

Reprint
as at 2 September 2016



Financial Markets Conduct (Restricted Schemes) Order 2016

(LI 2016/119)

Financial Markets Conduct (Restricted Schemes) Order 2016: revoked, on 2 September 2016, by clause 5 of the Financial Markets Conduct (Designation of Restricted Schemes) Order 2016 (LI 2016/199).

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 30th day of May 2016

Present:

His Excellency the Governor-General in Council

This order is made under clause 23(2) of Schedule 4 of the Financial Markets Conduct Act 2013 on the advice and with the consent of the Executive Council and on the advice of the Minister of Commerce and Consumer Affairs given in accordance with a recommendation of the Financial Markets Authority.

Contents

	Page
1 Title	2
2 Commencement	2
3 Application	2

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 order is administered by the Ministry of Business, Innovation, and Employment.

4	Designation of managed investment schemes as certain types of scheme	2
5	Revocation	3
	Schedule	4
	Designation of schemes as certain types of scheme	

Order

1 Title

This order is the Financial Markets Conduct (Restricted Schemes) Order 2016.

2 Commencement

This order comes into force on 3 June 2016.

3 Application

This order applies to a managed investment scheme on and from the date on which it is treated as being registered under clause 22 of Schedule 4 of the Financial Markets Conduct Act 2013 (the **Act**).

4 Designation of managed investment schemes as certain types of scheme

- (1) The managed investment schemes listed in the Schedule are designated as the type or types of scheme shown in the Schedule.
- (2) For the purposes of the Schedule, a scheme designated—
 - (a) as a legacy scheme in column 3 is designated for the purposes of clause 23(1)(e) of Schedule 4 of the Act;
 - (b) as a restricted legacy scheme in column 4 is designated for the purposes of clause 23(1)(d) and (e) of Schedule 4 of the Act;
 - (c) as a restricted superannuation scheme in column 5 is designated for the purposes of clause 23(1)(d) of Schedule 4 of the Act;
 - (d) as a restricted employer-related scheme in column 6 is designated for the purposes of section 172 of the Act;
 - (e) as a workplace savings scheme in column 7 is designated for the purposes of clause 23(1)(f) of Schedule 4 of the Act;
 - (f) as a restricted workplace savings scheme in column 8 is designated for the purposes of clause 23(1)(f) and (g) of Schedule 4 of the Act.
- (3) If a scheme is designated in relation to a section of the scheme, the scheme is designated as the type or types of scheme shown in the Schedule in respect of that section (*see* clause 23(3) of Schedule 4 of the Act).

- (4) In the Schedule, **effective date**, in relation to a scheme, means the date on which the scheme is treated as being registered under clause 22 of Schedule 4 of the Act.

5 Revocation

The Financial Markets Conduct (Restricted Schemes) Order 2015 (LI 2015/282) is revoked.

Schedule

Designation of schemes as certain types of scheme

cl 4

Note: A tick alongside the name of a scheme (or a section of a scheme) means that the scheme (or the scheme in respect of the section) is designated as the type of scheme that appears above the tick.

Column 1 Name of scheme	Column 2 Approved scheme number	Column 3 Legacy scheme	Column 4 Restricted legacy scheme	Column 5 Restricted superannuation scheme	Column 6 Restricted employer-related scheme	Column 7 Workplace savings scheme	Column 8 Restricted workplace savings scheme
Accident Compensation Corporation Superannuation Scheme	831				✓		✓
Air New Zealand Superannuation Scheme	606				✓		✓
Akzo Nobel Coatings Superannuation Plan	2623				✓		✓
Alsco Superannuation Plan	6265				✓		✓
AMP New Zealand Personal Superannuation Fund	9486	✓					
AMP (New Zealand) Staff Superannuation Plan	9200				✓		✓
AMP (New Zealand) Staff Superannuation Plan (Section 2)	7690				✓		✓
AMP (NMLA) New Zealand Superannuation Scheme	7758				✓		✓
AMP Passive Personal Retirement Plan - International Passive Shares Investment Fund	1319	✓					
AMP Passive Personal Retirement Plan - New Zealand Passive Shares Investment Fund	1318	✓					

Column 1 Name of scheme	Column 2 Approved scheme number	Column 3 Legacy scheme	Column 4 Restricted legacy scheme	Column 5 Restricted superannuation scheme	Column 6 Restricted employer- related scheme	Column 7 Workplace savings scheme	Column 8 Restricted workplace savings scheme
AMP Personal Retirement Plan	1235	✓					
AMP Personal Superannuation Scheme	1500	✓			✓		✓
ANZ National Bank Staff Superannuation Scheme	7727				✓		✓
ANZ National Retirement Scheme	2294				✓		✓
Aon Group Pension Plan	3304				✓		✓
Aon Master Trust —staff section	6980						✓
—personal section			✓				
ASB Superannuation Master Trust	1373					✓	
—specified member section ¹		✓					
—ordinary member section ²		✓					
—trustee member section ³		✓					
Ascot	1882						
Asteron Retirement Plus Personal Superannuation Plan	1096		✓				
Asteron Superplan	640		✓				
Automobile Association (Canterbury) Incorporated Staff Superannuation Plan	7143			✓			✓
Bank of New Zealand Officers' Provident Association	3413						✓
Baptist Union Superannuation Scheme	3423						✓
Beca Group Superannuation Plan	3478				✓		✓
Beca Super Scheme	1669				✓		✓
BIL NZ Group Pension Plan	3631				✓		✓
BOC New Zealand Retirement Plan	527				✓		✓

