

Reprint  
as at 21 April 2020



## New Zealand Business Number Act 2016

Public Act      2016 No 16  
Date of assent    15 April 2016  
Commencement    see section 2

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#### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This Act is administered by the Ministry of Business, Innovation, and Employment.**

**Part 2**  
**Provisions concerning NZBNs, register, Registrar, and miscellaneous matters**

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the New Zealand Business Number Act 2016.

**2 Commencement**

- (1) This Act comes into force for all purposes, except the purposes referred to in subsections (2) and (3), 28 days after the date on which it receives the Royal assent.
- (2) This Act comes into force for the purpose of applying to unincorporated entities on a date to be appointed by the Governor-General by Order in Council, and 1 or more orders may be made appointing different dates for the purposes of the Act applying to different types of unincorporated entities.
- (3) If, in respect of 1 or more types of unincorporated entity, no order under subsection (2) appointing a date is made before 12 December 2016, the Act comes into force, for the purpose of applying to those unincorporated entities, on that date.

## **Part 1**

### **Preliminary provisions**

#### *Purposes and overview*

### **3 Main purposes**

The main purposes of this Act are to—

- (a) enable eligible entities in New Zealand to interact more easily with government; and
- (b) enable eligible entities in New Zealand to interact more easily with one another; and
- (c) reduce transaction costs in New Zealand; and
- (d) establish and maintain the New Zealand Business Number Register that will—
  - (i) enable an NZBN identifier to be allocated to eligible entities; and
  - (ii) enable individuals dealing with NZBN entities to use the NZBN; and
  - (iii) enable certain information to be collected and shared between authorised government agencies; and
  - (iv) make certain information publicly available; and
- (e) protect the security and confidentiality of information provided under this Act and the privacy of individuals in business (within the meaning set out in section 9(2)).

### **4 Overview**

In this Act,—

- (a) Part 1 provides for preliminary matters, including the purposes of this Act, the application of this Act to the Crown, transitional provisions, and interpretation:
- (b) Part 2 provides for—
  - (i) which entities are eligible for an NZBN, how entities obtain an NZBN, and registration of entities in the New Zealand Business Number Register; and
  - (ii) the Registrar's obligations to keep and operate the register, information that may be contained in the register, and who may access that information; and
  - (iii) government agencies' powers to access information in the register, provide information to the register, and use and require the use of NZBNs; and

- (iv) the appointment of the Registrar, the Registrar's functions and powers in relation to the register, and rights of appeal against decisions of the Registrar; and
- (v) miscellaneous matters, including legal rights in relation to NZBNs, the power to amend Schedule 3 (which sets out the information in the register that must be publicly available) and Schedule 4 (which sets out other information in the register that may be publicly available), regulation-making powers, offences, consequential amendments to other enactments, and related matters.

### *Interpretation*

## **5 Interpretation**

In this Act, unless the context otherwise requires,—

**company** means a company registered under the Companies Act 1993

**corporate or public entity** has the meaning set out in section 9(1)(a)

**eligible entity** means an entity that is eligible for an NZBN under section 10

**entity** includes (without limitation),—

- (a) a company or an overseas company:
- (b) any other body corporate:
- (c) a corporation sole:
- (d) a sole trader:
- (e) a partnership (within the meaning of section 8(1) of the Partnership Law Act 2019), or association of persons, whether incorporated or not:
- (f) in the case of a trust,—
  - (i) if the trust has only 1 trustee, the trustee acting in his, her, or its capacity as trustee; and
  - (ii) if the trust has more than 1 trustee, the trustees acting jointly in their capacity as trustees:
- (g) a society or a branch of a society registered or deemed to be registered under the Friendly Societies and Credit Unions Act 1982:
- (h) a thing that regulations declare to be an entity for the purposes of this Act, either generally or in specified circumstances

**government agency** means—

- (a) a Crown entity under section 7 of the Crown Entities Act 2004:
- (b) a department under section 27A(1) and (2) of the State Sector Act 1988:
- (c) the New Zealand Defence Force:
- (d) the New Zealand Police:
- (e) *[Repealed]*

- (f) the Parliamentary Counsel Office:
- (g) the Office of the Clerk of the House of Representatives:
- (h) the Parliamentary Service

**identifier** means any number, code, or name used to identify an eligible entity

**Minister** means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

**NZBN** means New Zealand Business Number

**NZBN entity** means an entity that is registered in the register

**other primary business data** has the meaning given to it by section 20(2)(b)

**overseas company** means a body corporate that is incorporated outside New Zealand and is registered, or is deemed to be registered, under Part 18 of the Companies Act 1993

**primary business data** has the meaning set out in section 20(2)

**public primary business data**, in relation to an NZBN entity, means the primary business data that must be publicly available under section 21

**register** means the New Zealand Business Number Register established under section 18

**Registrar** means the person appointed as the Registrar of New Zealand Business Numbers under section 30

**third party**, in relation to an NZBN entity, means a person other than the NZBN entity or a government agency authorised under section 27(2)

**unincorporated entity** has the meaning set out in section 9(1)(b).

Section 5 **entity** paragraph (e): amended, on 21 April 2020, by section 86 of the Partnership Law Act 2019 (2019 No 53).

