Mr Hanan

NEWS MEDIA OWNERSHIP

ANALYSIS

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A BILL INTITULED

An Act to make provision for the control by persons domiciled in New Zealand of companies and businesses engaged in the dissemination of news in New Zealand

5 **BE IT ENACTED** by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. **Short Title**—This Act may be cited as the News Media Ownership Act 1965.

No. 106—3

Price 1s. 6d.

2. Interpretation—(1) In this Act, unless the context otherwise requires,—

“Broadcasting” and “private broadcasting station” have the same meanings as in the Broadcasting Corporation Act 1961: 5

“Company” includes any body corporate, whether incorporated before or after the passing of this Act:

“Director”, in relation to a news company, includes any person occupying the position of a director or member of a board or committee of management of the company, by whatever name called: 10

“Disposable share”, in relation to a news company, means any share that is capable of being disposed of under any enactment, articles of association, or rules governing the constitution or management of the company: 15

“News company” means—

(a) Any company that operates a private broadcasting station; and

(b) Any company that publishes a newspaper:

“Newspaper” means any paper containing principally or exclusively news of general public interest, or observations thereon, which is printed for sale and is published in New Zealand periodically at intervals not exceeding eight days; but does not include— 20

(a) Any paper which, in respect of not less than nine-tenths of the space occupied in it by news of general public interest and observations thereon, is a copy of a paper which has first been published for general sale outside New Zealand; or 25

(b) Any paper, if the news, and observations thereon, contained therein is principally or exclusively of a purely religious, scientific, technical, scholastic, commercial, business, farming, health, or sporting nature; or 30

(c) Any paper, if the average number of copies of each issue sold during any period of three consecutive months does not exceed five thousand: 35

“Person” includes any body corporate:

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“Share”, in relation to a news company having a share capital, means share in that capital, and includes stock; and, in relation to a news company not having a share capital, means membership of or interest in the company. 40

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“Share”, in relation to a news company, means share or stock in the capital (if any) of the company; and includes membership:

5 (2) For the purposes of this Act, but subject to section 13 of this Act, a person shall be deemed to be domiciled outside New Zealand if—

(a) Under the rules of the common law for determining a person’s domicile, the person’s domicile is outside
10 New Zealand; or

(b) The person, being a company, is incorporated outside New Zealand or is for the purposes of the Companies Act 1955 a subsidiary of any company incorporated outside New Zealand or is in fact controlled, by any
15 means whatsoever (whether directly or indirectly),
by a person or persons deemed under this subsection
to be domiciled outside New Zealand; or

(c) The person holds any share in a news company as trustee for, or as nominee or agent or otherwise directly or indirectly on behalf of, any other person deemed under this subsection to be domiciled outside New Zealand, or may be required to exercise any voting power in relation to any such share in accordance with the direction of any such other person as aforesaid.
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(2A) For the purposes of paragraph (a) of subsection (2) of this section, the domicile of a married woman, wherever she was married, shall be determined as if she were unmarried
30 and (if she is a minor) as if she were adult.

(2B) Notwithstanding anything in subsection (2) of this section, a company, within the meaning of the Life Insurance Act 1908, which at the passing of this Act is carrying on in New Zealand the business of life insurance (in this subsection
35 referred to as the insurance company) shall not, while it continues to carry on such business in New Zealand, be deemed for the purposes of this Act to be domiciled outside New Zealand in relation to any share in a news company acquired by the insurance company (whether before or after the passing
40 of this Act) out of funds held by the insurance company in New Zealand.

(3) For the purposes of any enactment in this Act which provides that a director or officer of a company who is in default shall be guilty of an offence, the expression “director or officer who is in default” means any director or officer of the company who knowingly and wilfully authorises or permits the default, refusal, failure, contravention, or non-compliance mentioned in the enactment. 5

3. Restrictions on operation of private broadcasting station or publication of newspaper—(1) No body corporate incorporated outside New Zealand shall, in New Zealand,— 10

- (a) Establish or operate a private broadcasting station; or
- (b) Publish a newspaper.

