



# Fair Trading Amendment Act 2006

Public Act 2006 No 49  
Date of assent 24 October 2006  
Commencement see section 2

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## The Parliament of New Zealand enacts as follows:

### 1 Title

This Act is the Fair Trading Amendment Act 2006.

### 2 Commencement

- (1) This Act comes into force on the day after the date on which it receives the Royal assent.
- (2) However, section 4 only comes into force on a date to be appointed by the Governor-General by Order in Council.

### 3 Principal Act amended

This Act amends the Fair Trading Act 1986.

**4 New sections 5A and 5B inserted**

The following sections are inserted after section 5:

**“5A No liability under Act if not liable under Securities Act 1978 or Securities Markets Act 1988**

A court hearing a proceeding brought against a person under this Act must not find that person liable for conduct—

- “(a) that is regulated by the Securities Act 1978 if that person would not be liable for that conduct under that Act;
- “(b) that is regulated by the Securities Markets Act 1988 if that person would not be liable for that conduct under that Act.

**“5B Act does not apply to certain conduct regulated by takeovers code**

Nothing in this Act applies to conduct in relation to any transaction or event regulated by the takeovers code that is in force under the Takeovers Act 1993 or incidental or preliminary to a transaction or event that is or is likely to be regulated by that code.”

**5 New section 48A inserted**

The following section is inserted after section 48:

**“48A Sharing of information with Securities Commission or Takeovers Panel**

- “(1) The Commission may communicate to the Securities Commission or the Takeovers Panel any information that the Commission—
  - “(a) holds in relation to the exercise of the Commission’s powers, or the performance of its functions and duties, in respect of this Act; and
  - “(b) considers may assist the Securities Commission or the Takeovers Panel in the exercise of their powers, or the performance of their functions and duties, in respect of false, misleading, or deceptive conduct under the Securities Act 1978 or the Securities Markets Act 1988 or the Takeovers Act 1993 or the takeovers code in force under that Act.
- “(2) The Commission may use any information communicated to it by the Securities Commission under section 17B of the Securities Act 1978 or by the Takeovers Panel under section

15B of the Takeovers Act 1993 in the Commission's exercise of its powers, or the performance of its functions and duties, in respect of this Act.

“(3) This section applies despite anything to the contrary in any enactment, contract, deed, or document.”

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### Legislative history

10 October 2006	Divided from Securities Legislation Bill (Bill 234–2) as Bill 234–3D
12 October 2006	Third reading
24 October 2006	Royal assent

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This Act is administered by the Ministry of Consumer Affairs.

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