Section 5 **entity** paragraph (g): amended, on 1 April 2019, by section 59(2) of the Friendly Societies and Credit Unions (Regulatory Improvements) Amendment Act 2018 (2018 No 17).

Section 5 **government agency** paragraph (e): repealed, on 28 September 2017, by section 335 of the Intelligence and Security Act 2017 (2017 No 10).

### *Other preliminary provisions*

#### **6 Status of examples**

- (1) An example used in this Act is illustrative of the provisions to which it relates. It does not limit those provisions.
- (2) If an example and a provision to which it relates are inconsistent, the provision prevails.

#### **7 Transitional, savings, and related provisions**

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

## 8 Act binds the Crown

This Act binds the Crown.

## Part 2 Provisions concerning NZBNs, register, Registrar, and miscellaneous matters

### *Eligibility for NZBN*

## 9 Meaning of corporate or public entity and unincorporated entity

- (1) In this Act,—
- (a) **corporate or public entity** means—
    - (i) an entity that is already on a public register listed in Schedule 2;
    - (ii) a government agency;
    - (iii) any other body corporate or a corporation sole;
    - (iv) any other entity declared by regulations to be a corporate or public entity for the purposes of this Act; and
  - (b) **unincorporated entity** means an entity other than a corporate or public entity (for example, a sole trader, a partnership, or a trustee (or trustees acting jointly)) that is in business in New Zealand.
- (2) In subsection (1)(b), **business** means any undertaking—
- (a) that is carried on, whether for gain or reward or not; or
  - (b) in the course of which either of the following occurs, whether free of charge or not:
    - (i) goods and services are acquired or supplied; or
    - (ii) any interest in land is acquired or disposed of.

Compare: 1986 No 121 s 2(1)

## 10 Entities eligible for NZBN

An entity is eligible for an NZBN if—

- (a) it is a corporate or public entity or an unincorporated entity; and
- (b) it does not already have an NZBN; and
- (c) it is not ineligible for an NZBN under section 11(2) or 12.

## 11 Persons that are more than 1 entity: eligibility for NZBN

- (1) A person (natural or otherwise) that is more than 1 entity is eligible to be allocated an NZBN, and be registered on the register, in their or its capacity as each of those entities.

- (2) Despite subsection (1), a person who is a sole trader is eligible to be allocated only 1 NZBN and be registered on the register only once as a sole trader.

## 12 Entities ineligible for NZBN

The following entities are ineligible for an NZBN:

- (a) an individual in his or her personal capacity (for example, as a consumer or an employee):

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### Example

Bill is a student. To help support himself, he runs his own lawn-mowing business and works 2 evenings each week at a petrol station.

Bill is not eligible for an NZBN in his personal capacity as an employee of the petrol station. However, Bill is eligible for an NZBN in his capacity as a sole trader in business. (In that capacity, he is an unincorporated entity under section 9 and therefore meets the eligibility criteria in section 10(a).)

- (b) an individual in his or her capacity as a member of an unincorporated entity that is eligible for an NZBN:

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### Example

Jane Brown and John Smith are partners in the law firm Brown, Smith, and Associates.

Brown, Smith, and Associates is an entity eligible for an NZBN because it is a partnership in business in New Zealand (and therefore is an unincorporated entity under section 9).

However, any legal services that Jane or John provides to clients are services provided by the partnership, Brown, Smith, and Associates, in the course of that entity carrying out its business undertaking, and neither Jane nor John, as an individual in the capacity of a member of the partnership, is an entity eligible for an NZBN in relation to those services (paragraph (b) of this section).

- (c) a type of entity that is declared by regulations to be ineligible for an NZBN.

## *Applications for NZBN*

## 13 Application for NZBN

- (1) An entity that wants to be allocated an NZBN and be registered on the register may apply for an NZBN.
- (2) The application must—
- (a) be made in the manner determined by the Registrar; and
  - (b) satisfy any other prescribed requirements.



#### **14 Registrar's powers on application for NZBN**

- (1) If an entity applies for an NZBN in accordance with section 13, the Registrar may—
  - (a) allocate an NZBN to that entity and register the entity; or
  - (b) decline to register the entity if the Registrar considers this necessary in order to—
    - (i) uphold the integrity of the NZBN and the register; or
    - (ii) give effect to the purposes of this Act.
- (2) The Registrar must decline to register the entity if the Registrar considers that it is not an eligible entity.
- (3) For the Registrar's powers to verify identities and information, exercisable at any time, including before or after exercising the powers in this section *see* section 32.