(2) No person other than a company shall, in New Zealand,—

- (a) Establish or operate a private broadcasting station; or 15
- (b) Publish a newspaper.

(3) It shall not be lawful for any news company to enter into any contract, agreement, arrangement, scheme, or transaction by virtue of which any person domiciled outside New Zealand has or will at any time have power to require or prohibit the publication of any item of news or any observations thereon. 20

4. Membership of news company, and voting powers—

(1) In every news company—

- (a) There shall be a member or members domiciled in New Zealand; and 25

- (b) The voting power that any one member domiciled outside New Zealand is entitled to exercise shall not exceed fifteen per cent of the total voting powers exercisable by all members of the company; and 30

- (c) The voting powers that all members domiciled in New Zealand are entitled to exercise shall not in the aggregate be less than eighty per cent of the total voting powers exercisable by all members of the company. 35

(2) Where, but for the provisions of paragraph (b) of subsection (1) of this section, any one member of a news company who is domiciled outside New Zealand would be entitled to exercise more than fifteen per cent of the total voting powers exercisable by all members of the company, the amount of that member’s voting powers in excess of the said fifteen per cent shall be apportioned among *(the other members of the company in proportion to their shareholding)* the members domiciled in New Zealand in proportion to their voting powers. 40 45

(3) Where, but for the provisions of paragraph (c) of subsection (1) of this section, the voting powers that all members of a news company who are domiciled in New Zealand would be entitled to exercise are in the aggregate less than eighty per cent of the total voting powers exercisable by all members of the company, the voting powers exercisable in respect of any share by each member of the company who is domiciled in New Zealand shall be deemed to be increased to such an extent that the voting powers exercisable by all members domiciled in New Zealand shall amount in the aggregate to eighty per cent of the total voting powers exercisable by all members of the company.

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(3A) Where under the foregoing provisions of this section it is necessary to apportion any amount of voting powers among members domiciled in New Zealand, and on such apportionment the number of votes allotted to any such member is not a whole number, that number shall, notwithstanding anything in this section, and unless the articles of association or rules of the company otherwise provide, be taken to the nearest whole number and, if it is or includes a half, to the whole number next above it.

(4) In any case where, after applying the provisions of paragraph (b) of subsection (1) of this section, the voting powers exercisable by all members domiciled in New Zealand would in the aggregate be less than eighty per cent of the total voting powers exercisable by all members of the company—

(a) No member domiciled outside New Zealand who became a member after the time when the separate register kept by the company under section 9 of this Act showed that less than eighty per cent of such total voting powers as aforesaid would be so exercisable shall exercise any voting powers in relation to any shares in respect of which he is so domiciled; and

(b) No member so domiciled whose acquisition of shares in the company, or whose change of domicile in relation to any voting powers, resulted in the separate register's showing that less than eighty per cent of such total voting powers as aforesaid would be so exercisable shall exercise any voting powers, in relation to any of the shares in respect of which he is so domiciled, so far as the exercise of those powers would result in less than eighty per cent of such total voting powers as aforesaid being exercisable by members domiciled in New Zealand.

(5) Where any news company operates a private broadcasting station or publishes a newspaper in New Zealand, knowing that no member of the company is domiciled in New Zealand, the company, and every director or officer of the company who is in default, is guilty of an offence against this Act. 5

5. Power of directors of news company to refuse admission to membership—(1) Every application for any share in or membership of a news company, and every transfer of any share in any such company, shall be accompanied by a statement in writing, signed by the applicant or transferee, as the case may require,— 10

(a) Stating whether or not he is, or will be if he becomes a member of the company, domiciled outside New Zealand for the purposes of this Act; and 15

(b) If he is or will be so domiciled, specifying which of the provisions of paragraphs (a) to (c) of subsection (2) of section 2 of this Act are applicable and the extent of the voting power in relation to which he is or will be so domiciled. 20

