

**Reprint  
as at 1 December 2014**



**Securities (Fees) Regulations 1998**

(SR 1998/461)

Securities (Fees) Regulations 1998: revoked, on 1 December 2014, by section 5(e) of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Michael Hardie Boys, Governor-General

**Order in Council**

At Wellington this 18th day of December 1998

Present:

The Right Hon Jenny Shipley presiding in Council

Pursuant to section 70A of the Securities Act 1978, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

**These regulations are administered by the Ministry of Business, Innovation, and Employment.**

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## Regulations

### 1 Title and commencement

- (1) These regulations may be cited as the Securities (Fees) Regulations 1998.
- (2) These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

### 2 Fees and amounts payable for certain matters

The fees and amounts set out below are payable in respect of the following matters:

- (a) for registration of a prospectus under section 42 of the Securities Act 1978, \$320:
- (b) for a copy under section 52(3) of the Securities Act 1978, at the request of any person, of a register kept under section 51(1)(a) to (d) of that Act, or any part of the register, a fee of 20 cents per page or such lesser amount as the issuer may prescribe:
- (c) for a copy under section 52(4) of the Securities Act 1978, at the request of the holder of the securities, of that part of a register kept under section 51(1)(e) or (f) of that Act that relates to the securities of the holder, a fee of 20 cents per page or such lesser amount as the issuer may prescribe:
- (d) for a copy under section 54B(1) of the Securities Act 1978, at the request of the holder of the securities, of the following documents:
  - (i) a deed of trust or deed of participation relating to the securities of the holder (incorporating or together with all amendments to that deed) referred to in regulation 23A(c) of the Securities Regulations 1983 or regulation 44(c) of the Securities Regulations 2009:
  - (ii) a guarantee of payment of money owing in respect of the securities of the holder referred to in

regulation 23A(d) of the Securities Regulations 1983 or regulation 44(d) of the Securities Regulations 2009,—

a fee of 20 cents per page or such lesser amount as the issuer may prescribe.

Regulation 2(d)(i): amended, on 1 October 2009, by regulation 49 of the Securities Regulations 2009 (SR 2009/230).

Regulation 2(d)(ii): amended, on 1 October 2009, by regulation 49 of the Securities Regulations 2009 (SR 2009/230).

### 3 Fees payable to Financial Markets Authority

- (1) The FMA may require payment to it of—
- (a) a fee of \$115 for an application referred to in subclause (2); and
  - (b) in respect of any of those applications, a fee calculated at the hourly rates set out in the following table for each hour or, on a proportional basis, part-hour of work carried out by the persons referred to:

**Table of hourly rates**

Category	Fee
(i) For each hour of work carried out by a member of the FMA	\$230.00
(ii) For each hour of work carried out by an employee of the FMA who is qualified in accountancy, auditing, business, commerce, economics, or law	\$178.25
(iii) For each hour of work carried out by an employee of the FMA who the FMA is satisfied has a professional level of skills, training, or experience in matters of the kind to which the application relates	\$178.25

- (2) The fees set out in subclause (1) apply in respect of—
- (a) an application for an exemption under section 70B of the Securities Act 1978;
  - (b) an application for approval to act as a trustee or statutory supervisor under section 48(3) of the Securities Act 1978.
  - (c) *[Revoked]*
  - (d) *[Revoked]*
- (3) The fees in this regulation—
- (a) are payable by the applicant to the FMA; and

- (b) as to the fee under subclause (1)(a), must accompany the application; and
- (c) as to the fee calculated at hourly rates in accordance with subclause (1)(b), are payable on an invoice issued by, or on behalf of, the FMA and within the time frame specified in that invoice.

Regulation 3 heading: amended, on 1 May 2011, by section 82 of the Financial Markets Authority Act 2011 (2011 No 5).

Regulation 3(1): amended, on 1 May 2011, by section 82 of the Financial Markets Authority Act 2011 (2011 No 5).

Regulation 3(1)(a): amended, on 1 April 2014, by regulation 10(1) of the Financial Markets Conduct (Changes to Financial Markets Authority Fees) Regulations 2014 (LI 2014/111).

Regulation 3(1)(b): replaced, on 1 April 2014, by regulation 10(2) of the Financial Markets Conduct (Changes to Financial Markets Authority Fees) Regulations 2014 (LI 2014/111).

Regulation 3(2)(c): revoked, on 1 May 2011, by section 82 of the Financial Markets Authority Act 2011 (2011 No 5).

Regulation 3(2)(d): revoked, on 1 May 2011, by section 82 of the Financial Markets Authority Act 2011 (2011 No 5).

Regulation 3(3): inserted, on 1 April 2014, by regulation 10(3) of the Financial Markets Conduct (Changes to Financial Markets Authority Fees) Regulations 2014 (LI 2014/111).

#### **4 Costs payable to Financial Markets Authority**

The FMA is authorised to require payment to it of the costs incurred by the FMA in—

- (a) the printing and publication in the Statutory Regulations series of an exemption notice under section 70B of the Securities Act 1978:
- (b) the publication in the *Gazette* of a notice of an exemption notice under section 70B of the Securities Act 1978:
- (c) the publication in the *Gazette* of a notice approving a person to act as a trustee or statutory supervisor under section 48(3) of the Securities Act 1978:
- (d) the obtaining of expert advice or expert assistance in respect of an application referred to in regulation 3(2).

Regulation 4: substituted, on 1 May 2011, by section 82 of the Financial Markets Authority Act 2011 (2011 No 5).

**5 Amount of goods and services tax included**

The fees and amounts prescribed in regulations 2 and 3 are inclusive of goods and services tax.

**6 Revocations**

The following regulations are revoked:

- (a) Securities (Fees) Regulations 1997 (SR 1997/14):
- (b) Securities (Fees) Amendment Regulations 1997 (SR 1997/183):
- (c) Securities (Fees) Amendment Regulations 1998 (SR 1998/107).

Marie Shroff,  
Clerk of the Executive Council.

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Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 22 December 1998.

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## Reprints notes

### **1** *General*

This is a reprint of the Securities (Fees) Regulations 1998 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### **2** *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3** *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4** *Amendments incorporated in this reprint*

Financial Markets Conduct (Changes to Financial Markets Authority Fees) Regulations 2014 (LI 2014/111): Part 3

Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70): section 5(e)

Financial Markets Authority Act 2011 (2011 No 5): section 82

Securities Regulations 2009 (SR 2009/230): regulation 49

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