#### *Registration of entities*

#### **15 Registrar's power to register eligible entities without application**

The Registrar may allocate an NZBN to an entity and register the entity without the need for it to apply for an NZBN.

#### **16 Process for registering entity**

- (1) The Registrar registers an entity by—
  - (a) recording the entity's NZBN and primary business data in the register; and
  - (b) making publicly available the entity's public primary business data in accordance with section 21.
- (2) As soon as practicable after registering an entity, the Registrar must notify the entity of the registration.

#### *Cancellation of registration*

#### **17 Registrar's power to cancel registration**

The Registrar may cancel the registration of an NZBN entity if the Registrar is satisfied that—

- (a) at the time the Registrar registered the NZBN entity it did not meet the eligibility criteria in section 10; or
- (b) the registration was made in error (for example, as a result of an administrative error); or
- (c) the cancellation is necessary or desirable in order to—
  - (i) uphold the integrity of the NZBN and the register; or

- (ii) give effect to the purposes of this Act.

*New Zealand Business Number Register*

**18 Registrar to keep register**

The Registrar must keep and operate a register, to be known as the New Zealand Business Number Register, in accordance with this Act and any regulations made under it.

**19 Form of register**

The register must be in electronic form and may also be kept in any other form that the Registrar thinks fit.

**20 Contents of register**

- (1) The register may contain only primary business data.
- (2) **Primary business data**, in relation to an NZBN entity, is—
  - (a) the public primary business data listed in Schedule 3 for that type of entity; and
  - (b) the other primary business data listed in Schedule 4 for that type of entity.
- (3) The register must contain the primary business data referred to in subsection (2)(a) (as applicable) for every NZBN entity.
- (4) The register may contain any of the other primary business data listed in Part 1 of Schedule 4 in relation to a corporate or public entity if—
  - (a) the entity elects to provide that information to the Registrar; or
  - (b) a government agency provides that information to the Registrar under section 27(3)(a); or
  - (c) that information is already available on a public register.
- (5) The register may contain any of the other primary business data listed in Part 2 of Schedule 4 in relation to an unincorporated entity if—
  - (a) the NZBN entity elects to provide that information to the Registrar; or
  - (b) a government agency provides that information to the Registrar with the consent of the entity in accordance with section 27(3)(b).

**21 Public primary business data**

The following primary business data contained in the register for an NZBN entity must be publicly available:

- (a) in the case of a corporate or public entity,—
  - (i) the data listed in Part 1 of Schedule 3; and

- (ii) any data listed in Part 1 of Schedule 4 that the entity elects to make publicly available or that is otherwise available on a public register; and
- (b) in the case of an unincorporated entity,—
  - (i) the data listed in Part 2 of Schedule 3; and
  - (ii) any data listed in Part 2 of Schedule 4 that the entity elects to make publicly available.

## **22 Power to amend Schedules 3 and 4**

- (1) The Governor-General may, by Order in Council, on the recommendation of the Minister made in accordance with subsection (2), amend Schedule 3 or 4 to add or delete any information or type of information.
- (2) The Minister must, before making a recommendation under subsection (1) to—
  - (a) amend Schedule 3,—
    - (i) consult the Privacy Commissioner and take into account any potential privacy effects of the amendment; and
    - (ii) have regard to the advantages and disadvantages of the information or type of information being included in the NZBN register:
  - (b) amend Schedule 4, have regard to the advantages and disadvantages of the information or type of information being included in the register.

## **23 Updating register**

- (1) The Registrar must ensure that an NZBN entity may access the primary business data contained in the register for the entity for the purpose of checking the accuracy of that data.
- (2) The Registrar may, at the request of an NZBN entity, made in the manner determined by the Registrar, update the primary business data contained in the register for that entity.
- (3) The Registrar may update the primary business data contained in the register—
  - (a) for a corporate or public entity; or
  - (b) for an unincorporated entity, if that entity has consented, in the manner determined by the Registrar, to the Registrar exercising that power.
- (4) Despite subsection (3)(b), the Registrar may, at any time, exercise the following powers in relation to any NZBN entity:
  - (a) update the register to reflect the status of the NZBN entity (for example, as active or inactive):
  - (b) amend the register if the Registrar is satisfied that the register contains an error.

*Public and third party access to information in register***24 Manner register to be kept and operated concerning access to information**

- (1) The Registrar must keep and operate the register in a manner that allows members of the public to access and search public primary business data only.
- (2) All other primary business data in the register must only be accessible to, and available for searching by, government agencies that are authorised in accordance with section 27(1) and (2).