(2) No news company shall allot any share to any person or admit him to membership of the company, or register any transfer of any share in the company, unless the application or transfer, as the case may be, is accompanied by such a statement as aforesaid. 25

(3) The directors of any news company may refuse to allot any share to any person or admit him to membership, or to register any transfer of any share, if they have reasonable cause to believe that the applicant or transferee is, or would be if he became a member of the company, domiciled outside New Zealand. 30

6. Voting at meetings—(1) At any general meeting of members of a news company the chairman may in any case, and shall if any member so requires or if the chairman suspects that less than eighty per cent of the total voting powers exercisable by all members of the company would, but for the provisions of section 4 of this Act, be exercisable by members domiciled in New Zealand, before calling for a show of hands or taking a poll on any question before the meeting, require each member present in person to make and lodge with him a statement in writing, signed by the member, stating whether or not he is domiciled outside New Zealand for the purposes of this Act, and, if he is so domiciled, specifying— 35
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- (a) Whether he was so domiciled when he became a member, and, if not, the date on which he became so domiciled; and
- 5 (b) The extent of the voting power in relation to which he is so domiciled.
- (2) No member who, on being required by the chairman to make and lodge a statement as aforesaid, refuses or neglects to do so or refrains from doing so, shall vote either on a show of hands or on a poll on any such question.
- 10 (3) No vote by any person voting on behalf of any member at any general meeting of members of a news company shall be valid unless it is given under the authority of an instrument in writing under the hand of that member appointing that person as his proxy, being an instrument that—
- 15 (a) Is in conformity with the articles of association or rules of the company; and
- (b) If the chairman of the meeting or any member so requires, is accompanied by a statement in writing, signed by the first-mentioned member,
- 20 stating whether or not that member is domiciled outside New Zealand for the purposes of this Act, and, if he is so domiciled, specifying the matters referred to in paragraphs (a) and (b) of subsection (1) of this section.
- 25 (4) Where any statement made under this section discloses that the member is domiciled outside New Zealand, the news company shall cause to be entered forthwith in the register kept by the company under section 9 of this Act the particulars required by that section to be entered with respect
- 30 to that member.

7. News company to give notice of this Act to members—
Every news company carrying on business in New Zealand at the passing of this Act shall, within one month after the passing of this Act, and every (*news*) company that commences to carry on business in New Zealand as a news company after the passing of this Act, shall within one month after commencing to carry on that business, give to every member of the company a notice in writing drawing attention to the provisions of this Act and to the obligations and

40 liabilities of members thereunder, and, in particular, to the provisions of section 11 of this Act.

8. Members of news company to give notice of domicile—

(1) Every member of a news company shall, within (*fourteen days*) one month after the notice referred to in section 7 of this Act has been given to him, send to the company a statement in writing, signed by him, stating whether or not he is domiciled outside New Zealand for the purposes of this Act, and, if he is so domiciled, specifying—

(a) Whether he was so domiciled when he became a member, and, if not, the date on which he became so domiciled; and

(b) Which of the provisions of paragraphs (a) to (c) of subsection (2) of section 2 of this Act are applicable; and

(c) The extent of the voting power in relation to which he is so domiciled.

(2) Every member of a news company who at any time becomes domiciled outside New Zealand shall, within (*fourteen days*) one month after becoming so domiciled, send to the company a statement in writing, signed by him, stating that he has become domiciled outside New Zealand for the purposes of this Act, and specifying the date on which he became so domiciled and the particulars referred to in paragraphs (b) and (c) of subsection (1) of this section.

(3) Every member of a news company, being a member domiciled outside New Zealand, who at any time becomes domiciled in New Zealand shall, within (*fourteen days*) one month after becoming so domiciled, send to the company a statement in writing, signed by him, stating that he has become domiciled in New Zealand for the purposes of this Act, and specifying the date on which he became so domiciled and the extent of the voting power in relation to which he has become so domiciled.

