

**Reprint
as at 1 April 2005**



Finance Act 1990

Public Act 1990 No 20
Date of assent 28 March 1990
Commencement see section 1(2)

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Treasury.

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An Act to make provision with respect to public finances and other matters

1 Short Title and commencement

- (1) This Act may be cited as the Finance Act 1990.
- (2) Except as provided in Part 1 and Part 2, this Act shall come into force on the date on which it receives the Royal assent.

2 Act binds the Crown

This Act binds the Crown.

Part 1

Application of State-Owned Enterprises Act 1986 and other Acts to Telecom Corporation of New Zealand Limited

3 Commencement of this Part

This Part shall come into force on a date to be appointed by the Governor-General by Order in Council; and 1 or more Orders in Council may be made bringing different provisions of this Part into force on different dates.

Section 3: section 4(3) and (4) brought into force, on 14 June 1990, by the Finance Act Commencement Order 1990 (SR 1990/138).

Section 3: sections 4(1), (2), and (5), 5, 6, 7, and 8 brought into force, on 12 September 1990, by the Finance Act Commencement Order (No 3) 1990 (SR 1990/194).

4 Amendment to State-Owned Enterprises Act 1986

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) Notwithstanding the coming into force of subsection (1), section 22 of the State-Owned Enterprises Act 1986 shall, so long as Ministers of the Crown continue to hold shares in Telecom Corporation of New Zealand Limited (in this section called

the Corporation), continue to apply in relation to the Corporation as if—

- (a) the Corporation were a State enterprise; and
- (b) the Minister of Finance and the Minister for State Owned Enterprises were the shareholding Ministers for the Corporation.

(3) *Amendment(s) incorporated in the Act(s).*

(4) Notwithstanding the coming into force of subsection (3) and whether or not all or any of the shares in the Corporation are held by Ministers of the Crown on behalf of the Crown, sections 23 to 30 of the State-Owned Enterprises Act 1986 and any Order in Council made at any time pursuant to any of those sections shall continue to apply after the coming into force of subsection (3) as if—

- (a) the Corporation were a State enterprise and a company named in Schedule 2 of that Act; and
- (b) the Minister of Finance and the Minister for State Owned Enterprises were the shareholding Ministers for the Corporation.

(5) Each Minister of the Crown who holds shares in the Corporation on behalf of Her Majesty the Queen may exercise all or any of Her Majesty's rights and powers as the holder of those shares.

5 Amendment to Official Information Act 1982

Amendment(s) incorporated in the Act(s).

6 Amendment to Ombudsmen Act 1975

Amendment(s) incorporated in the Act(s).

7 Amendment to Income Tax Act 1976

[Repealed]

Section 7: repealed, on 1 April 2005 (effective for 2005–06 tax year and later tax years, except when the context requires otherwise), by section YA 2 of the Income Tax Act 2004 (2004 No 35).

8 Amendment to State Sector Act 1988

Amendment(s) incorporated in the Act(s).

Part 2

New Zealand Railways Corporation

9 Commencement of this Part

This Part shall be deemed to have come into force on 21 March 1990.

10 Loan and swap obligations of New Zealand Railways Corporation guaranteed by the Crown

- (1) All obligations of the New Zealand Railways Corporation (in this section called **the Corporation**) arising in respect of any loan or swap transaction raised or entered into by the Corporation pursuant to the New Zealand Railways Corporation Act 1981, whether before or after the commencement of this section, and all obligations of the Corporation arising pursuant to that Act, whether before or after the commencement of this section, in respect of the issue of redeemable preference shares or convertible notes by NZ Railways Finance Corporation Limited are hereby declared to be guaranteed in accordance with the following provisions of this section.
- (2) If any default is made by the Corporation in the payment of any principal, interest or other money payable in respect of an obligation of the Corporation described in subsection (1), such principal, interest or other money, as the case may be, shall be paid out of a Crown Bank Account by the Minister of Finance or the Treasury without further appropriation than this section.
- (3) All money paid under the authority of subsection (2) on account of an obligation of the Corporation described in subsection (1) shall constitute a debt due by the Corporation to the Crown and may be recoverable accordingly.

Section 10(2): amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

11 Certain matters not affected by legislation relating to New Zealand Railways Corporation

Neither the introduction into the House of Representatives of any Bill that relates to the restructuring of the New Zealand Railways Corporation (in this section called **the Corporation**) or to the transfer or vesting of any assets or liabilities of the

Corporation, nor any thing done by or on behalf of the Crown, or the Corporation, or any other person, in connection with the introduction into the House of Representatives of any such Bill, or the enactment of any such Bill, or in contemplation of its enactment, whether before or after the commencement of this section,—

- (a) shall be regarded as placing the Corporation or any other person in breach of, or default under, any contract or in breach of confidence or as otherwise making any of them guilty of a civil wrong:
- (b) shall be regarded as giving rise to a right for any person to terminate or cancel any contract or arrangement or to accelerate the performance of any obligation:
- (c) shall be regarded as placing the Corporation or any other person in breach of any enactment or rule of law or contractual provision prohibiting, restricting, or regulating the assignment or transfer of any property or the disclosure of any information:
- (d) shall release any surety wholly or in part from all or any obligation:
- (e) shall invalidate or discharge any contract or security.

Compare: 1986 No 129 s 6(g)

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Notes**1 *General***

This is a reprint of the Finance Act 1990. The reprint incorporates all the amendments to the Act as at 1 April 2005, as specified in the list of amendments at the end of these notes. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted.

For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Income Tax Act 2004 (2004 No 35): section YA 2
Finance Act Commencement Order (No 3) 1990 (SR 1990/194)
Finance Act Commencement Order 1990 (SR 1990/138)
Public Finance Act 1989 (1989 No 44): section 65R(3)