Column 1 Name of scheme	Column 2 Approved scheme number	Column 3 Legacy scheme	Column 4 Restricted legacy scheme	Column 5 Restricted superannuation scheme	Column 6 Restricted employer-related scheme	Column 7 Workplace savings scheme	Column 8 Restricted workplace savings scheme
BP New Zealand Retirement Plan	3602				✓		✓
Carter Holt Harvey Retirement Plan	2266				✓		✓
Colgate-Palmolive Limited Superannuation Plan	7375				✓		✓
Commercial Union General Insurance Staff Pension Scheme	4000				✓		✓
Dairy Industry Superannuation Scheme	4126				✓		✓
Defence Force Superannuation Scheme	1331	✓					
Deloitte Retirement Plan	1181		✓		✓		
DIC New Zealand Superannuation Scheme	3947				✓		✓
Douglas Pharmaceuticals Limited Staff Superannuation Scheme	9762				✓		✓
Employee Retirement Plan	1423				✓		✓
Fairfax New Zealand Retirement Fund	351				✓		✓
Fairfax NZ Senior Executive Superannuation Scheme	5777				✓		✓
Fidelity Super-Super Plan, Number 3	1052		✓				
Fisher Funds LifeSaver Plan	1121					✓	
—workplace savings section ⁴							
—individual investor section ⁵		✓					
Fletcher Building Retirement Plan	8985				✓		✓
Fonterra Superannuation Scheme	743				✓		✓
Ford Motor Company of New Zealand Limited Pension Fund	6238				✓		✓
FreedomPlan	1098	✓					

Column 1 Name of scheme	Column 2 Approved scheme number	Column 3 Legacy scheme	Column 4 Restricted legacy scheme	Column 5 Restricted superannuation scheme	Column 6 Restricted employer- related scheme	Column 7 Workplace savings scheme	Column 8 Restricted workplace savings scheme
Future Lifestyle Plan	6166	✓					
FuturePlan	410	✓					
Glaxo New Zealand Pension Plan	5360				✓		✓
GMI Superannuation Scheme —employer section ⁶	1758					✓	
—legacy section ⁷		✓					
Goodman Fielder (NZ) Retirement Plan	4760				✓		✓
Guardian Assurance Superannuation Plan	5431				✓		✓
Heinz-Wattie Pension Plan	991				✓		✓
Holcim (New Zealand) Limited Superannuation Fund	2234				✓		✓
Holden New Zealand Limited Pension Plan	1499				✓		✓
i-Select Superannuation Scheme	1953						
IBM New Zealand Limited Pension Scheme	5773	✓			✓		✓
Imperial New Zealand Superannuation Fund	4889				✓		✓
Inland Revenue Department Superannuation Scheme	1027				✓		✓
Local Government Superannuation Scheme	1527				✓		✓
Maritime Retirement Scheme	3390						✓
Meat Industry Superannuation Scheme	823				✓		✓
Medical Assurance Society Retirement Savings Plan	1086						

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—workplace savings section ⁸							✓
—individual section ⁹			✓				
Mercer Super Trust	1320					✓	
—Section A of the DC Division ¹⁰							
—Section B of the DC Division ¹¹		✓					
Mobil Employee Retirement and Benefits Plan	1825				✓		✓
National Mutual Goldline Series Superannuation Scheme	770	✓					
National Mutual Individual Lump Sum Superannuation Scheme	6974	✓					
National Mutual Individual Pension Superannuation Scheme	6973	✓					
Nestlé New Zealand Pension Fund	6652				✓		✓
New Zealand Anglican Church Pension Fund	2022						✓
New Zealand Automobile Association Incorporated Superannuation Scheme	923				✓		✓
New Zealand Fire Service Superannuation Scheme	6231				✓		✓
New Zealand Harbours Superannuation Plan	224						✓
New Zealand Post Superannuation Scheme	6206				✓		✓
New Zealand Refining Company Pension Fund	2301				✓		✓
New Zealand Steel Pension Fund	2310				✓		✓