(4) Whenever a news company receives any statement under the foregoing provisions of this section it shall forthwith notify the Registrar of Companies thereof, in a form to be provided by the Registrar.

9. Register of members domiciled outside New Zealand—

(1) Every news company shall keep, at the office where its register of members is kept, a separate register, compiled from the statements received by the company under sections 5, 6, and 8 of this Act, of members domiciled outside New Zealand.

(2) There shall be entered in the separate register, in respect of each such member, particulars of the voting powers in relation to which he is domiciled outside New Zealand for the purposes of this Act.

(3) Every entry to be made in the separate register in respect of any member shall—

- (a) Be made forthwith on the receipt by the company of the statement made by that member; and
- 5 (b) Show the date on which, being domiciled outside New Zealand, he became a member, or the date on which, being a member domiciled in New Zealand, he became domiciled outside New Zealand—

and for the purposes of this Act all such entries shall be
10 deemed to have been made in the order of the dates so shown.

(4) The provisions of subsection (1) of section 118 of the Companies Act 1955 (which relates to particulars to be entered in the register of members) and of section 121 of that Act (which relates to the right to inspect the register), so
15 far as they are applicable and with all necessary modifications, shall apply to the separate register kept under this section.

(5) Every member of a news company shall, whenever required by the company to do so, furnish to the company
20 such information and particulars as may be necessary to enable the company to comply with this section.

10. Company to give notice to members when prescribed limits of voting power exceeded—(1) When at any time, according to the separate register kept by a news company
25 under section 9 of this Act, less than eighty per cent of the total voting powers exercisable by all members of the company would, but for the provisions of section 4 of this Act, be exercisable by members domiciled in New Zealand, the company shall forthwith give to every member domiciled outside
30 New Zealand who became a member after that time, and to every member so domiciled whose acquisition of shares or change of domicile resulted in the register's showing that less than eighty per cent of such total voting powers as aforesaid would be so exercisable, a notice in writing—

- 35 (a) Stating that fact; and
- (b) Complying with subsection (3) of this section.

(2) When at any time, according to the said register, more than fifteen per cent of the total voting powers exercisable by all members of the company would, but for the provisions
40 of the said section 4, be exercisable by any one member domiciled outside New Zealand, the company shall forthwith give to that member a notice in writing—

- (a) Stating that fact; and
- (b) Complying with subsection (4) of this section.

(3) The notice given to any member under subsection (1) of this section shall—

- (a) Draw attention to the provisions of this Act; and
- (b) Where the member holds disposable shares, set out the effect of subsection (3) of section 11 of this Act (specifying whether paragraph (a) or paragraph (b) of that subsection applies to him) and of subsection (5) of this section. 5

(4) The notice given to any member under subsection (2) of this section shall— 10

- (a) Draw attention to the provisions of this Act; and
- (b) Where the member holds disposable shares, set out the effect of subsection (4) of section 11 of this Act and of subsection (5) of this section. 15

(5) In respect of any disposable shares that the company is required to sell under section 11 of this Act, every holder of those shares to whom any notice has been given under this section, unless he sooner disposes of those shares, shall cease to be a member of the company at the expiry of three months after the date of the giving of the notice. 20

(6) Where any share of a member to whom a notice is given under this section is not a disposable share, he shall, unless he sooner ceases to be a member, be deemed to have ceased to be a member of the company at the expiry of three months after the date of the giving of the notice, and the articles of association or rules of the company shall thereupon apply as if he had voluntarily withdrawn from membership of the company. 25

11. Company to sell shares in certain cases—(1) Where any member of a news company, on being required by the chairman at any general meeting of the company to make and lodge a statement in accordance with subsection (1) of section 6 of this Act, refuses or neglects to do so or refrains from doing so, the company shall forthwith, unless it has reason to believe that the member is domiciled in New Zealand, sell the disposable shares held by that member. 30 35

