



ANALYSIS

<p>Title</p> <p>1. Short Title and commencement</p> <p>2. Interpretation</p> <p>3. Void irregular allotments</p> <p>4. Voidable irregular allotments</p> <p>5. Meaning of "authorised advertisement"</p>	<p>6. Meaning of "authorised advertisement" in relation to offers of debt securities by registered banks</p> <p>7. Form and content of investment statement</p> <p><i>Amendments to Securities Amendment Act 1988</i></p> <p>8. Amendments to Securities Amendment Act 1988</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

1997, No. 16

An Act to amend the Securities Act 1978

[17 June 1997]

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 1997, and is part of the Securities Act 1978 ("the principal Act").

(2) This Act comes into force on a date to be appointed by the Governor-General by Order in Council.

(3) This Act comes into force on 1 October 1997 if no Order in Council is made under subsection (2) appointing a date that is earlier than that date as the date for the coming into force of this Act.

2. Interpretation—Section 2 of the principal Act is amended by repealing the definitions of the terms "date of a balance sheet" and "date of an interim balance sheet", and substituting the following definition:

"'Date of a statement of financial position' or 'date of an interim statement of financial position' means the date as at which the statement of affairs contained in the statement of financial position or interim statement of financial position has been drawn up:"

3. Void irregular allotments—Section 37 (6) of the principal Act is amended by omitting the words “the rate of 10 percent per annum”, and substituting the words “a rate prescribed from time to time by regulations made under this Act”.

4. Voidable irregular allotments—(1) Section 37A (1) of the principal Act (as substituted by section 15 of the Securities Amendment Act 1996) is amended—

(a) By omitting from paragraph (a) the word “any”, and substituting the word “an”;

(b) By omitting from paragraph (b) the word “any” in the first place where it occurs, and substituting the word “the”;

(c) By omitting from paragraph (c) (i) and (ii) the words “balance sheet” in each place where they occur, and substituting in each case the words “statement of financial position”.

(2) Section 37A (1A) of the principal Act (as so substituted) is amended by omitting the words “balance sheet” in each place where they occur, and substituting in each case the words “statement of financial position”.

(3) Section 37A (7) of the principal Act is amended by omitting the words “the rate of 10 percent per annum”, and substituting the words “a rate prescribed from time to time by regulations made under this Act”.

5. Meaning of “authorised advertisement”—Section 38 of the principal Act (as substituted by section 16 (1) of the Securities Amendment Act 1996) is amended by repealing paragraph (b), and substituting the following paragraphs:

“(b) In relation to an offer of securities to the public in respect of which an investment statement is not required, but in respect of which a registered prospectus or a disclosure statement under section 81 of the Reserve Bank of New Zealand Act 1989 is required, an advertisement—

“(i) That refers to a registered prospectus or a current disclosure statement; and

“(ii) That describes where a copy of the prospectus or the disclosure statement can be obtained free of charge; and

“(iii) That complies with this Act and regulations:

“(c) In any other case, an advertisement that complies with this Act and regulations.”

6. Meaning of “authorised advertisement” in relation to offers of debt securities by registered banks—(1) The principal Act is amended by repealing section 38AA.

(2) Section 3 (3) of the Securities Amendment Act 1996 is consequentially repealed.

7. Form and content of investment statement—Section 38E (1) of the principal Act (as inserted by section 17 of the Securities Amendment Act 1996) is amended by repealing paragraph (c), and substituting the following paragraph:

“(c) If a registered prospectus is required in respect of the securities referred to in the investment statement, state that there is a registered prospectus containing an offer of securities to which the investment statement relates; and”.

Amendments to Securities Amendment Act 1988

8. Amendments to Securities Amendment Act 1988—Section 26 (1) of the Securities Amendment Act 1988 is amended by omitting the words “balance sheet” in both places where they occur, and substituting in each case the words “statement of financial position”.

This Act is administered in the Ministry of Commerce.
