

Reprint
as at 15 March 2021



Financial Markets Authority (Levies) Regulations 2012 (SR 2012/121)

Rt Hon Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 5th day of June 2012

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to section 68 of the Financial Markets Authority Act 2011, Her Excellency the Administrator of the Government, acting on the recommendation of the Minister of Commerce and on the advice and with the consent of the Executive Council, 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 Markets Authority (Levies) Regulations 2012.

2 Commencement

These regulations come into force on 1 August 2012.

Interpretation

3 Interpretation

(1) In these regulations, unless the context otherwise requires,—

annual gross premium revenue has the meaning given in regulation 5

authorised body has the same meaning as in section 6(1) of the FMC Act

class means a class of specified persons described in column 2, and identified by a number given in column 1, of the levies table

conventional market means a financial product market if—

- (a) the operator has a licence to operate the market issued under section 316 of the FMC Act; and
- (b) the market is not a growth market

custodian has the same meaning as in section 6(1) of the FMC Act

debt collection costs, in relation to a person, means costs actually incurred by the FMA in recovering, or attempting to recover, unpaid levy money that is payable by the person

debt security has the same meaning as in section 6(1) of the FMC Act

DIMS means a discretionary investment management service (as defined in section 6(1) of the FMC Act)

DIMS retail service means a DIMS that is a retail service (as defined in clause 35(2) of Schedule 1 of the FMC Act)

DIMS wholesale provider means a person that—

- (a) provides a DIMS; but
- (b) is not a licensed DIMS retail provider nor an authorised body providing the DIMS under a market services licence

financial product market has the same meaning as in section 6(1) of the FMC Act

FMC Act means the Financial Markets Conduct Act 2013

FMS Act means the Financial Markets Supervisors Act 2011

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

fund has the same meaning as in regulation 5(1) of the Financial Markets Conduct Regulations 2014

GAAP or **generally accepted accounting practice**—

- (a) has the same meaning as in section 8 of the Financial Reporting Act 2013 (unless paragraph (b) applies); or
- (b) means generally accepted accounting practice within the meaning of section 3 of the Financial Reporting Act 1993 if the person is required to prepare financial statements in accordance with that practice

growth market means a financial product market if—

- (a) the operator has a licence to operate the market issued under section 316 of the FMC Act; and
- (b) either or both of the following apply:
 - (i) the licence is subject to a condition that limits the size of issuers that are eligible to become, or to remain, listed issuers on the

financial product market (for example, a limit based on the issuer's market capitalisation):

- (ii) the market is otherwise designed for, and clearly targeted at, small and medium-sized entities

guaranteeing subsidiary has the same meaning as in section 4(1) of the Non-bank Deposit Takers Act 2013

leviable event, in relation to a person included in a class, means the event specified for the class in column 3 of the levies table

levies table means the table in Schedule 2

licensed DIMS retail provider means a person that holds a market services licence that covers the service of acting as a provider of a DIMS (including a person treated as holding a licence under clause 84 of Schedule 4 of the FMC Act) if that person provides a DIMS retail service (whether or not they also provide a DIMS that is not a retail service)

licensed financial advice provider means a person that holds a market services licence that covers the service of acting as a provider of a financial advice service

licensed market operator has the same meaning as in section 6(1) of the FMC Act

licensed NBDT has the same meaning as in section 4(1) of the Non-bank Deposit Takers Act 2013

life cycle stage has the same meaning as in regulation 5(1) of the Financial Markets Conduct Regulations 2014

listed issuer has the same meaning as in section 6(1) of the FMC Act

managed fund has the same meaning as in regulation 5(1) of the Financial Markets Conduct Regulations 2014

managed investment product has the same meaning as in section 6(1) of the FMC Act

manager has the same meaning as in section 6(1) of the FMC Act

market capitalisation, in relation to—

- (a) a listed issuer of quoted equity securities, means the value of all of the issuer's equity securities, as implied by the market price or fair value of those equity securities:
- (b) a listed issuer to which paragraph (a) does not apply and that has issued quoted debt securities, means the net assets of the issuer and its subsidiaries (if any) as reported in the most recent financial statements or group financial statements prepared in accordance with GAAP for the issuer and those subsidiaries (if any):

- (c) a listed issuer to which neither paragraph (a) nor paragraph (b) applies and that has issued quoted managed investment products, means the relevant total managed assets of the issuer

market services licence has the same meaning as in section 6(1) of the FMC Act

multi-fund investment option has the same meaning as in regulation 5(1) of the Financial Markets Conduct Regulations 2014

overseas company has the same meaning as in section 5(1) of the Financial Reporting Act 2013

quoted has the same meaning as in section 6(1) of the FMC Act

registered bank has the same meaning as in section 2(1) of the Reserve Bank of New Zealand Act 1989

registered FSP means a person registered under Part 2 of the FSP Act

registered scheme has the same meaning as in section 6(1) of the FMC Act

relevant funds under management has the meaning given in regulation 7A

relevant total managed assets has the meaning given in regulation 7

specified licence means a licence—

- (a) issued to an auditor by an accredited body (under section 11 of the Auditor Regulation Act 2011) or to an overseas auditor by the FMA (under section 12 of that Act); and
- (b) in respect of which information supplied to the Registrar of Companies is, or will be, confirmed by the accredited body or the FMA (as the case may be) in an annual confirmation made under section 43 of the Auditor Regulation Act 2011

total assets has the meaning given in regulation 4

total supervised interests has the meaning given in regulation 6.