**25 Public access to information in register**

- (1) Public primary business data in the NZBN register must be available for access and searching by members of the public at all times, unless the Registrar suspends the operation of the register in accordance with subsection (2).
- (2) The Registrar may refuse access to the register or otherwise suspend the operation of the register, in whole or in part, if the Registrar thinks that it is not practical to provide access to the register.

**26 Third party access to information in register**

- (1) The Registrar may—
  - (a) release primary business data of an NZBN entity to a third party if the NZBN entity consents to that release; and
  - (b) release public primary business data, in bulk, to a third party; and
  - (c) release information to a third party (for example, for research or statistical purposes) if—
    - (i) that information is aggregate information derived from primary business data; and
    - (ii) it is released in a form that could not reasonably be expected to identify an individual NZBN entity.
- (2) A request by a third party to release public primary business data or information under subsection (1) must be made in the manner determined by the Registrar (if any).
- (3) The third party must pay the prescribed fee (if any).

*Government agencies' powers relating to register and use of NZBNs***27 Government agencies may access and provide information**

- (1) A government agency may access and use any public primary business data contained in the register for an NZBN entity.
- (2) A government agency may access and use any other primary business data contained in the register for an NZBN entity if—

- (a) an enactment, other than this Act, authorises the agency to collect that information; or
  - (b) the NZBN entity has consented, in the manner determined by the Registrar, to the government agency accessing and using that other primary business data.
- (3) A government agency may provide primary business data to the Registrar about—
- (a) a corporate or public entity; or
  - (b) an unincorporated entity, if that entity has consented, in the manner determined by the Registrar, to the government agency exercising that power.

## **28 Government agencies may use NZBN**

A government agency may use the NZBN of an entity (including using it in addition to, or substitution for, any other identifier the government agency may use for that entity) if that use is in accordance with the purposes of this Act.

## **29 Government agencies may be empowered to require NZBN**

- (1) The Governor-General may, by Order in Council, on the recommendation of the Minister made in accordance with subsection (2), make regulations authorising a government agency to require an eligible entity, or a class of eligible entity, to which the agency provides services to register for an NZBN and provide that NZBN to the agency.
- (2) Before making a recommendation under subsection (1), the Minister must—
- (a) consult the Privacy Commissioner and take into account the potential privacy effects of the authorisation; and
  - (b) have regard to the following matters:
    - (i) the advantages and disadvantages, for eligible entities, of the authorisation; and
    - (ii) the potential effects of the authorisation on the government agency's costs.

### *Registrar of New Zealand Business Numbers*

## **30 Registrar of New Zealand Business Numbers**

There must be a Registrar of New Zealand Business Numbers, who must be appointed under the State Sector Act 1988.

## **31 Delegation of Registrar's duties and powers**

- (1) The Registrar may delegate in writing any of the Registrar's duties and powers under this Act, other than this power of delegation.
- (2) A delegation may be made to—

- (a) a specified person;
  - (b) persons of a specified class;
  - (c) the holder of a specified office.
- (3) A delegation may be—
- (a) general; or
  - (b) specific; or
  - (c) limited to performing a duty or exercising a power in relation to a particular activity or operation or class of activity or operation.
- (4) A delegation—
- (a) does not affect or prevent the performance of a duty or the exercise of a power by the Registrar;
  - (b) does not affect the responsibility of the Registrar for the actions of a person to whom a duty or power is delegated;
  - (c) may be revoked by the Registrar in writing;
  - (d) continues in force despite a change in the person holding office as Registrar;
  - (e) is subject to any directions or conditions imposed by the Registrar.
- (5) A person to whom a duty or power has been delegated may perform the duty or exercise the power in the same manner and with the same effect as if the duty or power had been conferred directly on the person by this Act.
- (6) A person who purports to act under a delegation is, in the absence of proof to the contrary, presumed to be acting in accordance with the delegation.

### **32 Registrar's verification powers**

- (1) The Registrar may verify any information provided by, or the identity or authority of,—
- (a) an entity;
  - (b) a principal of an entity;
  - (c) an individual who applies for an NZBN on behalf of an entity;
  - (d) an individual who purports to have authority to act on behalf of an entity in relation to any other matter under this Act.
- (2) The Registrar may require an individual or a principal to provide any documentation or other information (including, without limitation, photographic identification) that the Registrar considers necessary for the purposes of verifying information provided by, or the identity or authority of, that person or the relevant entity.
- (3) The Registrar may exercise the powers in this section at any time, whether before or after the Registrar has registered the relevant entity, allocated an NZBN to the entity, or received an application for an NZBN for the entity.