(2) Where any member of a news company fails to send to the company the statement required to be made by him under subsection (1) of section 8 of this Act within the time prescribed by that subsection, the company shall forthwith, unless it has reason to believe that the member is domiciled in New Zealand, sell the disposable shares held by that member. 40

(3) Unless, before the expiry of three months after the date on which a notice is given to any member by a news company under subsection (1) of section 10 of this Act, the company has received notice, to its satisfaction, that disposable shares held by members domiciled outside New Zealand have been disposed of, to persons domiciled in New Zealand, so far as is necessary to ensure that not less than eighty per cent of the total voting powers exercisable by all members of the company would (disregarding section 4 of this Act) be exercisable by members domiciled in New Zealand, the company shall, at the expiry of the said period of three months, and so far as is necessary to ensure that result, sell disposable shares held by—

(a) Any member domiciled outside New Zealand who became a member after the time when the separate register showed that less than eighty per cent of such total voting powers as aforesaid would be so exercisable:

(b) Any member so domiciled whose acquisition of such shares or change of domicile resulted in the register's showing that fact.

(4) Unless, before the expiry of three months after the date on which a notice is given to a member by a news company under subsection (2) of section 10 of this Act, the company has received notice, to its satisfaction, that disposable shares held by that member have been disposed of, to persons domiciled in New Zealand, so far as is necessary to ensure that not more than fifteen per cent of the total voting powers exercisable by all members of the company would (disregarding section 4 of this Act) be exercisable by that member, the company shall, at the expiry of the said period of three months, and so far as is necessary to ensure that result, sell disposable shares held by that member.

(5) Every sale of shares by a company under this section shall be made—

(a) To a person or persons believed by the company to be domiciled in New Zealand; and

(b) Through a member of a registered stock exchange; and

(c) Subject to the provisions of this Act, in accordance with the company's articles of association or rules.

(6) On the sale of any shares pursuant to this section—

(a) The purchaser shall be entitled to be entered on the register of members of the company in respect of those shares to the exclusion of any other person, and shall not be affected by any right, title, or interest of any person claiming through or under the previous holder of the shares; and

- (b) The company may issue to the purchaser a new certificate or certificates in respect of those shares, and the previous certificate or certificates in respect thereof shall be deemed to be cancelled; and

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- (c) The company shall pay the proceeds of the sale, after deduction of the expenses incurred in respect of the sale, to the previous holder of the shares.

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- (c) On the surrender to the company of every certificate deemed under paragraph (b) of this subsection to be cancelled, or on the production of evidence satisfying the company that the certificate has been lost or destroyed, the company shall pay the proceeds of the sale, after deduction of the expenses incurred in respect of the sale, to the previous holder of the shares.

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(7) Where pursuant to this section a news company is required to sell disposable shares held by two or more members, the company shall sell those shares in the order in which, under subsection (3) of section 9 of this Act, the entries in the separate register in respect of those shares were deemed to have been made, beginning with the last of those entries, so that no disposable shares held by any such member shall be sold until all shares held by the other members in respect of whom later entries were so made have been sold.

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(8) No news company that sells any shares in pursuance or intended pursuance of this section shall be under any liability to the previous holder of the shares, or to any person claiming through or under him, in respect of the sale, whether in respect of the price at which the shares were sold or otherwise, unless it has acted in bad faith or without reasonable care.

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(9) If any news company, having refused or failed, without lawful excuse, to do any thing necessary for the purpose of complying with any of the provisions of this section, operates a private broadcasting station or publishes a newspaper, the company, and every director or officer of the company who is in default, shall be guilty of an offence against this Act.