- (2) For the purposes of paragraph (c) of the definition of market capitalisation in subclause (1), the relevant total managed assets of the issuer must be determined in accordance with regulation 7, but applied—

- (a) as if the references to a scheme also included a managed investment scheme in which interests are offered to wholesale investors only (where wholesale investor has the same meaning as in section 6(1) of the FMC Act); and
- (b) with all other necessary modifications.

Regulation 3(1) **authorised body**: inserted, on 15 March 2021, by regulation 4(2) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318).

Regulation 3(1) **authorised dealer**: revoked, on 8 September 2017, by regulation 4(1) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2017 (LI 2017/211).

Regulation 3(1) **authorised futures dealer**: revoked, on 8 September 2017, by regulation 4(1) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2017 (LI 2017/211).

Regulation 3(1) **conventional market**: inserted, on 1 July 2020, by regulation 4(3) of the Financial Markets Authority (Levies) Amendment Regulations 2020 (LI 2020/100).

Regulation 3(1) **custodian**: replaced, on 15 March 2021, by regulation 4(2) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318).

Regulation 3(1) **debt collection costs**: inserted, on 8 September 2017, by regulation 4(2) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2017 (LI 2017/211).

Regulation 3(1) **debt security**: inserted, on 1 December 2014, by regulation 4(6) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2014 (LI 2014/334).

Regulation 3(1) **debt security**: amended, on 1 July 2020, by regulation 4(4) of the Financial Markets Authority (Levies) Amendment Regulations 2020 (LI 2020/100).

Regulation 3(1) **DIMS**: replaced, on 15 March 2021, by regulation 4(2) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318).

Regulation 3(1) **DIMS retail provider**: revoked, on 15 March 2021, by regulation 4(1) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318).

Regulation 3(1) **DIMS retail service**: replaced, on 15 March 2021, by regulation 4(2) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318).

Regulation 3(1) **DIMS wholesale provider**: replaced, on 15 March 2021, by regulation 4(2) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318).

Regulation 3(1) **financial product market**: inserted, on 1 July 2020, by regulation 4(3) of the Financial Markets Authority (Levies) Amendment Regulations 2020 (LI 2020/100).

Regulation 3(1) **FMC Act**: inserted, on 1 July 2020, by regulation 4(3) of the Financial Markets Authority (Levies) Amendment Regulations 2020 (LI 2020/100).

Regulation 3(1) **FMC offer**: revoked, on 1 July 2020, by regulation 4(1) of the Financial Markets Authority (Levies) Amendment Regulations 2020 (LI 2020/100).

Regulation 3(1) **FMS Act**: inserted, on 1 December 2014, by regulation 4(6) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2014 (LI 2014/334).

Regulation 3(1) **fund**: inserted, on 8 September 2017, by regulation 4(2) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2017 (LI 2017/211).

Regulation 3(1) **funDS under management**: revoked, on 15 March 2021, by regulation 4(1) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318).

Regulation 3(1) **GAAP or generally accepted accounting practice**: inserted, on 1 December 2014, by regulation 4(1) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2014 (LI 2014/334).

Regulation 3(1) **generally accepted accounting practice**: revoked, on 1 December 2014, by regulation 4(1) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2014 (LI 2014/334).

Regulation 3(1) **growth market**: inserted, on 1 July 2020, by regulation 4(3) of the Financial Markets Authority (Levies) Amendment Regulations 2020 (LI 2020/100).

Regulation 3(1) **guaranteeing subsidiary**: inserted, on 1 December 2014, by regulation 4(6) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2014 (LI 2014/334).

Regulation 3(1) **leviable event**: replaced, on 1 July 2020, by regulation 4(2) of the Financial Markets Authority (Levies) Amendment Regulations 2020 (LI 2020/100).

Regulation 3(1) **levies table**: amended, on 1 April 2014, by regulation 4(2) of the Financial Markets Authority (Levies) Amendment Regulations 2014 (LI 2014/49).

Regulation 3(1) **licensed DIMS retail provider**: inserted, on 15 March 2021, by regulation 4(2) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318).

Regulation 3(1) **licensed financial advice provider**: inserted, on 15 March 2021, by regulation 4(2) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318).

Regulation 3(1) **licensed market operator**: inserted, on 1 December 2014, by regulation 4(6) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2014 (LI 2014/334).

Regulation 3(1) **licensed market operator**: amended, on 1 July 2020, by regulation 4(4) of the Financial Markets Authority (Levies) Amendment Regulations 2020 (LI 2020/100).

Regulation 3(1) **licensed NBDT**: inserted, on 1 May 2015, by regulation 13(2) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2014 (LI 2014/334).

Regulation 3(1) **life cycle stage**: inserted, on 8 September 2017, by regulation 4(2) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2017 (LI 2017/211).

Regulation 3(1) **listed issuer**: inserted, on 1 December 2014, by regulation 4(6) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2014 (LI 2014/334).

Regulation 3(1) **listed issuer**: amended, on 1 July 2020, by regulation 4(4) of the Financial Markets Authority (Levies) Amendment Regulations 2020 (LI 2020/100).

Regulation 3(1) **managed fund**: inserted, on 1 July 2017, by regulation 4 of the Financial Markets Authority (Levies) Amendment Regulations 2017 (LI 2017/143).