- (4) In this section, **principal** means, in relation to—
- (a) a company or an overseas company, a person occupying the position of a director of the company or overseas company, by whatever name called:
  - (b) a partnership (other than a limited partnership), any partner:
  - (c) a limited partnership, any general partner:
  - (d) a charitable entity (within the meaning of the Charities Act 2005), an officer (within the meaning of that Act):
  - (e) a body corporate or unincorporate other than a company, partnership, or limited partnership, any person occupying a position in the body that is comparable with that of a director of a company.

### 33 Registrar must notify reasons for certain decisions and appeal rights

If the Registrar makes any of the decisions referred to in section 34(1) and (2), the Registrar must notify the entity or third party who made the request (as applicable) of the reasons for the Registrar's decision and of the right of appeal under section 34.

### 34 Appeals against decisions of Registrar

- (1) An entity may appeal to the High Court against a decision of the Registrar to—
- (a) decline to register the entity under section 14(1)(b):
  - (b) cancel the entity's registration under section 17:
  - (c) update or amend the register under section 23(3)(a) or (4).
- (2) A third party may appeal to the High Court against a decision of the Registrar to refuse to release primary business data or information under section 26.
- (3) An appeal under this section must be brought—
- (a) in accordance with the rules of court; and
  - (b) within—
    - (i) 20 working days after the decision appealed against is given; or
    - (ii) any further time the court allows on application made before or after that period expires.

### 35 Privacy Commissioner may require Registrar to report

- (1) The Privacy Commissioner may require the Registrar to provide the Privacy Commissioner with a report on the operation of the register and the collection and handling of personal information in the register in order for the Privacy Commissioner to assess the effects that the register has on the privacy of individuals in business in New Zealand.
- (2) Before requiring a report under subsection (1), the Privacy Commissioner must consult the Registrar on the terms of reference proposed for the report.
- (3) In subsection (1), **business** has the same meaning as set out in section 9(2).

*Miscellaneous provisions***36 No legal or beneficial interest in NZBN**

- (1) An NZBN entity does not have any legal or beneficial interest in the NZBN allocated to it, or in the entity's registration on the NZBN register, and may not claim any value (for example, goodwill) in the NZBN.
- (2) The NZBN allocated to an entity may not be transferred to, or vest by operation of law in, any other entity.

**37 Regulations**

- (1) The Governor-General may, by Order in Council, on the recommendation of the Minister made in accordance with subsection (2), make regulations for all or any of the following purposes:
  - (a) declaring a thing to be, or in specified circumstances to be, an entity for the purposes of this Act:
  - (b) declaring an entity to be a corporate or public entity for the purposes of this Act:
  - (c) declaring a type of entity to be ineligible for an NZBN:
  - (d) prescribing requirements for the purposes of section 13(2)(b):
  - (e) prescribing how notices and other information may or must be given to, or provided to, any person under this Act and other matters relating to that procedure (including when the information is treated as received, given, or provided, for the purposes of this Act and the regulations):
  - (f) prescribing periods of time for the purpose of giving notices or other information, or within which any matter or thing must be done:
  - (g) *[Repealed]*
  - (h) providing for any other matters contemplated by this Act, necessary for its administration, or necessary for giving it full effect.
- (2) The Minister must, before making a recommendation in relation to—
  - (a) subsection (1)(a), (b), or (c), have regard to the advantages and disadvantages of enabling entities to readily ascertain their status for the purposes of this Act; and
  - (b) subsection (1)(c), in addition to the requirement under paragraph (a),—
    - (i) consult the Registrar; and
    - (ii) be satisfied that the declaration is necessary or desirable in order to uphold the integrity of the register.

Section 37(1)(g): repealed, on 6 June 2019, by section 8 of the New Zealand Business Number Funding (Validation and Authorisation) Act 2019 (2019 No 25).



### **37A Regulations relating to fees and charges**

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations prescribing fees and charges that the Registrar may require to be paid to the Registrar (or the rate at which, or the method by which, fees and charges are to be calculated) in connection with the performance or exercise by the Registrar of any function, power, or duty conferred by or under this Act.
- (2) The regulations may—
  - (a) prescribe the method of payment of a fee or charge; and
  - (b) authorise the Registrar to refund or waive, in whole or in part and on any prescribed conditions, payment of a fee or charge in relation to any person or class of persons.
- (3) The Registrar may refuse to perform or exercise a function, power, or duty until the prescribed fee or charge is paid.
- (4) Any fee or charge payable to the Registrar is recoverable by the Registrar in any court of competent jurisdiction as a debt due to the Registrar.

Section 37A: inserted, on 6 June 2019, by section 9 of the New Zealand Business Number Funding (Validation and Authorisation) Act 2019 (2019 No 25).

