



ANALYSIS

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Act 1988

1996, No. 144

An Act to amend the Sharebrokers Act 1908

[2 September 1996]

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

1. Short Title—This Act may be cited as the Sharebrokers Amendment Act 1996, and shall be read together with and deemed part of the Sharebrokers Act 1908 (hereinafter referred to as the principal Act).

2. Interpretation—(1) Section 2 of the principal Act is hereby amended by repealing the definition of the term “sharebroker” (as substituted by section 2 of the Sharebrokers Amendment Act 1994), and substituting the following definition:

“Sharebroker” means any person, firm, or company who, for remuneration, sells or purchases shares for or on behalf of or as agent for any other person; but does not include—

“(a) A bank selling or purchasing shares for its customers in the ordinary course of its business; or

“(b) A person who is authorised under section 38 (1) of the Securities Amendment Act 1988 to carry on the business of dealing in futures contracts to the extent that that person, for remuneration, sells or purchases options to acquire

or sell shares for or on behalf of or as agent for any other person.”

(2) Section 2 of the Sharebrokers Amendment Act 1994 is hereby consequentially repealed.

3. Amendment to Securities Amendment Act 1988—

(1) Section 38 of the Securities Amendment Act 1988 is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) No person shall carry on the business of dealing in futures contracts unless that person is, or is a member of a class of persons that is, authorised by the Commission by notice in the *Gazette* to carry on the business of dealing in futures contracts.”

(2) Section 38 (2) of the Securities Amendment Act 1988 is hereby amended by omitting the words “paragraph (b) of”.

This Act is administered in the Ministry of Commerce.