Regulation 3(1) **managed investment product**: inserted, on 1 December 2014, by regulation 4(6) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2014 (LI 2014/334).

Regulation 3(1) **managed investment product**: amended, on 1 July 2020, by regulation 4(4) of the Financial Markets Authority (Levies) Amendment Regulations 2020 (LI 2020/100).

Regulation 3(1) **manager**: replaced, on 8 September 2017, by regulation 4(2) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2017 (LI 2017/211).

Regulation 3(1) **manager**: amended, on 1 July 2020, by regulation 4(4) of the Financial Markets Authority (Levies) Amendment Regulations 2020 (LI 2020/100).

Regulation 3(1) **market capitalisation**: inserted, on 1 July 2020, by regulation 4(3) of the Financial Markets Authority (Levies) Amendment Regulations 2020 (LI 2020/100).

Regulation 3(1) **market capitalisation**: amended, on 15 March 2021, by regulation 4(3) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318).

Regulation 3(1) **market services licence**: inserted, on 15 March 2021, by regulation 4(2) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318).

Regulation 3(1) **multi-fund investment option**: inserted, on 8 September 2017, by regulation 4(2) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2017 (LI 2017/211).

Regulation 3(1) **NBDT**: revoked, on 1 May 2015, by regulation 13(1) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2014 (LI 2014/334).

Regulation 3(1) **overseas company**: replaced, on 1 April 2014, by regulation 4(3) of the Financial Markets Authority (Levies) Amendment Regulations 2014 (LI 2014/49).

Regulation 3(1) **quoted**: inserted, on 1 July 2020, by regulation 4(3) of the Financial Markets Authority (Levies) Amendment Regulations 2020 (LI 2020/100).

Regulation 3(1) **registered bank**: inserted, on 1 December 2014, by regulation 4(6) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2014 (LI 2014/334).

Regulation 3(1) **registered scheme**: inserted, on 1 December 2014, by regulation 4(6) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2014 (LI 2014/334).

Regulation 3(1) **registered scheme**: amended, on 1 July 2020, by regulation 4(4) of the Financial Markets Authority (Levies) Amendment Regulations 2020 (LI 2020/100).

Regulation 3(1) **relevant funds under management**: inserted, on 15 March 2021, by regulation 4(2) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318).

Regulation 3(1) **relevant total managed assets**: inserted, on 15 March 2021, by regulation 4(2) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318).

Regulation 3(1) **scheme**: revoked, on 1 July 2020, by regulation 4(1) of the Financial Markets Authority (Levies) Amendment Regulations 2020 (LI 2020/100).

Regulation 3(1) **security**: revoked, on 1 December 2014, by regulation 4(4) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2014 (LI 2014/334).

Regulation 3(1) **STSS Act**: revoked, on 1 December 2014, by regulation 4(5) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2014 (LI 2014/334).

Regulation 3(1) **superannuation trustee**: revoked, on 8 September 2017, by regulation 4(1) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2017 (LI 2017/211).

Regulation 3(1) **total managed assets**: revoked, on 15 March 2021, by regulation 4(1) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318).

Regulation 3(2): inserted, on 1 July 2020, by regulation 4(5) of the Financial Markets Authority (Levies) Amendment Regulations 2020 (LI 2020/100).

Regulation 3(2): amended, on 15 March 2021, by regulation 4(4) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318).

4 Meaning of total assets (class 2)

- (1) In these regulations, **total assets**,—
 - (a) in relation to a registered bank in class 2, means the total assets of the banking group of the bank as reported in the bank's most recent disclosure statement published for the purpose of section 81 of the Reserve Bank of New Zealand Act 1989; and
 - (b) in relation to a licensed NBDT in class 2, means the total assets of the licensed NBDT and its guaranteeing subsidiaries (if any) as reported in the most recent audited financial statements (which may be interim financial statements), prepared in accordance with GAAP, for the licensed NBDT and its guaranteeing subsidiaries (if any).
- (2) If the licensed NBDT is an overseas company, the financial statements referred to in subclause (1)(b) must be financial statements for the licensed NBDT's New Zealand business prepared, in accordance with GAAP, as if the licensed NBDT and its guaranteeing subsidiaries (if any) were companies formed and registered in New Zealand.

(3) *[Revoked]*

Regulation 4(1)(b): amended, on 1 May 2015, by regulation 14(1) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2014 (LI 2014/334).

Regulation 4(1)(b): amended, on 1 May 2015, by regulation 14(2) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2014 (LI 2014/334).

Regulation 4(2): amended, on 1 May 2015, by regulation 14(2) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2014 (LI 2014/334).

Regulation 4(2): amended, on 1 May 2015, by regulation 14(3) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2014 (LI 2014/334).

Regulation 4(3): revoked, on 1 December 2014, by regulation 5(4) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2014 (LI 2014/334).

