

Reprint  
as at 29 October 2018



## Takeovers (Fees) Regulations 2001 (SR 2001/160)

Takeovers (Fees) Regulations 2001: revoked, on 29 October 2018, by regulation 7 of the Takeovers Code Approval Amendment Regulations 2018 (LI 2018/183).

Silvia Cartwright, Governor-General

### Order in Council

At Wellington this 25th day of June 2001

Present:

Her Excellency the Governor-General in Council

Pursuant to section 46 of the Takeovers Act 1993, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

### Contents

	Page
1 Title	2
2 Commencement	2
3 Interpretation	2
4 Fees payable to Panel for applications	2
5 Fees payable to Panel for meetings held under section 32 of Act	3
5A Costs payable to Panel	3
6 GST included	4

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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.

**These regulations are administered by the Ministry of Business, Innovation, and Employment.**

## Regulations

### 1 Title

These regulations are the Takeovers (Fees) Regulations 2001.

### 2 Commencement

These regulations come into force on 1 July 2001.

### 3 Interpretation

In these regulations, unless the context otherwise requires,—

**Act** means the Takeovers Act 1993

**Code** means the Takeovers Code approved by the Takeovers Code Approval Order 2000 (SR 2000/210).

### 4 Fees payable to Panel for applications

(1) The Panel may require payment to it of—

- (a) a fee of \$112.50 for an application referred to in subclause (2); and
- (b) a fee calculated at the following hourly rates in respect of any of those applications:
  - (i) for work carried out by a member of the Panel, an hourly rate of \$225;
  - (ii) for work carried out by an officer or employee of the Panel who holds a qualification in accountancy, business, commerce, economics, or law, an hourly rate of \$163; and
- (c) the costs incurred by the Panel for any of those applications in obtaining expert advice or expert assistance.

(2) The fees and amounts set out in subclause (1) apply in respect of—

- (a) an application for an exemption under section 45 of the Act:
  - (aa) considering an application for an order under section 236(1) of the Companies Act 1993 that affects the voting rights of a code company (within the meaning of that term in section 236A of the Companies Act 1993), and indicating whether or not the Panel has an objection to such an order;
- (ab) an application for a determination under section 48(2)(b) or 49(2)(b) of the Act;
- (b) an application for approval under rule 39(c) of the Code;
- (c) an application for approval to act as an independent adviser under the Code;

- (d) an application for consent to withdraw an offer under rule 26(1) of the Code;
- (e) an application for the appointment of an independent person under rule 58(1) of the Code.

Regulation 4(1)(b)(ii): amended, on 1 May 2011, by section 82 of the Financial Markets Authority Act 2011 (2011 No 5).

Regulation 4(2)(aa): inserted, on 3 July 2014, by section 33 of the Companies Amendment Act 2014 (2014 No 46).

Regulation 4(2)(ab): inserted, on 31 March 2017, by section 136(2) of the Regulatory Systems (Commercial Matters) Amendment Act 2017 (2017 No 12).

## **5 Fees payable to Panel for meetings held under section 32 of Act**

- (1) The Panel may require payment to it of—
  - (a) a fee of \$1,125 in respect of a meeting that is requested by a third party to be held under section 32 of the Act; and
  - (b) a fee calculated at the following hourly rates in respect of a meeting held under section 32 of the Act and in respect of the exercise of any of the Panel's powers under that section:
    - (i) for work carried out by a member of the Panel, an hourly rate of \$225;
    - (ii) for work carried out by an officer or employee of the Panel who holds a qualification in accountancy, business, commerce, economics, or law, an hourly rate of \$163; and
  - (c) the costs incurred by the Panel in obtaining, in respect of a meeting held under section 32 of the Act and in respect of the exercise of any of the Panel's powers under that section, expert advice or expert assistance.
- (2) The fees and amounts set out in subclause (1) are payable, at the discretion of the Panel, either by—
  - (a) a third party who has requested that the Panel hold a meeting under section 32 of the Act; or
  - (b) a person against whom the Panel has made a determination under section 32(3)(b) of the Act.

Regulation 5(1)(b)(ii): amended, on 1 May 2011, by section 82 of the Financial Markets Authority Act 2011 (2011 No 5).

## **5A Costs payable to Panel**

The Panel may require payment to it of the costs incurred by it in—

- (a) the printing and publication in the Statutory Regulations series of an exemption notice under section 45 of the Act; and
- (b) the publication in the *Gazette* of a notice under the Acts and Regulations Publication Act 1989 of an exemption notice under section 45 of the Act.

Regulation 5A: inserted, on 15 January 2002, by regulation 3 of the Takeovers (Fees) Amendment Regulations 2001 (SR 2001/390).

## **6 GST included**

The fees prescribed in regulations 4 and 5 are inclusive of goods and services tax.

Marie Shroff,  
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 28 June 2001.

## **Reprints notes**

### **1    *General***

This is a reprint of the Takeovers (Fees) Regulations 2001 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

### **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***

Takeovers Code Approval Amendment Regulations 2018 (LI 2018/183): regulation 7

Regulatory Systems (Commercial Matters) Amendment Act 2017 (2017 No 12): section 136

Companies Amendment Act 2014 (2014 No 46): section 33

Financial Markets Authority Act 2011 (2011 No 5): section 82

Takeovers (Fees) Amendment Regulations 2001 (SR 2001/390)