Column 1 Name of scheme	Column 2 Approved scheme number	Column 3 Legacy scheme	Column 4 Restricted legacy scheme	Column 5 Restricted superannuation scheme	Column 6 Restricted employer- related scheme	Column 7 Workplace savings scheme	Column 8 Restricted workplace savings scheme
Orica New Zealand Limited Retirement Plan	5775				✓		✓
Otis NZ Superannuation Plan	9280				✓		✓
PGG Wrightson Employee Benefits Plan	4883				✓		✓
Police Superannuation Scheme	987				✓		✓
Portfolio Superannuation Fund	6899						
Presbyterian Church of Aotearoa New Zealand Beneficiary Fund	2675	✓					
—Part C open defined benefit section							✓
—Part B closed defined benefit section			✓				
Reckitt & Coleman New Zealand Pension Fund	2776				✓		✓
Reed Elsevier New Zealand Superannuation Scheme	3741				✓		✓
Renold New Zealand Limited Superannuation Plan	7745				✓		✓
Reserve Bank of New Zealand Staff Superannuation and Provident Fund	2817				✓		✓
RIG Superannuation Fund	2917				✓		✓
Rio Tinto New Zealand Retirement Fund	1192				✓		✓
Sealed Air (New Zealand) Superannuation Fund	5336				✓		✓
Shell New Zealand Pension Plan	3037				✓		✓
SIFCO Distributors Limited Superannuation Trust Fund	4398				✓		✓
Southern Cross Building Society Staff Superannuation Scheme	1160				✓		✓

Column 1 Name of scheme	Column 2 Approved scheme number	Column 3 Legacy scheme	Column 4 Restricted legacy scheme	Column 5 Restricted superannuation scheme	Column 6 Restricted employer-related scheme	Column 7 Workplace savings scheme	Column 8 Restricted workplace savings scheme
Suncorp New Zealand Superannuation Scheme	1363				✓		✓
Superannuation Master Trust	1365	✓					
Superbond 2000 Retirement Plan	433		✓				
SuperLife	1068					✓	
—SuperLife workplace savings section ⁴							
—SuperLife legacy section ¹²		✓					
Supernumerary Fund of the Methodist Church of New Zealand	1772			✓			
The Asteron Superannuation Fund	9958		✓				✓
The Church of Jesus Christ of Latter-Day Saints Deseret Benefit Plan of New Zealand	9576						
The Colonial Motor Company Limited Staff Superannuation Fund	7284				✓		✓
The Retire Fund	791						✓
—participating party section							✓
—private member section			✓				✓
The Salvation Army New Zealand Officers' Superannuation Scheme	2042						✓
The Tasman-Kaingaroa Employees Retirement Scheme	6681				✓		✓
Unilever New Zealand Superannuation Scheme	1241				✓		✓
UNISAVER New Zealand	981				✓		✓
Unisys New Zealand Employees Retirement Income Fund	3722				✓		✓

Column 1 Name of scheme	Column 2 Approved scheme number	Column 3 Legacy scheme	Column 4 Restricted legacy scheme	Column 5 Restricted superannuation scheme	Column 6 Restricted employer- related scheme	Column 7 Workplace savings scheme	Column 8 Restricted workplace savings scheme
Vero and Asteron New Zealand Staff Pension Scheme	3356				✓		✓
Westpac New Zealand Staff Superannuation Scheme	7436				✓		✓
Westpac Retirement Plan	9390	✓					
Whitcoulls Group Pension Fund	2938				✓		✓
Winstone Pulp International Superannuation Plan	461		✓				
Works Superannuation Scheme	486				✓		✓
Wrightson Retirement Scheme	1090				✓		✓

Notes

- 1 Section that accepts contributions from participating employers who have signed an admission deed and from their employee members
- 2 Section that accepts contributions only from individual or joint natural persons who are members on the effective date
- 3 Section that accepts contributions only from persons who are trustees or managers of a scheme and who are members on the effective date
- 4 Section that accepts contributions only from participating employers who have signed a participation agreement or deed
- 5 Section that accepts contributions only from natural persons who are members on the effective date
- 6 Section that admits as members (both in its conditions of entry of scheme participants and in the way those conditions are applied on entry) only either or both of the following: (i) eligible individuals (within the meaning of section 130 of the Act); and (ii) persons who are the trustees or managers of a retirement scheme
- 7 Section that accepts contributions only from members of the scheme (other than members of the employer section) on the effective date who are individuals or the trustees or managers of a retirement scheme
- 8 Section that accepts contributions only from members who join on or after the effective date
- 9 Section that accepts contributions only from members who join before the effective date
- 10 Section that accepts contributions from participating employers who have signed a participation deed and from members associated with a participating employer
- 11 Section that is closed to new members on and from the effective date but in respect of which contributions may be accepted in respect of existing members
- 12 Section that accepts contributions only from designated employee members, individual members, spouse members, and myFutureFund members

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order comes into force on 3 June 2016. The order replaces the Financial Markets Conduct (Restricted Schemes) Order 2015 (the **2015 Order**).

The order designates a number of managed investment schemes to each be a particular type of scheme. The order makes minor amendments to some of the designations in the 2015 Order and adds designations for a number of further schemes.

The designations are made on the basis that the provider of each scheme has requested the designation, and on the basis that each scheme meets the requirements of sections 129 to 131 of the Financial Markets Conduct Act 2013.

This order designates a number of managed investment schemes to be more than 1 type of scheme. The Financial Markets Authority is satisfied that these managed investment schemes meet all of the criteria relevant to each designation.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 2 June 2016.

Reprints notes

1 *General*

This is a reprint of the Financial Markets Conduct (Restricted Schemes) Order 2016 that incorporates all the amendments to that order 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*

Financial Markets Conduct (Designation of Restricted Schemes) Order 2016 (LI 2016/199): clause 5