

Reprint
as at 25 November 2019



**Financial Service Providers (Registration) Regulations
2010**
(SR 2010/235)

Anand Satyanand, Governor-General

Order in Council

At Wellington this 9th day of August 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 44 of the Financial Service Providers (Registration and Dispute Resolution) Act 2008, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and on the recommendation of the Minister of Commerce, makes the following regulations.

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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.

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Regulations

1 Title

These regulations are the Financial Service Providers (Registration) Regulations 2010.

2 Commencement

These regulations come into force on 16 August 2010.

3 Interpretation

In these regulations,—

Act means the Financial Service Providers (Registration and Dispute Resolution) Act 2008

corporate or public entity has the meaning given in section 9(1)(a) of the New Zealand Business Number Act 2016

FMA levies table means the levies table in the Schedule of the Financial Markets Authority (Levies) Regulations 2012

New Zealand Business Number means the number allocated to an entity under the New Zealand Business Number Act 2016

total managed assets has the meaning given in regulation 7 of the Financial Markets Authority (Levies) Regulations 2012.

Regulation 3: replaced, on 1 August 2012, by regulation 4 of the Financial Service Providers (Registration) Amendment Regulations 2012 (SR 2012/123).

Regulation 3 **corporate or public entity**: inserted, on 31 December 2017, by regulation 4 of the Financial Service Providers (Registration) Amendment Regulations 2017 (LI 2017/288).

Regulation 3 **New Zealand Business Number**: inserted, on 31 December 2017, by regulation 4 of the Financial Service Providers (Registration) Amendment Regulations 2017 (LI 2017/288).

Regulation 3 **New Zealand Business Number**: amended, on 2 September 2019, by regulation 4 of the Financial Service Providers (Registration) Amendment Regulations 2019 (LI 2019/170).

4 Application to be registered as financial service provider: prescribed information

The information in Schedule 1 is prescribed for the purposes of section 15(1)(d) of the Act.

5 Registration of financial service provider and contents of register: prescribed information

The information in Schedule 2 is prescribed for the purposes of sections 16(1)(a)(iv) and 27(d) of the Act.

6 Operation of and access to register: prescribed reasons

The following are prescribed, for the purposes of section 25(3)(b) of the Act, as reasons for the Registrar to refuse access to the register or suspend its operation, in whole or in part:

- (a) to enable the maintenance of the register:
- (b) in response to technical difficulties in the maintenance or operation of the register:
- (c) to ensure the security or integrity of the register.

7 Annual confirmation: prescribed information

The information in Schedule 3 is prescribed for the purposes of section 28(2)(c) of the Act.

8 Registrar must amend register in certain circumstances

The Registrar must amend the register if a licensing authority informs the Registrar that—

- (a) a licensed provider's licence has been suspended; or
- (b) a licensed provider's licence has ceased to be suspended; or
- (c) a previously licensed provider has ceased to be a licensed provider.

9 Sharing information with other persons or bodies: prescribed agencies

The following agencies are prescribed for the purposes of section 34(4)(e) of the Act:

- (a) the Department of Internal Affairs:
- (b) the Reserve Bank of New Zealand:
- (c) the Securities Commission.

Schedule 1
Application to be registered as financial service provider: Prescribed information

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- 1 If the applicant is an individual or a corporation sole,—
 - (a) the applicant's residential address:
 - (b) any former names of the applicant:
 - (c) any aliases used by the applicant:
 - (d) the applicant's date of birth:
 - (e) the applicant's gender.
- 2 If the applicant is a body corporate that is incorporated in New Zealand, the applicant's registered office address.
- 3 If the applicant is a body corporate that is not incorporated in New Zealand,—
 - (a) the country or jurisdiction in which the applicant is incorporated:
 - (b) any unique identifier given to the applicant on incorporation (such as its company registration number).
- 4 If the applicant is a body corporate or an unincorporated body,—
 - (a) in relation to each director, senior manager, and controlling owner of the applicant who is an individual, the director's, senior manager's, or controlling owner's—
 - (i) name:
 - (ii) residential address:
 - (iii) date of birth:
 - (iv) gender:
 - (b) in relation to each director and controlling owner of the applicant that is a body corporate,—
 - (i) the director's or controlling owner's name:
 - (ii) the director's or controlling owner's registered office address:
 - (iii) if the director or controlling owner is not incorporated in New Zealand, the country or jurisdiction in which the director or controlling owner is incorporated:
 - (iv) any unique identifier given to the director or controlling owner on incorporation (such as its company registration number).
- 5 Any trading names used by the applicant.

