



**THE EXCHANGE CONTROL REGULATIONS 1985,
AMENDMENT NO. 9**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 16th day of March 1987

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Reserve Bank of New Zealand Act 1964, His 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 Exchange Control Regulations 1985, Amendment No. 9 and shall be read together with and deemed part of the Exchange Control Regulations 1985* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of April 1987.

2. Interpretation—Regulation 2 (1) of the principal regulations is hereby amended by omitting the definition of the term “trading bank”.

*S.R. 1985/4

Amendment No. 1: S.R. 1985/184 (*Revoked by S.R. 1986/26*)
Amendment No. 2: S.R. 1985/242 (*Revoked by S.R. 1986/26*)
Amendment No. 3: S.R. 1985/304 (*Revoked by S.R. 1986/26*)
Amendment No. 4: S.R. 1986/26
Amendment No. 5: S.R. 1986/73
Amendment No. 6: S.R. 1986/121
Amendment No. 7: S.R. 1986/294
Amendment No. 8: S.R. 1987/16

3. Transactions involving exchange of foreign currency for New Zealand money—Regulation 3 of the principal regulations is hereby amended by revoking subclause (1) and substituting the following subclause:

“(1) Subject to subclause (2) of this regulation, except with the consent of the Reserve Bank, no person shall be a party to any transaction whereby foreign currency is exchanged for New Zealand money otherwise than through an authorised foreign exchange dealer.”

4. Dealings with foreign currency and foreign securities—(1) Regulation 5 of the principal regulations is hereby amended by revoking subclause (2) and substituting the following subclause:

“(2) Except with the consent of the Reserve Bank, no authorised foreign exchange dealer or other person shall sell, transfer, or do any thing which involves the creation of a charge on any foreign asset, or any legal or equitable interest therein, owned by an authorised foreign exchange dealer.”

(2) Regulation 5 (3) of the principal regulations is hereby amended—

(a) By omitting from paragraph (a) the words “trading bank or” in each place where they appear; and

(b) By omitting from paragraph (b) the words “a trading bank or” and substituting the word “an”.

(3) Regulation 5 (4) of the principal regulations is hereby amended by omitting the words “trading bank or” in each place where they appear.

(4) Regulation 5 (5) of the principal regulations is hereby amended by omitting the words “trading bank or”.

(5) Regulation 5 (6) of the principal regulations is hereby amended by omitting the words “trading bank or” in each place where they appear.

5. New First Schedule substituted—The principal regulations are hereby amended by revoking the First Schedule thereto (as substituted by the Exchange Control Regulations 1985, Amendment No. 4 and amended by the Exchange Control Regulations 1985, Amendment No. 5, the Exchange Control Regulations 1985, Amendment No. 6 and the Exchange Control Regulations 1985, Amendment No. 8), and substituting the First Schedule set out in the First Schedule to these regulations.

6. Revocations—The regulations specified in the Second Schedule to these regulations are hereby revoked.

SCHEDULES

Reg. 5

FIRST SCHEDULE

NEW FIRST SCHEDULE TO EXCHANGE CONTROL REGULATIONS 1985

"FIRST SCHEDULE

A.M.P. Financial Corporation (N.Z.) Limited
 ANZ Banking Group (New Zealand) Limited
 Bank of New Zealand
 Barclays New Zealand Limited
 Citicorp Forex Limited
 Development Finance Corporation of New Zealand
 Elders Merchant Finance Limited
 FAS Macquarie Limited
 Indosuez New Zealand Limited
 National Australia Limited
 Natwest Lombank (New Zealand) Limited
 N.Z.I. Securities Limited
 Security Pacific New Zealand Limited
 South Pacific Merchant Finance Limited
 The National Bank of New Zealand Limited
 Wardley New Zealand Limited
 Westpac Banking Corporation."

Reg. 6

SECOND SCHEDULE
REGULATIONS REVOKED

Title	Statutory Regulations Serial Number
The Exchange Control Regulations 1985, Amendment No. 4	1986/26
The Exchange Control Regulations 1985, Amendment No. 5	1986/73
The Exchange Control Regulations 1985, Amendment No. 6	1986/121
The Exchange Control Regulations 1985, Amendment No. 8	1987/16

P. G. MILLEN,
Clerk of the Executive Council.

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 1 April 1987, omit references to the expression "trading bank" from the Exchange Control Regulations 1985 as a consequence of the coming into force on that date of the Reserve Bank of New Zealand Amendment Act 1986.

One of the effects of that Act is to remove the prohibition contained in the Companies Act 1955 against the incorporation of a company having for its object the carrying on of the business of banking but also to prohibit, except in the case of registered banks, a person being formed or registered under a name, title, style or designation that includes the words "bank", "banker", or "banking", or any of those words as part of any other word.

It also prohibits, except in the case of registered banks, a person carrying on any business, trade, or occupation under a name or title that includes the words "bank", "banker", or "banking", or any of those words as part of any other word. For the purposes of that Act the existing trading banks are deemed to be registered banks.

These regulations add the names of the existing trading banks to the list of authorised foreign exchange dealers that is set out in the First Schedule to the Exchange Control Regulations 1985 to preserve the foreign exchange authorisation of the existing trading banks under those regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 19 March 1987.

These regulations are administered in the Reserve Bank of New Zealand.