



THE COMMERCE ACT (FEES) REGULATIONS 1990

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 17th day of December 1990

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 108 of the Commerce Act 1986, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Commerce Act (Fees) Regulations 1990.

(2) These regulations shall come into force on the 1st day of January 1991.

2. Fees prescribed for purposes of Commerce Act 1986—Subject to regulation 3 of these regulations, for the purposes of the Commerce Act 1986, the fees set out below shall be payable in respect of the following matters:

- (a) For an application under section 58 of the Act, a fee of \$11,250:
- (b) For giving a notice under section 66 (1) of the Act, a fee of \$2,250:
- (c) For giving a notice under section 67 (1) of the Act, a fee of \$22,500:
- (d) For an application under section 70 (1) of the Act, a fee of \$22,500.

3. Refunds—(1) The Commerce Commission is authorised in its discretion, to refund \$20,250 of the prescribed fee paid by a person who gives a notice under section 67 (1) of the Commerce Act 1986 in any case where the Commission gives a clearance under that section.

(2) The Commerce Commission is authorised to refund \$20,250 of the prescribed fee paid by a person who applies under section 70 (1) of the Commerce Act 1986 in any case where a written undertaking is obtained or accepted from that person in accordance with section 72 of the Act.

4. Goods and services tax—The fees prescribed by these regulations are inclusive of goods and services tax.

5. Revocation—The Commerce Act (Fees) Regulations 1989* are hereby consequentially revoked.

MARIE SHROFF,
Clerk of the Executive Council.

*S.R. 1989/168

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on the 1st day of January 1991, prescribe the fees payable for applications under the Commerce Act 1986.

The fee for an application under section 58 of that Act for authorisation of a restrictive trade practice is increased from \$5,085 to \$11,250. The fee for a notice under section 66 (1) of that Act seeking a clearance of a business acquisition is fixed at \$2,250. The fee for a notice under section 67 (1) of that Act seeking an authorisation of a business acquisition is fixed at \$22,500. The Commerce Commission is given power to refund \$20,250 of the prescribed fee paid by a person who gives such a notice in any case where the Commission gives a clearance under that section. Under the Commerce Act (Fees) Regulations 1989 a fee of \$5,085 was payable in the case of notices under section 66 (1) of the Act seeking a clearance of a merger or takeover proposal whether or not the Commission gave a clearance or granted an authorisation. The fee for an application under section 70 (1) of that Act to authorise a price for controlled goods or services is increased from \$5,085 to \$22,500. The Commerce Commission is given power to refund \$20,250 of the prescribed fee paid by a person who makes such an application in any case where a written undertaking is obtained or accepted from that person in accordance with section 72 of the Act.

The fees are inclusive of goods and services tax.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 20 December 1990.

These regulations are administered in the Ministry of Commerce.