5 Meaning of annual gross premium revenue (class 3)

- (1) In these regulations, **annual gross premium revenue**, in relation to a person in class 3, means the premium revenue for a financial year, before the deduction of any reinsurance premiums, of the person and its subsidiaries (if any)—

- (a) as reported in the most recent audited financial statements, prepared in accordance with GAAP, for the person and its subsidiaries (if any); or
- (b) if there are no such financial statements, as calculated—
 - (i) for the person’s most recently completed accounting period; and
 - (ii) as if for the purpose of preparing financial statements for the person and its subsidiaries (if any) in accordance with GAAP.
- (2) If the person is an overseas company, the financial statements referred to in subclause (1) must be financial statements for the person’s New Zealand business prepared, in accordance with GAAP, as if the person and its subsidiaries (if any) were companies formed and registered in New Zealand.
- (3) In this regulation, **subsidiary** has the same meaning as in section 5(1) of the Financial Reporting Act 2013.

Regulation 5(3): replaced, on 1 April 2014, by regulation 5 of the Financial Markets Authority (Levies) Amendment Regulations 2014 (LI 2014/49).

6 Meaning of total supervised interests (class 4)

- (1) In these regulations, **total supervised interests**, in relation to a person in class 4, means the total value of all supervised interests of the person that are debt securities and managed investment products in registered schemes,—
 - (a) as reported by the person to the FMA under section 25 of the FMS Act most recently before the leviable event; or
 - (b) if the person has not reported to the FMA, as calculated—
 - (i) for a date as near as possible to the leviable event; and
 - (ii) as if for the purpose of preparing a report to the FMA under section 25 of the FMS Act.
- (2) In this regulation, **supervised interest** has the meaning given in section 4(1) of the FMS Act.

Regulation 6(1): amended, on 1 December 2014, by regulation 6(1) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2014 (LI 2014/334).

Regulation 6(1)(a): amended, on 1 July 2020, by regulation 5 of the Financial Markets Authority (Levies) Amendment Regulations 2020 (LI 2020/100).

Regulation 6(1)(a): amended, on 1 December 2014, by regulation 6(2) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2014 (LI 2014/334).

Regulation 6(1)(b)(ii): amended, on 1 December 2014, by regulation 6(2) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2014 (LI 2014/334).

Regulation 6(2): amended, on 1 December 2014, by regulation 6(2) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2014 (LI 2014/334).

7 Meaning of relevant total managed assets (class 5)

- (1) In these regulations, **relevant total managed assets**, in relation to—

- (a) a person (**A**) that holds a market services licence that covers the service referred to in section 388(a) of the FMC Act, means the total value of the assets of—
- (i) all schemes for which A is the manager; and
 - (ii) all schemes for which the manager is an authorised body that provides that service under A's licence:

Example

Company A holds a licence that covers acting as a manager of registered schemes. A's subsidiaries, B and C, also provide this service under A's licence (as authorised bodies).

The total value of the assets of the schemes managed by A is \$4 billion. The total value of the assets of the schemes managed by B is a further \$800 million, and the total value of the assets of the schemes managed by C is \$400 million. The relevant total managed assets is \$5.2 billion.

A must pay a levy of \$368,000 under class 5 (see paragraph (b) of the item relating to class 5 in the levies table).

- (b) any other manager (**D**) in class 5, means the total value of the assets of all schemes for which D is the manager.
- (2) The assets of a scheme are its total assets—
- (a) as reported in the most recent audited financial statements, prepared in accordance with GAAP, for the scheme; or
 - (b) if there are no such statements, as calculated—
 - (i) for a date as near as possible to the leviable event; and
 - (ii) as if for the purpose of preparing financial statements for the scheme in accordance with GAAP.
- (3) In this regulation, **scheme** means—
- (a) a registered scheme in which managed investment products have been issued under an FMC offer (within the meaning of section 5(3) of the FSP Act); or
 - (b) a scheme that is treated as being a registered scheme under clause 22(1)(a) of Schedule 4 of the FMC Act.

Regulation 7 heading: amended, on 15 March 2021, by regulation 5(1) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318).

Regulation 7(1): replaced, on 15 March 2021, by regulation 5(2) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318).

Regulation 7(3): inserted, on 1 July 2020, by regulation 6 of the Financial Markets Authority (Levies) Amendment Regulations 2020 (LI 2020/100).

7A Meaning of relevant funds under management (class 6A)

- (1) In these regulations, **relevant funds under management**, in relation to a licensed DIMS retail provider (**A**), means the sum of the following:

- (a) the total value of the investors' portfolios of all of the investors that use a DIMS retail service provided under A's licence as at the end of the relevant accounting period (based on the values referred to in subclause (2)):
 - (b) the cash held under the DIMS retail services provided under A's licence as at the end of the relevant accounting period.
- (1A) Subclause (1) applies to all DIMS retail services provided under A's licence whether provided by A itself or by an authorised body.

Example

Company A holds a licence that covers a DIMS retail service. A's subsidiaries, B and C, also provide DIMS retail services under A's licence (as authorised bodies).

The total value of investors' portfolios (and cash) for A's service is \$1 billion. The amount for B's service is a further \$500 million and the amount for C's service is \$200 million. The relevant funds under management are \$1.7 billion in total.

A must pay a levy of \$27,600 under class 6A (see paragraph (b) of the item relating to class 6A in the levies table).