### **37B Regulations relating to levy**

- (1) Every NZBN entity, or every NZBN entity that is included in a prescribed class of NZBN entities, must pay to the Crown, or a prescribed person on behalf of the Crown, a levy prescribed by regulations.
- (2) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations providing for the levies.
- (3) Levies must be prescribed on the basis that the following costs should be met fully out of the levies:
  - (a) a portion of the costs of the Registrar in performing or exercising the Registrar's functions, powers, and duties under this Act, where the size of the portion to be met by levies under this Act is determined by the Minister; and
  - (b) the costs of collecting the levy money.
- (4) Levies may be prescribed on the basis that any actual cost that could have been, but has not been, recovered as a levy shortfall for a year may be recovered (along with any financing charge) over any period of up to 5 years.
- (5) The regulations may—
  - (a) specify the class or classes of NZBN entities that are required to pay a levy:
  - (b) specify the amount of levies, or method of calculating or ascertaining the amount of levies:

- (c) include in levies, or provide for the inclusion in levies of, any shortfall in recovering the actual costs:
  - (d) refund, or provide for refunds of, any over-recovery of the actual costs:
  - (e) provide for the payment and collection of levies:
  - (f) provide different levies for different classes of NZBN entity:
  - (g) specify the financial year or part financial year to which a levy applies, and apply that levy to that financial year or part financial year and each subsequent financial year until the levy is revoked or replaced:
  - (h) require payment of a levy for a financial year or part financial year, irrespective of the fact that the regulations may be made after that financial year has commenced:
  - (i) provide for waivers or refunds of the whole or any part of a levy for any case or class of cases.
- (6) If an entity is in 2 or more classes of NZBN entities in respect of which different levies have been prescribed, the entity must pay each of those levies (unless the regulations provide otherwise).
- (7) The amount of any unpaid levy is recoverable in any court of competent jurisdiction as a debt due to the Registrar, or to any other person prescribed for the purposes of this subsection, on behalf of the Crown.

Compare: 2011 No 5 s 68

Section 37B: inserted, on 6 June 2019, by section 9 of the New Zealand Business Number Funding (Validation and Authorisation) Act 2019 (2019 No 25).

### **37C Minister must consult about fee, charge, or levy regulations**

- (1) Before recommending the making of regulations under section 37A or 37B, the Minister must consult—
- (a) the persons that the Minister considers are able to represent the views of the NZBN entities that will be liable to pay a fee, charge, or levy under the proposed regulations; and
  - (b) any other representatives of persons who the Minister believes will be significantly affected by the proposed regulations.
- (2) Regulations made under section 37A or 37B are not invalid on the grounds that—
- (a) subsection (1) was not complied with before the Minister recommended the making of the regulations; or
  - (b) the consultation carried out was about a specific rate or amount of a fee, charge, or levy that differs from the rate or amount set in the regulations.

Section 37C: inserted, on 6 June 2019, by section 9 of the New Zealand Business Number Funding (Validation and Authorisation) Act 2019 (2019 No 25).

**38 Giving documents and doing other things in manner determined by Registrar**

- (1) If this Act requires a document or notification to be given to the Registrar, or a thing to be done in a manner determined by the Registrar, that document or notification may be given and that thing may be done in the manner specified by the Registrar, who, for example, may require notification by electronic means or may specify any of the following matters:
  - (a) by whom, when, where, and how the thing must be done;
  - (b) what other information or documents must be provided with the thing;
  - (c) requirements with which information, evidence, or documents that are provided in connection with the thing must comply.
- (2) The Registrar may refuse to perform or exercise a function, duty, or power in relation to the document, notification, or other thing if subsection (1) is not complied with.

**39 Offence in relation to NZBN**

- (1) Every person commits an offence who, knowing a number to be a false NZBN, without reasonable excuse—
  - (a) uses, deals with, or acts upon it as if it were genuine; or
  - (b) causes another person to use, deal with, or act upon it as if it were genuine.
- (2) In subsection (1), **false NZBN** means—
  - (a) a number that is not an NZBN; or
  - (b) an NZBN that relates to another entity.
- (3) Every person who commits an offence under subsection (1) is liable on conviction to a fine not exceeding \$250,000.

**40 False or misleading statements**

- (1) Every person commits an offence who—
  - (a) makes or gives, or authorises the making or giving of, a statement, document, or other information to the Registrar that is false or misleading in a material particular knowing it to be false or misleading; or
  - (b) omits, or authorises the omission of, from a statement, document, or other information made or given to the Registrar any information or matter knowing that the omission makes the statement, document, or other information false or misleading in a material particular.
- (2) Every person who commits an offence under subsection (1) is liable on conviction to a fine not exceeding \$200,000.