- 6 The financial services to be provided by the applicant.
- 7 If the applicant is not required to be a member of an approved dispute resolution scheme under section 20E of the Financial Advisers Act 2008,—
- (a) the name of the person referred to in that section on behalf of whose business the applicant intends to provide a financial adviser service; and
 - (b) the name and business address of the approved dispute resolution scheme of which that person is a member.
- Schedule 1 clause 7: amended, on 1 December 2014, by regulation 4(a) of the Financial Service Providers (Registration) Amendment Regulations 2014 (LI 2014/337).
- Schedule 1 clause 7(b): amended, on 1 December 2014, by regulation 4(b) of the Financial Service Providers (Registration) Amendment Regulations 2014 (LI 2014/337).
- 7A If the applicant holds, or intends to hold, a transitional licence issued under clause 71 of Schedule 4 of the Financial Markets Conduct Act 2013, a statement confirming that fact.
- Schedule 1 clause 7A: inserted, on 25 November 2019, by regulation 4 of the Financial Service Providers (Registration) Amendment Regulations (No 2) 2019 (LI 2019/255).
- 7B If the applicant is, or intends to be, authorised to provide a financial advice service as an authorised body under a transitional licence issued under clause 71 of Schedule 4 of the Financial Markets Conduct Act 2013, a statement confirming that fact.
- Schedule 1 clause 7B: inserted, on 25 November 2019, by regulation 4 of the Financial Service Providers (Registration) Amendment Regulations (No 2) 2019 (LI 2019/255).
- 8 A physical address in New Zealand at which the Registrar may contact the applicant (unless the business address provided under section 15(1)(a)(i) of the Act is a physical address in New Zealand).
- 9 An email address at which the Registrar may contact the applicant.
- 10 The applicant's New Zealand Business Number (if any) if the applicant is a corporate or public entity.
- Schedule 1 clause 10: inserted, on 31 December 2017, by regulation 5 of the Financial Service Providers (Registration) Amendment Regulations 2017 (LI 2017/288).

Schedule 2

Registration of financial service provider and contents of register: Prescribed information

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- 1 Any trading names used by the registered financial service provider.
- 2 If the registered financial service provider is an individual or a corporation sole,—

- (a) any former names of the registered financial service provider:
 - (b) any aliases used by the registered financial service provider.
- 2A The registered financial service provider's New Zealand Business Number if—
- (a) the provider is a corporate or public entity; and
 - (b) a New Zealand Business Number for the provider has been provided to the Registrar.
- Schedule 2 clause 2A: inserted, on 31 December 2017, by regulation 6 of the Financial Service Providers (Registration) Amendment Regulations 2017 (LI 2017/288).
- 3 If the registered financial service provider is a body corporate that is not incorporated in New Zealand, the country or jurisdiction in which the registered financial service provider is incorporated.
- 4 If the registered financial service provider is a licensed provider,—
- (a) the date on which the licence expires (if supplied by the licensing authority):
 - (b) whether or not the licence is suspended:
 - (c) whether or not any conditions are imposed on the licence:
 - (d) details of the conditions (if any) that are imposed on the licence (if requested by the licensing authority).
- 5 The unique identifier issued to the registered financial service provider by the Registrar.

Schedule 3

Annual confirmation: Prescribed information

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- 1 The registered financial service provider's name.
- 2 The registered financial service provider's business address.
- 2A The registered financial service provider's New Zealand Business Number (if any) if the financial service provider is a corporate or public entity.
- Schedule 3 clause 2A: inserted, on 31 December 2017, by regulation 7 of the Financial Service Providers (Registration) Amendment Regulations 2017 (LI 2017/288).
- 3 If the registered financial service provider is a member of an approved dispute resolution scheme, the name and business address of the approved dispute resolution scheme.
- 4 *[Revoked]*

Schedule 3 clause 4: revoked, on 1 December 2014, by regulation 5(1) of the Financial Service Providers (Registration) Amendment Regulations 2014 (LI 2014/337).