- (2) The values of investors' portfolios must be based on—
 - (a) the current value of the financial products in the investors' portfolios (as at the time referred to in subclause (1)(a)); or
 - (b) the most recent valuation of those financial products that was available at the time.
- (3) If the date of a valuation is earlier than 3 months before the end of the relevant accounting period, the valuation may be used for the purposes of subclause (2)(b) only if the licensed DIMS retail provider is satisfied, on reasonable grounds, that the valuation is likely to be reasonably consistent with the actual current value of the financial products (as at the time referred to in subclause (1)(a)).
- (4) In this regulation,—

due date means the due date for supplying an annual confirmation to the Registrar of Financial Service Providers under section 28 of the FSP Act

investor has the same meaning as in section 6(1) of the FMC Act

relevant accounting period means the accounting period (as defined in section 5(1) of the Financial Reporting Act 2013) that ended most recently before the due date.

Regulation 7A heading: amended, on 15 March 2021, by regulation 6(1) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318).

Regulation 7A: inserted, on 1 July 2017, by regulation 5 of the Financial Markets Authority (Levies) Amendment Regulations 2017 (LI 2017/143).

Regulation 7A(1): replaced, on 15 March 2021, by regulation 6(2) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318).

Regulation 7A(1A): inserted, on 15 March 2021, by regulation 6(2) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318).

Regulation 7A(3): amended, on 15 March 2021, by regulation 6(3) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318).

Regulation 7A(4) **investor**: replaced, on 15 March 2021, by regulation 6(4) of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318).

Levies

8 Persons included in prescribed classes of specified persons must pay levy

- (1) Every person that is included in a class at the time of the leviable event for the class must pay the levy specified in column 5 of the levies table.
- (2) The levy must be paid—
 - (a) at the time of the leviable event (unless subclause (3) applies); and
 - (b) to the collector specified for the class in column 4 of the levies table.
- (3) Despite subclause (2)(a), if the leviable event involves the issue of an invoice, the levy must be paid within the time frame specified in that invoice.
- (4) This regulation is subject to regulations 10 to 12.

Regulation 8(4): amended, on 15 March 2021, by regulation 7 of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318).

9 Persons deemed to be included in classes 4 and 5

[Revoked]

Regulation 9: revoked, on 1 July 2020, by regulation 9 of the Financial Markets Authority (Levies) Amendment Regulations 2020 (LI 2020/100).

10 Maximum levy relating to financial advice providers

- (1) The maximum levy payable on a leviable event by a person in class 6H in the levies table (in relation to class 6H) is \$92,000 (inclusive of goods and services tax).
- (2) This regulation does not affect the person's duty to pay a levy in relation to any other class or in relation to any other leviable event.

Regulation 10: inserted, on 15 March 2021, by regulation 8 of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318).

10 Certain persons in class 2 exempted from paying levy

[Revoked]

Regulation 10: revoked, on 1 May 2015, by regulation 15 of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2014 (LI 2014/334).

11 Levies payable by persons in 2 or more classes of specified persons

A person that is included in 2 or more classes must, under section 68(7) of the Financial Markets Authority Act 2011, pay the levy prescribed for each of those classes.

12 Payment of levies by persons in group

- (1) This regulation applies to—
 - (a) a person in class 2 that is in a group that includes 1 or more other persons that are also in class 2;
 - (b) a person in class 3 that is in a group that includes 1 or more other persons that are also in class 3.
- (2) Despite regulation 8,—
 - (a) the persons in the group are jointly and severally liable to pay only 1 levy in the class; and
 - (b) the amount of the levy is,—
 - (i) for class 2, the amount that would be payable by a person in class 2 if the person's total assets equalled the consolidated total assets of all the persons in the group that are included in class 2; and
 - (ii) for class 3, the amount that would be payable by a person in class 3 if the person's annual gross premium revenue equalled the consolidated annual gross premium revenue of all the persons in the group that are included in class 3; and
 - (c) the levy must be paid at the time of the leviable event for whichever person in the class is to pay the levy on behalf of the group (as notified to the Registrar of Financial Service Providers under the Financial Service Providers (Registration) Regulations 2020).
- (3) In this regulation, **group** has the same meaning as in section 5(1) of the Financial Reporting Act 2013.

Regulation 12(2)(c): amended, on 15 March 2021, by regulation 9 of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318).

Regulation 12(3): replaced, on 1 April 2014, by regulation 6 of the Financial Markets Authority (Levies) Amendment Regulations 2014 (LI 2014/49).

13 Requirements relating to FMA invoicing for levies

- (1) This regulation applies to a levy, or any part of a levy, payable by a person in class 8, 8A, 10, 10A, or 13 on being issued with an invoice under this regulation.
- (2) The FMA must issue an annual invoice to a person in class 8 or 8A for the levy (other than any debt collection costs) as soon as practicable after the end of a financial year of the licensed market operator with which the person has a listing agreement.
- (3) The FMA must issue an annual invoice to a person in class 13 for the levy (other than any debt collection costs), and the invoice may be issued before or after the FMA makes the annual confirmation required by section 43 of the Auditor Regulation Act 2011.

- (4) The FMA may issue 1 or more invoices to a person in class 8, 8A, 10, 10A, or 13 for any debt collection costs included in the levy at any time after the costs to which the invoice relates have been incurred.

Regulation 13: replaced, on 1 July 2020, by regulation 10 of the Financial Markets Authority (Levies) Amendment Regulations 2020 (LI 2020/100).

