



ANALYSIS

Title
1. Short Title and commencement

2. Term implied in certain offers of
previously allotted securities

1994, No. 15

An Act to amend the Securities Act 1978

[27 June 1994]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Securities Amendment Act 1994, and shall be read together with and deemed part of the Securities Act 1978 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of July 1994.

2. Term implied in certain offers of previously allotted securities—The principal Act is hereby amended by repealing section 6A (as inserted by section 2(1) of the Securities Amendment Act 1993), and substituting the following section:

“6A. (1) This section applies to a security—

“(a) That is exempted from the application of sections 33, 34, 37 to 44, and 44B to 59 of this Act by virtue of section 6(1) of this Act; and

“(b) That is not a security to which subsection (2) or subsection (3) of section 6 of this Act applies; and

“(c) That is offered to the public in New Zealand.

“(2) Subject to subsection (3) of this section, it is an implied term of every offer of a security to which this section applies, that, except to the extent disclosed for the purposes of the offer of the security, the offeror has no information in relation to the original allotter that is not publicly available and that would, or would be likely to, affect materially the price of the security if it were so disclosed.

“(3) For the purposes of subsection (2) of this section, an offeror is not to be taken to have information in relation to the original allotter if—

“(a) Arrangements existed to ensure that no individual who took part in the decision to offer the securities to the public received, or had access to, that information or was influenced, in relation to that decision, by an individual who had that information; and

“(b) No individual who took part in the decision to offer the securities to the public received, or had access to, that information or was influenced, in relation to that decision, by an individual who had that information.”

This Act is administered in the Department of Justice.
