



Companies Act 1993 Amendment Regulations 2017

Patsy Reddy, Governor-General

Order in Council

At Wellington this 26th day of June 2017

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 372 of the Companies Act 1993 on the advice and with the consent of the Executive Council.

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Regulations

1 Title

These regulations are the Companies Act 1993 Amendment Regulations 2017.

2 Commencement

These regulations come into force on 1 July 2017.

3 Principal regulations

These regulations amend the Companies Act 1993 Regulations 1994 (the **principal regulations**).

4 Regulation 5 amended (Fees)

Replace regulation 5(2) with:

- (2) The fee set out in Schedule 2 for registration of financial statements, group financial statements, and auditor's reports required under section 207E of the Act is not payable if—
 - (a) the statements and reports have been lodged under section 461H of the Financial Markets Conduct Act 2013; and
 - (b) a fee has been paid under regulation 9 of the Financial Markets Conduct (Fees) Regulations 2014 on the lodgement of the statements and reports.

5 Schedule 2 amended

- (1) In Schedule 2, Part 1, item relating to an application to register a company under section 12(1) of the Act, second column, replace "\$130" with "\$103.50".
- (2) In Schedule 2, Part 1, item relating to an application to reserve the name of a company under section 22(1) of the Act, second column, replace "\$25 (or \$10 if application is lodged by electronic means)" with "\$11.50".
- (3) In Schedule 2, Part 1, item relating to the registration of financial statements, group financial statements, and auditor's reports under section 207E of the Act, second column, replace "\$255.55" with "\$201.25".
- (4) In Schedule 2, Part 1, item relating to registration of an annual return under section 214(1) of the Act, second column, replace "\$25" with "\$24.15 (or \$20.70 if application is lodged using a Government to Business (G2B) service".
- (5) In Schedule 2, Part 1, item relating to registration of documents to effect an amalgamation under section 223 of the Act, second column, replace "\$300" with "\$402.50".
- (6) In Schedule 2, Part 1, item relating to an application to restore a company to the New Zealand register under section 328 of the Act, second column, replace "\$200" with "\$172.50".
- (7) In Schedule 2, Part 1, revoke the item relating to the certification of a copy of or extract from any document.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 July 2017, amend the Companies Act 1993 Regulations 1994 to adjust certain fees payable to the Registrar of Companies. The adjusted fees include—

- the fee for an application to register a company (reduced from \$130 to \$103.50);
- the fee for registration of documents to effect an amalgamation (increased from \$300 to \$402.50).

The regulations also replace the \$25 fee for registration of an annual return with a fee of \$20.70 for users of a Government to Business (G2B) service and \$24.15 in all other cases.

Regulatory impact statement

The Ministry of Business, Innovation, and Employment produced a regulatory impact statement on 6 October 2016 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <http://www.mbie.govt.nz/publications-research/publications/business-law/ris-fma-funding-fma-xrb-and-companies-office-fees-and-levies.pdf>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 29 June 2017.

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