14 FMA may waive levy in whole or in part

- (1) This regulation applies to a levy payable by a person in any of classes 1 to 13.
- (2) The FMA may waive the levy, in whole or in part, if the FMA is satisfied that the exceptional circumstances or characteristics of the person, when compared with the circumstances or characteristics of other persons in the class of specified persons for which the levy is payable, would make it inequitable for the person to pay the levy.
- (3) The FMA must not waive a greater proportion of the levy than is reasonably necessary considering the exceptional circumstances or characteristics of the person.
- (4) If the FMA decides to waive the levy, in whole or in part, the FMA must—
- (a) notify the decision in the *Gazette*; and
 - (b) publish the decision, and the FMA's reasons for the decision (including why the waiver is appropriate), on an Internet site maintained by or on behalf of the FMA.
- (5) A notification in the *Gazette* for the purposes of subclause (4)(a) need not include the reasons for the decision.

14A Levies inclusive of GST

The levies prescribed by these regulations are inclusive of goods and services tax.

Regulation 14A: inserted, on 1 December 2014, by regulation 11 of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2014 (LI 2014/334).

Application, savings, and transitional provisions

Heading: inserted, on 1 April 2014, by regulation 7 of the Financial Markets Authority (Levies) Amendment Regulations 2014 (LI 2014/49).

15 Application, savings, and transitional provisions relating to amendments made to these regulations after 1 January 2014

The application, savings, and transitional provisions set out in Schedule 1 (which relate to amendments made to these regulations after 1 January 2014) apply for the purposes of these regulations.

Regulation 15: inserted, on 1 April 2014, by regulation 7 of the Financial Markets Authority (Levies) Amendment Regulations 2014 (LI 2014/49).

Schedule 1

Application, savings, and transitional provisions relating to amendments made to these regulations after 1 January 2014

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Schedule 1: inserted, on 1 April 2014, by regulation 8 of the Financial Markets Authority (Levies) Amendment Regulations 2014 (LI 2014/49).

Provisions relating to Financial Markets Authority (Levies) Amendment Regulations 2014

1 Interpretation

In clause 2, **amendment regulations** means the Financial Markets Authority (Levies) Amendment Regulations 2014.

2 Transitional provision

- (1) These regulations, as amended by regulations 4 to 6 of the amendment regulations, apply in relation to accounting periods that commence on or after 1 April 2014.
- (2) These regulations, as in force before 1 April 2014, continue to apply in relation to accounting periods that commence before that date as if the amendment regulations had not been made.

Provisions relating to Financial Markets Authority (Levies) Amendment Regulations 2019

Schedule 1 heading: inserted, on 25 November 2019, by regulation 11 of the Financial Markets Authority (Levies) Amendment Regulations 2019 (LI 2019/254).

3 Sole adviser practice not required to pay levy on registration under FSP Act

- (1) This clause applies to a body corporate (A) if,—
 - (a) on or before the relevant date, A makes an application; and
 - (b) A is relying on regulation 6 of the Financial Service Providers (Exemptions) Regulations 2010 at the time that it makes the application (or, if the application is made after that regulation is revoked, A relied on that regulation immediately before its revocation).
- (2) Making the application is not a leviable event under class 1 (and, accordingly, a levy is not payable for that application).
- (3) In this clause,—

application means an application under section 15 of the FSP Act to be registered as a provider of a financial advice service

relevant date means the date that is 3 months after the date on which section 16 of the Financial Services Legislation Amendment Act 2019 comes into force.

Schedule 1 clause 3: inserted, on 25 November 2019, by regulation 11 of the Financial Markets Authority (Levies) Amendment Regulations 2019 (LI 2019/254).

Schedule 1 clause 3(1)(a): amended, on 1 July 2020, by regulation 11(1) of the Financial Markets Authority (Levies) Amendment Regulations 2020 (LI 2020/100).

Schedule 1 clause 3(3): replaced, on 1 July 2020, by regulation 11(2) of the Financial Markets Authority (Levies) Amendment Regulations 2020 (LI 2020/100).

Schedule 2 Levies

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Schedule 2: replaced, on 15 March 2021, by regulation 10 of the Financial Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318).

Column 1	Column 2	Column 3	Column 4	Column 5
Class	Description	Leviable event	Collector	Amount of levy
1	Persons that apply under section 15 of the FSP Act to be a registered FSP	Making the application	Registrar of Financial Service Providers	\$552
2	Registered FSPs that are registered banks or licensed NBDTs	Supplying an annual confirmation to the Registrar of Financial Service Providers under section 28 of the FSP Act	Registrar of Financial Service Providers	If the person's total assets— (a) exceed \$50 billion, \$1,035,000; or (b) exceed \$10 billion but do not exceed \$50 billion, \$276,000; or (c) exceed \$2 billion but do not exceed \$10 billion, \$83,490; or (d) exceed \$1 billion but do not exceed \$2 billion, \$42,550; or (e) exceed \$500 million but do not exceed \$1 billion, \$15,295; or (f) exceed \$40 million but do not exceed \$500 million, \$9,660; or (g) do not exceed \$40 million, \$2,875
3	Registered FSPs that are licensed insurers (as defined in the Insurance (Prudential Supervision) Act 2010)	Supplying an annual confirmation to the Registrar of Financial Service Providers under section 28 of the FSP Act	Registrar of Financial Service Providers	If the person's annual gross premium revenue— (a) exceeds \$500 million, \$345,000; or