5 If the registered financial service provider is not required to be a member of an approved dispute resolution scheme under section 20E of the Financial Advisers Act 2008,—

- (a) the name of the person referred to in that section on behalf of whose business the registered financial provider provides a financial adviser service; and
- (b) the name and business address of the approved dispute resolution scheme of which that person is a member.

Schedule 3 clause 5: amended, on 1 December 2014, by regulation 5(2)(a) of the Financial Service Providers (Registration) Amendment Regulations 2014 (LI 2014/337).

Schedule 3 clause 5(b): amended, on 1 December 2014, by regulation 5(2)(b) of the Financial Service Providers (Registration) Amendment Regulations 2014 (LI 2014/337).

6 If the registered financial service provider is an individual or a corporation sole,—

- (a) the registered financial service provider's residential address:
- (b) any former names of the registered financial service provider:
- (c) any aliases used by the registered financial service provider.

7 If the registered financial service provider is a body corporate or an unincorporated body,—

- (a) in relation to each director, senior manager, and controlling owner of the registered financial service provider who is an individual, the director's, senior manager's, or controlling owner's—
 - (i) name:
 - (ii) residential address:
 - (iii) date of birth:
 - (iv) gender:
- (b) in relation to each director and controlling owner of the registered financial service provider that is a body corporate,—
 - (i) the director's or controlling owner's name:
 - (ii) the director's or controlling owner's registered office address:
 - (iii) if the director or controlling owner is not incorporated in New Zealand, the country or jurisdiction in which the director or controlling owner is incorporated:
 - (iv) any unique identifier given to the director or controlling owner on incorporation (such as its company registration number).

8 Any trading names used by the registered financial service provider.

- 9 The type or types of financial service for which the registered financial service provider is registered.
- 10 A physical address in New Zealand at which the Registrar may contact the registered financial service provider (unless the business address provided under clause 2 is a physical address in New Zealand).
- 11 An email address at which the Registrar may contact the registered financial service provider.
- 12 The class or classes of specified persons (as described in column 2 of the FMA levies table) that include the registered financial service provider.
Schedule 3 clause 12: inserted, on 1 August 2012, by regulation 5 of the Financial Service Providers (Registration) Amendment Regulations 2012 (SR 2012/123).
- 13 The information (if any) required to determine the amount of levy payable by a person in a class described in clause 12 (*see* column 5 of the FMA levies table).
Schedule 3 clause 13: inserted, on 1 August 2012, by regulation 5 of the Financial Service Providers (Registration) Amendment Regulations 2012 (SR 2012/123).
- 14 If the registered financial service provider is included in class 5 (as described in column 2 of the FMA levies table), the total managed assets of the registered financial service provider.
Schedule 3 clause 14: inserted, on 1 August 2012, by regulation 5 of the Financial Service Providers (Registration) Amendment Regulations 2012 (SR 2012/123).
- 15 If the registered financial service provider is a person to whom, and is in a class and a group to which, regulation 12 of the Financial Markets Authority (Levies) Regulations 2012 applies, the financial service registration number of whichever person in the class will pay the levy on behalf of the group.
Schedule 3 clause 15: inserted, on 1 August 2012, by regulation 5 of the Financial Service Providers (Registration) Amendment Regulations 2012 (SR 2012/123).

Rebecca Kitteridge,
Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the Financial Service Providers (Registration) Regulations 2010 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*

Financial Service Providers (Registration) Amendment Regulations (No 2) 2019 (LI 2019/255)
Financial Service Providers (Registration) Amendment Regulations 2019 (LI 2019/170)
Financial Service Providers (Registration) Amendment Regulations 2017 (LI 2017/288)
Financial Service Providers (Registration) Amendment Regulations 2014 (LI 2014/337)
Financial Service Providers (Registration) Amendment Regulations 2012 (SR 2012/123)