



Unsolicited Electronic Messages Amendment Regulations 2018

Patsy Reddy, Governor-General

Order in Council

At Wellington this 24th day of September 2018

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 58(b) of the Unsolicited Electronic Messages Act 2007 on the advice and with the consent of the Executive Council.

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Regulations

1 Title

These regulations are the Unsolicited Electronic Messages Amendment Regulations 2018.

2 Commencement

These regulations come into force on 29 October 2018.

3 Principal regulations

These regulations amend the Unsolicited Electronic Messages Regulations 2007 (the **principal regulations**).

4 New regulation 3A and cross-heading inserted

After regulation 3, insert:

Electronic messages that are not commercial electronic messages

3A Messages sent under or in connection with Takeovers Code are not commercial electronic messages

- (1) The following are excluded from being commercial electronic messages under section 6 of the Act:
 - (a) an electronic message sent for the purpose of doing anything in accordance with the code;
 - (b) an electronic message sent by a holder of—
 - (i) voting securities in a code company for a purpose set out in rule 16C(1) of the code; or
 - (ii) financial products in a target company for a purpose set out in rule 42E(1) of the code.
- (2) In this regulation,—
 - (a) **code** means the Takeovers Code under the Takeovers Act 1993;
 - (b) **code company**, **financial products**, **target company**, and **voting securities** have the same meanings as in the code.

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 29 October 2018, amend the Unsolicited Electronic Messages Regulations 2007.

The amendments exclude certain messages from being commercial electronic messages under the Unsolicited Electronic Messages Act 2007. The effect is that certain prohibitions and requirements in the Act do not apply to those messages.

The excluded messages relate to the Takeovers Code. Those messages include, for example,—

- an electronic message sent by an offeror or a code company in order to comply with the code:
- an electronic message sent by a shareholder in a code company to another shareholder relating to a takeover offer or an acquisition or allotment under the code.

See the Takeovers Code Approval Amendment Regulations 2018, which make related changes to the Takeovers Code.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 27 September 2018.

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