Column 1 Class	Column 2 Description	Column 3 Leviable event	Column 4 Collector	Column 5 Amount of levy
4	Registered FSPs that are supervisors licensed under the FMS Act in respect of the supervision of debt securities or managed investment products in registered schemes (or both)	Supplying an annual confirmation to the Registrar of Financial Service Providers under section 28 of the FSP Act	Registrar of Financial Service Providers	<p>(b) exceeds \$100 million but does not exceed \$500 million, \$80,500; or</p> <p>(c) exceeds \$50 million but does not exceed \$100 million, \$47,150; or</p> <p>(d) exceeds \$10 million but does not exceed \$50 million, \$18,400; or</p> <p>(e) does not exceed \$10 million, \$4,830</p> <p>If the person's total supervised interests—</p> <p>(a) exceed \$5 billion, \$230,000; or</p> <p>(b) exceed \$1 billion but do not exceed \$5 billion, \$103,500; or</p> <p>(c) exceed \$100 million but do not exceed \$1 billion, \$40,250; or</p> <p>(d) do not exceed \$100 million, \$10,580</p>
5	Registered FSPs that are managers This class does not apply to the extent that the manager is an authorised body providing the service referred to in section 388(a) of the FMC Act under a market services licence held by another person (but subject to regulation 7(1)(a)(ii))	Supplying an annual confirmation to the Registrar of Financial Service Providers under section 28 of the FSP Act	Registrar of Financial Service Providers	<p>If the relevant total managed assets—</p> <p>(a) exceed \$10 billion, \$529,000; or</p> <p>(b) exceed \$5 billion but do not exceed \$10 billion, \$368,000; or</p> <p>(c) exceed \$2 billion but do not exceed \$5 billion, \$184,000; or</p> <p>(d) exceed \$1 billion but do not exceed \$2 billion, \$115,000; or</p> <p>(e) exceed \$500 million but do not exceed \$1 billion, \$66,700; or</p>

Column 1 Class	Column 2 Description	Column 3 Leviable event	Column 4 Collector	Column 5 Amount of levy
6	Registered FSPs that are— (a) entities (as defined in section 6(1) of the FMC Act) that undertook trading activities on licensed markets in the year ending on the date of the leviable event; or (b) contributory mortgage brokers (as defined in section 2(1) of the Securities Act 1978); or (c) persons registered for the financial service described in section 5(1)(k) of the FSP Act, other than— (i) persons included in class 6A, 6B, 6C, or 6D; and (ii) authorised bodies that only provide the service under a market services licence held by a person in class 6A or 6D; and (iii) DIMS wholesale providers; or	Supplying an annual confirmation to the Registrar of Financial Service Providers under section 28 of the FSP Act	Registrar of Financial Service Providers	(f) exceed \$100 million but do not exceed \$500 million, \$30,475; or (g) exceed \$20 million but do not exceed \$100 million, \$8,280; or (h) exceed \$1 but do not exceed \$20 million, \$1,955 One of the following amounts (being whichever applicable amount is the greatest): (a) if the person is an entity authorised to undertake trading activities on licensed markets, \$7,590; (b) if the person is a contributory mortgage broker, \$3,105; (c) if the person is registered for the financial service described in section 5(1)(k) of the FSP Act, \$9,200 (but this paragraph does not apply to entities authorised to undertake trading activities on licensed markets); (d) if the person holds a market service licence that covers the service of acting as a derivatives issuer in respect of a regulated offer of derivatives, \$15,525

Column 1 Class	Column 2 Description	Column 3 Leviable event	Column 4 Collector	Column 5 Amount of levy
6A	(d) persons that hold a market services licence that covers the service of acting as a derivatives issuer in respect of a regulated offer of derivatives (as those terms are defined in section 6(1) of the FMC Act) Registered FSPs that are licensed DIMIS retail providers	Supplying an annual confirmation to the Registrar of Financial Service Providers under section 28 of the FSP Act	Registrar of Financial Service Providers	If the relevant funds under management— (a) exceed \$2 billion, \$65,550; or (b) exceed \$500 million but do not exceed \$2 billion, \$27,600; or (c) exceed \$100 million but do not exceed \$500 million, \$9,315; or (d) exceed \$50 million but do not exceed \$100 million, \$4,485; or (e) do not exceed \$50 million, \$1,840
6B	Registered FSPs that are providers of a regulated client money or property service (as defined in section 6(1) of the FMC Act) other than persons included in class 6(a) or 6C	Supplying an annual confirmation to the Registrar of Financial Service Providers under section 28 of the FSP Act	Registrar of Financial Service Providers	\$3,220
6C	Registered FSPs that are custodians and persons providing custodial services (as defined in section 431W(2) of the FMC Act)	Supplying an annual confirmation to the Registrar of Financial Service Providers under section 28 of the FSP Act	Registrar of Financial Service Providers	\$10,465
6D	Registered FSPs that provide a crowd funding service or a peer-to-peer	Supplying an annual confirmation to the	Registrar of Financial Service Providers	\$3,335