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12. Application of this Act to existing shareholding—

(1) Where on the date when the separate register required by section 9 of this Act to be kept by a news company is first compiled after the passing of this Act—

5 (a) The voting power that any one member of the company who is domiciled outside New Zealand would, but for the provisions of section 4 of this Act, be entitled to exercise exceeds fifteen per cent of the total voting powers exercisable by all members of the company;

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or

(b) The voting powers that all members of the company who are domiciled in New Zealand would, but for the provisions of section 4 of this Act, be entitled to exercise are in the aggregate less than eighty per cent of the total voting powers exercisable by all the members of the company,—

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the provisions of subsection (4) of section 4 and of sections 10 and 11 of this Act, so far as they are applicable and with all necessary modifications, shall apply as if the members domiciled outside New Zealand had acquired their shares after the date of the compilation of the separate register and in the order of the dates shown in that register under subsection (3) of section 9 of this Act in respect of those shares.

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(2) Subsections (5) and (6) of section 10 and subsections (3) and (4) of section 11 of this Act shall not apply in respect of any shares in a news company held on the twenty-third day of September, nineteen hundred and sixty-five, by any member domiciled outside New Zealand.

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(3) Nothing in this Act shall prevent the allotment from time to time, to any member to whom subsection (2) of this section applies, of any further shares in the company, if subsections (1) and (2) of section 5 of this Act are complied with and if the total nominal value of the shares held by that member after such allotment is in the same proportion to the total nominal value of the issued capital of the company, after such allotment, as the total nominal value of the shares held by him on the twenty-third day of September, nineteen hundred and sixty-five, bears to the total nominal value of the issued capital of the company on that date.

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(4) Nothing in subsection (2) or subsection (3) of this section shall limit or affect the operation of section 4 or section 6 of this Act in relation to any such member.

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12A. Application of this Act to existing family news company—(1) In this section, the expression “family group” means any group of persons having a common ancestor who is, or was at any time before the passing of this Act, domiciled in New Zealand; and includes the wives of such persons and the wife of the common ancestor.” 5

(2) Sections 4, 6, 10, and 11 of this Act shall not apply in respect of any news company—

(a) Which carries on business in New Zealand at the passing of this Act; and 10

(b) In which not less than eighty per cent of the shares are at the passing of this Act, and continue thereafter to be, held by or in trust for members of the same family group, or by or in trust for members of the same family group and the common ancestor of that family group. 15

(3) In any statement required to be made to any such news company as aforesaid under section 5 of this Act by any person who is, or will be if he becomes a member of the company, domiciled outside New Zealand, and in any statement required to be made to any such news company as aforesaid under section 8 of this Act by any person who is domiciled outside New Zealand, the person making the statement shall, in addition to the matters required by this Act to be specified in the statement, specify whether or not he will hold or, as the case may require, holds his shares as or in trust for a member of the family group and, if so, his relationship to the common ancestor of the family group. 20 25

(4) In the separate register of members domiciled outside New Zealand, required to be kept by any such news company as aforesaid under section 9 of this Act, there shall be entered in respect of each such member, in addition to the particulars required by that section, the further particulars required to be specified under subsection (3) of this section. 30 35

13. Temporary exemption of certain persons domiciled outside New Zealand—(1) Where any member of a news company, being domiciled in New Zealand, becomes domiciled outside New Zealand by virtue only of circumstances to which paragraph (a) of subsection (2) of section 2 of this Act applies, he shall be deemed for the purposes of this Act to continue to be domiciled in New Zealand for a period of twelve months commencing with the date on which the change of domicile occurred. 40

(2) Where any person, being domiciled outside New Zealand, becomes or is at the passing of this Act the holder of any share in a news company as a beneficiary under the will or on the intestacy of a deceased member who was domiciled in New Zealand at the time of his death, that person shall be deemed for the purposes of this Act to be domiciled in New Zealand for a period of twelve months commencing with the date on which he acquired the share.

(3) Where any person (*being domiciled outside New Zealand*) becomes or is at the passing of this Act the holder of any share in a news company as executor, administrator, or trustee in the estate of a deceased member who was domiciled in New Zealand at the time of his death, that person shall be deemed for the purposes of this Act to be domiciled in New Zealand so long as he continues to hold the share in his capacity as such executor, administrator, or trustee as aforesaid.