**41 Consequential amendments**

Amend the enactments specified in Schedule 5 as set out in that schedule.

## Schedule 1 Transitional, savings, and related provisions

s 7

### Part 1 Provisions relating to principal Act as enacted

#### 1 Interpretation

In this Part,—

**Act** means the principal Act, as enacted

**transitional period** means the period beginning 28 days after the date on which this Act receives the Royal assent and ending on the date on which the Act comes into force for the purpose of applying to all unincorporated entities in accordance with section 2(2) and (3).

#### 2 NZBNs treated as having been issued under Act

If a corporate or public entity has been allocated an NZBN before the commencement of this Act, the NZBN is treated as having been allocated under this Act.

#### 3 Transitional provision for Inland Revenue Department providing primary business data to Registrar

During the transitional period,—

- (a) section 20(5)(b) (which relates to other primary business data that the register may contain in relation to an unincorporated entity) applies to the Inland Revenue Department and an unincorporated entity as if the words “with the consent of the entity in accordance with section 27(3)(b)” were deleted; and
- (b) section 27(3) (which relates to government agencies providing primary business data to the Registrar) applies to the Inland Revenue Department and an unincorporated entity as if, in section 27(3)(b), the words “, if that entity has consented, in the manner determined by the Registrar, to the government agency exercising that power” were deleted.

#### 4 Status of primary business data provided under clause 3

Primary business data that the Inland Revenue Department provides to the Registrar under clause 3 forms part of the contents of the register in relation to the relevant unincorporated entity (and continues to form part of those contents despite the ending of the transitional period) as if the Inland Revenue Department had provided the primary business data with the consent of that entity.

## Schedule 2

### Public register entities

s 9

Building societies incorporated under the Building Societies Act 1965

Charitable trusts incorporated under the Charitable Trusts Act 1957

Companies registered under the Companies Act 1993

Overseas companies registered under Part 18 of the Companies Act 1993

Limited partnerships registered under the Limited Partnerships Act 2008

Overseas limited partnerships registered under the Limited Partnerships Act 2008

Friendly societies, branches of friendly societies, and credit unions registered, deemed to be registered, or incorporated under the Friendly Societies and Credit Unions Act 1982

Incorporated societies registered under the Incorporated Societies Act 1908 and branches of registered incorporated societies registered under the Incorporated Societies Amendment Act 1920

Industrial and provident societies registered in accordance with section 4 of the Industrial and Provident Societies Act 1908 and section 33 of the Statutes Amendment Act 1939

Schedule 2: amended, on 1 April 2019, by section 59(3) of the Friendly Societies and Credit Unions (Regulatory Improvements) Amendment Act 2018 (2018 No 17).

## **Schedule 3**

### **Public primary business data**

ss 20(2)(a), 21, 22

Schedule 3: replaced, on 30 March 2019, by clause 3 of the New Zealand Business Number (Primary Business Data) Order 2018 (LI 2018/273).

#### **Part 1**

#### **Public primary business data for corporate and public entities**

Legal entity name  
Trading name(s)  
Registered address  
Trading area(s)  
NZBN  
Kind of entity  
Status  
Industry classification  
Director(s)  
Owner(s)  
Website

#### **Part 2**

#### **Public primary business data for unincorporated entities**

Trading area(s)  
NZBN  
Kind of entity  
Status  
Industry classification  
Website

## Schedule 4

### Other primary business data

ss 21, 22

Schedule 4: replaced, on 30 March 2019, by clause 3 of the New Zealand Business Number (Primary Business Data) Order 2018 (LI 2018/273).

#### Part 1

##### Other primary business data for corporate and public entities

Phone number  
Email address  
Postal address  
Address for service  
Office address  
Delivery address  
Invoice address  
GST number  
Payment bank account number  
Australian Business Number (ABN)

#### Part 2

##### Other primary business data for unincorporated entities

Legal entity name  
Trading name(s)  
Director(s)  
Owner(s)  
Phone number  
Email address  
Postal address  
Address for service  
Office address  
Delivery address  
Invoice address  
GST number  
Payment bank account number  
Australian Business Number (ABN)



## Schedule 5 Consequential amendments

s 41

### Companies Act 1993 (1993 No 105)

After section 360B, insert:

#### **360C Alteration of entries on New Zealand register and overseas register without application**

- (1) This section applies if —
  - (a) a company has provided information about the company to the Registrar in addition to the information the company is compelled to provide under this Act or regulations made under it (regardless of whether the information was provided before or after the commencement of this section or is visible to the public on the New Zealand register); and
  - (b) that information is updated in the New Zealand Business Number Register.
- (2) The Registrar may update the information provided and, if applicable, the New Zealand register, so that the information is consistent with the information in the New Zealand Business Number Register.