Column 1 Class	Column 2 Description	Column 3 Leviable event	Column 4 Collector	Column 5 Amount of levy
6E	<p>lending service (as those services are defined in regulation 185(1) of the Financial Markets Conduct Regulations 2014)</p> <p>However, this class does not apply to a registered FSP that provides the service only as an authorised body</p>	<p>Registrar of Financial Service Providers under section 28 of the FSP Act</p>	<p>Registrar of Financial Service Providers</p>	<p>\$20,125</p>
6F	<p>Registered FSPs that are authorised bodies</p>	<p>Supplying an annual confirmation to the Registrar of Financial Service Providers under section 28 of the FSP Act</p>	<p>Registrar of Financial Service Providers</p>	<p>\$759 for each market services licence that, in its conditions, authorises the person to provide a market service covered by the licence</p>
6G	<p>Registered FSPs that are financial advisers (as defined in section 6(1) of the FMC Act)</p>	<p>Supplying an annual confirmation to the Registrar of Financial Service Providers under section 28 of the FSP Act</p>	<p>Registrar of Financial Service Providers</p>	<p>\$345</p>
6H	<p>Registered FSPs that are licensed financial advice providers (but see regulation 10)</p>	<p>Supplying an annual confirmation to the Registrar of Financial Service Providers under section 28 of the FSP Act</p>	<p>Registrar of Financial Service Providers</p>	<p>\$299 plus—</p> <p>(a) \$253 for each nominated representative who, at the date of the annual confirmation, is currently nominated under section 431T of the FMC Act by the licensed financial advice provider; and</p>

Column 1 Class	Column 2 Description	Column 3 Leviable event	Column 4 Collector	Column 5 Amount of levy
7	Registered FSPs that are not included in any of classes 2 to 6H However, this class also includes each registered FSP that is included in any of classes 2 to 6H but where the amount of levy payable by the FSP under those classes is \$0	Supplying an annual confirmation to the Registrar of Financial Service Providers under section 28 of the FSP Act	Registrar of Financial Service Providers	\$621
8	Listed issuers (other than persons included in class 8A)	Being issued with an invoice under regulation 13	FMA	\$4,140 plus any debt collection costs incurred in relation to the person
8A	Listed issuers with a market capitalisation less than— (a) \$60 million (unless paragraph (b) applies to the issuer); or (b) \$100 million in the case of a listed issuer to which paragraph (c) of the definition	Being issued with an invoice under regulation 13	FMA	\$1,035 plus any debt collection costs incurred in relation to the person

Column 1 Class	Column 2 Description	Column 3 Leviable event	Column 4 Collector	Column 5 Amount of levy
9	of market capitalisation in regulation 3(1) applies Persons that lodge a product disclosure statement (PDS) under section 48 of the FMC Act	Lodging a PDS	Registrar of Financial Service Providers	\$4,025 (except for a PDS for a managed fund) \$805 per fund, multi-fund investment option, or life cycle stage covered by the PDS, in the case of a managed fund
10	Licensed market operators that operate 1 or more conventional markets	For the levy other than debt collection costs, giving a report on compliance to the FMA under section 337 of the FMC Act For debt collection costs, being issued with an invoice under regulation 13	FMA	\$55,200 plus any debt collection costs incurred in relation to the person
10A	Licensed market operators that operate 1 or more growth markets (other than persons included in class 10)	For the levy other than debt collection costs, giving a report on compliance to the FMA under section 337 of the FMC Act For debt collection costs, being issued with an invoice under regulation 13	FMA	\$8,050 plus any debt collection costs incurred in relation to the person
11	FMC reporting entity (as defined in section 6(1) of the FMC Act)	Lodging of financial statements (or group financial statements) and auditor's reports under section 46IH of the FMC Act	Registrar of Financial Service Providers	\$69

Column 1 Class	Column 2 Description	Column 3 Leviable event	Column 4 Collector	Column 5 Amount of levy
12	Accredited bodies (as defined in section 6(1) of the Auditor Regulation Act 2011)	Making an annual confirmation under section 43 of the Auditor Regulation Act 2011	Registrar of Companies	\$4,600 for each specified licence (as defined in regulation 3(1))
13	Overseas auditors holding a specified licence (as defined in regulation 3(1))	Being issued with an invoice under regulation 13	FMA	\$5,060 plus any debt collection costs incurred in relation to the person
14	Persons that make an application for registration or incorporation under— (a) the Building Societies Act 1965; or (b) the Companies Act 1993; or (c) the Friendly Societies and Credit Unions Act 1982; or (d) the Limited Partnerships Act 2008	Making the application	The person to whom the application is made	\$20
15	Persons that are registered or incorporated, and required to make an annual return, under— (a) the Building Societies Act 1965; or (b) the Companies Act 1993; or (c) the Friendly Societies and Credit Unions Act 1982; or (d) the Limited Partnerships Act 2008	Making the annual return	The person to whom the annual return is made	\$20

Reprinted as at
15 March 2021

Financial Markets Authority (Levies) Regulations 2012

Schedule 2

Rebecca Kitteridge,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 7 June 2012.

Reprints notes

1 *General*

This is a reprint of the Financial Markets Authority (Levies) Regulations 2012 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 Markets Authority (Levies) Amendment Regulations (No 2) 2020 (LI 2020/318)

Financial Markets Authority (Levies) Amendment Regulations 2020 (LI 2020/100)

Financial Markets Authority (Levies) Amendment Regulations 2019 (LI 2019/254)

Financial Markets Authority (Levies) Amendment Regulations (No 2) 2017 (LI 2017/211)

Financial Markets Authority (Levies) Amendment Regulations 2017 (LI 2017/143)

Financial Markets Authority (Levies) Amendment Regulations (No 2) 2014 (LI 2014/334)

Financial Markets Authority (Levies) Amendment Regulations 2014 (LI 2014/49)