(4) The foregoing provisions of this section shall cease to apply to any such member or person as aforesaid in respect of any share if at any time while he is deemed to be domiciled in New Zealand as aforesaid he becomes domiciled outside New Zealand by virtue of the fact that he may be required to exercise any voting power in relation to the share in accordance with the direction of any person domiciled outside New Zealand.

(5) Where a notice is given to any such member or person as aforesaid under section 10 of this Act, the references in that section and in section 11 of this Act to three months after the date of the giving of the notice shall be read, in relation to that member or person, as references to three months after the date on which this section ceased to apply to him.

(6) Notwithstanding that by virtue of this section any such member or person domiciled outside New Zealand is deemed to be domiciled in New Zealand,—

(a) He shall comply with section 8 of this Act as a person domiciled outside New Zealand; but in any statement made by him under that section he shall specify which of the provisions of this section are applicable to him, together with sufficient particulars of the circumstances by virtue of which the provision is applicable:

- (b) When by virtue of subsection (4) of this section any provision of this section ceases to apply to him, he shall forthwith notify the news company in writing of that fact and of the circumstances by reason of which the provision has ceased to apply: 5
- (c) When the news company has reason to believe that this section has ceased to apply to the member or person, the news company shall make such entries in the separate register kept under section 9 of this Act as are necessary to comply with that section in respect of that member or person. 10

14. Statements not to constitute notice of any trust—No news company, nor any person dealing with the shares of any such company, nor the Registrar of Companies, shall be affected by notice of any trust, whether express, implied, or constructive, by reason of any information or particulars contained in any statement, notice, or other document made or given for the purposes of any of the provisions of this Act. 15

15. Notices—Any notice required by this Act to be given by a news company to any member of the company shall be given in the manner provided in that behalf by the articles of association or rules of the company. 20

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Provided that where the notice is sent by post to the member at any address outside New Zealand it shall be deemed for the purposes of this Act to have been given to the member on the expiry of one month after the date on which the notice was posted, or on the date on which he received the notice, whichever date is the earlier. 25

16. Regulations—The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes: 30

- (a) Prescribing forms and other documents for the purposes of this Act:
- (b) Prescribing fees to be paid for the purposes of this Act: 35
- (c) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof.

17. Offences—(1) Every person commits an offence against this Act who—

- 5 (a) With intent to deceive, makes any false or misleading statement or any material omission in any statement or notice made or given for the purposes of this Act, or in any communication with any news company or any other person (whether in writing or otherwise) for the purposes of this Act; or
- 10 (b) Without lawful excuse, acts in contravention of or fails to comply in any respect with any provision of this Act.

(2) Where any news company knowingly contravenes or fails to comply with any provision of this Act that is applicable to the company, every director or officer of the company
15 who is in default shall be guilty of an offence against this Act.

18. Penalties for offences—Every person who commits an offence against this Act shall be liable on summary conviction—

- 20 (a) In the case of a company, to a fine not exceeding one thousand pounds and, if the offence is a continuing one, to a further fine not exceeding five hundred pounds for every day on which the offence has continued:
- 25 (b) In the case of an individual, to imprisonment for a term not exceeding three months, or to a fine not exceeding five hundred pounds, and, if the offence is a continuing one, to a further fine not exceeding two hundred pounds for every day on which the offence has continued, or to both such imprisonment
30 and such fine.

19. Other enactments to be read subject to this Act—

(1) The Companies Act 1955, the Industrial and Provident Societies Act 1908, and any enactment, articles of association, or rules governing the constitution or management of any
35 news company, shall be read subject to the provisions of this Act.

(2) Except as provided in subsection (1) of this section, nothing in this Act shall limit or affect any enactment applicable to any news company, or relating to broadcasting or to
40 the publication of newspapers.