

**Reprint  
as at 1 May 2013**



**Securities Act (Externally Managed  
Group Investment Funds)  
Exemption Amendment Notice  
2008**

(SR 2008/107)

Securities Act (Externally Managed Group Investment Funds) Exemption Amendment Notice 2008: revoked, on 1 May 2013, pursuant to clause 17 of the Securities Act (Externally Managed Group Investment Funds) Exemption Notice 2013 (SR 2013/130).

Pursuant to the Securities Act 1978, the Securities Commission gives the following notice (to which is appended a statement of reasons of the Securities Commission).

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**Notice**

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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 notice is administered by the Financial Markets Authority.**

- 1 Title**  
This notice is the Securities Act (Externally Managed Group Investment Funds) Exemption Amendment Notice 2008.
- 2 Commencement**  
This notice comes into force on the day after the date of its notification in the *Gazette*.
- 3 Principal notice amended**  
This notice amends the Securities Act (Externally Managed Group Investment Funds) Exemption Notice 2003.
- 4 Expiry**  
Clause 3 is amended by omitting “2008” and substituting “2013”.
- 5 Clauses 16 to 19 revoked**  
Clauses 16 to 19 are revoked.

Dated at Wellington this 22nd day of April 2008.

The Common Seal of the Securities Commission was affixed in the presence of:

[Seal]

J Diplock,  
Chairperson.

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### **Statement of reasons**

This notice, which comes into force on the day after the date of its notification in the *Gazette*, amends the Securities Act (Externally Managed Group Investment Funds) Exemption Notice 2003 (the **2003 notice**). It extends the life of the 2003 notice (which would otherwise have expired on 30 April 2008) by 5 years so that the 2003 notice now expires on 30 April 2013. This notice also revokes clauses 16 to 19 of the 2003 notice, which are redundant.

The Commission considers that it is appropriate to renew the 2003 notice for a further 5-year term because—

- the structure of an externally managed group investment fund where the trustee is not an issuer enables a level of independent supervision of the issuer equivalent to that required for other participatory securities, debt securities, and unit trusts:
- the manager of an externally managed group investment fund will be under the supervision of a statutory trustee company and the appointment of a statutory supervisor as well as a trustee to perform the supervisory function would add unnecessary compliance costs that would ultimately be borne by investors:
- the 2003 notice continues to be relied upon by market participants and there is support from market participants for its retention.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 24 April 2008.

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**Notes****1 General**

This is a reprint of the Securities Act (Externally Managed Group Investment Funds) Exemption Amendment Notice 2008. The reprint incorporates all the amendments to the notice as at 1 May 2013, 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)*

Securities Act (Externally Managed Group Investment Funds) Exemption Notice 2013 (SR 2013/130): clause 17

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