### Designs Act 1953 (1953 No 65)

After section 29, insert:

#### **29A Power of Commissioner to alter certain inconsistent information**

- (1) This section applies if information in the register of designs relating to a person is inconsistent with primary business data relating to that person in the New Zealand Business Number Register.
- (2) If this section applies, the Commissioner may, in the prescribed manner (if any), alter the information in the register of designs so that it is consistent with the primary business data in the New Zealand Business Number Register.
- (3) In this section, **primary business data** has the same meaning as in section 20(2) of the New Zealand Business Number Act 2016.

After section 46(2)(e), insert:

- (ea) for regulating the manner in which the Commissioner may alter information in the register of designs under section 29A, including prescribing procedures, requirements, and other matters in respect of an alteration:

### Patents Act 2013 (2013 No 68)

After section 202, insert:

**Patents Act 2013 (2013 No 68)**—*continued***202A Commissioner may alter certain inconsistent information**

- (1) This section applies if information in the patents register relating to a person is inconsistent with primary business data of that person in the New Zealand Business Number Register.
- (2) If this section applies, the Commissioner may, in the prescribed manner (if any), alter the information in the patents register so that it is consistent with the primary business data in the New Zealand Business Number Register.
- (3) In this section, **primary business data** has the same meaning as in section 20(2) of the New Zealand Business Number Act 2016.

After section 243(1)(m), insert:

- (ma) regulating the manner in which the Commissioner may alter information in the patents register under section 202A, including prescribing procedures, requirements, and other matters in respect of an alteration:

**Tax Administration Act 1994 (1994 No 166)**

In section 3(1), definition of **authorised officer**, after paragraph (d), insert:

- (e) is defined in section 81(8)(aa) for the purposes of section 81(4)(v):
- (f) is defined in section 82AA(3) for the purposes of that section

After section 81(4)(u), insert:

- (v) communicating to a person who is an authorised officer of the department for the time being responsible for the New Zealand Business Number Act 2016 any information that is—
  - (i) primary business data (as defined in section 20(2) of the New Zealand Business Number Act 2016) for inclusion in the New Zealand Business Number Register; or
  - (ii) communicated for the purposes of section 82AA.

In section 81(8), after “In this section,—”, insert:

- (aa) in subsection (4)(v), **authorised officer**, in relation to the responsible department, means any officer, employee, or agent of that department who is authorised by the chief executive of that department to receive information supplied by the Commissioner under this section:

After section 82, insert:

**82AA Disclosure to ensure correct information included in New Zealand Business Number Register**

- (1) This section authorises the exchange of information between the Inland Revenue Department and the department for the time being responsible for the administration of the New Zealand Business Number Act 2016 to ensure that the correct primary business data (as defined in section 20(2) of the New Zea-

**Tax Administration Act 1994 (1994 No 166)—*continued***

- land Business Number Act 2016) for businesses and New Zealand Business Numbers is provided for inclusion in the New Zealand Business Number Register.
- (2) For the purposes of subsection (1), the Commissioner may supply an authorised officer of the department for the time being responsible for the administration of the New Zealand Business Number Act 2016 information concerning primary business data to verify the correctness of the information to be included in the New Zealand Business Number Register.
  - (3) In this section, **authorised officer**, in relation to the responsible department, means any officer, employee, or agent of that department who is authorised by the chief executive of that department to receive information supplied by the Commissioner under this section.

**Trade Marks Act 2002 (2002 No 49)**

After section 78, insert:

**78A Alteration of register concerning certain inconsistent information**

- (1) This section applies if information in the register relating to a person is inconsistent with primary business data of that person in the New Zealand Business Number Register.
- (2) If this section applies, the Commissioner may, in the prescribed manner (if any), alter the information in the register so that it is consistent with the primary business data in the New Zealand Business Number Register.
- (3) In this section, **primary business data** has the same meaning as in section 20(2) of the New Zealand Business Number Act 2016.

After section 199(1)(g), insert:

- (ga) prescribing the manner in which the Commissioner may alter the register under section 78A, including prescribing procedures, requirements, and other matters in respect of an alteration:

## Reprints notes

### **1** *General*

This is a reprint of the New Zealand Business Number Act 2016 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### **2** *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3** *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4** *Amendments incorporated in this reprint*

Partnership Law Act 2019 (2019 No 53): section 86

New Zealand Business Number Funding (Validation and Authorisation) Act 2019 (2019 No 25): Part 2

New Zealand Business Number (Primary Business Data) Order 2018 (LI 2018/273)

Friendly Societies and Credit Unions (Regulatory Improvements) Amendment Act 2018 (2018 No 17): section 59

Intelligence and Security Act 2017 (2017 No 10): section 335