

Reprint
as at 30 June 2018



Anti-Money Laundering and Countering Financing of Terrorism (Publication of Class Exemption) Notice 2013

(LI 2014/63)

Anti-Money Laundering and Countering Financing of Terrorism (Publication of Class Exemption) Notice 2013: revoked, on 30 June 2018, by clause 5(a) of the Anti-Money Laundering and Countering Financing of Terrorism (Class Exemptions) Notice 2018 (LI 2018/101).

Pursuant to section 157 of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009, the Minister of Justice gives the following notice.

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Notice

1 Title

This notice is the Anti-Money Laundering and Countering Financing of Terrorism (Publication of Class Exemption) Notice 2013.

2 Class exemption

The class exemption set out in the Schedule, which was granted under section 157(1) of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 and notified in the *Gazette*, is published in accordance with section 157(5) of that Act.

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 notice is administered by the Ministry of Justice.

Schedule

Ministerial exemptions: bodies corporate and body corporate managers

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- 1 As the Minister of Justice, and pursuant to section 157 of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (**Act**), I exempt all bodies corporate, created under the Unit Titles Act 2010 (**UT Act**) or created under the Unit Titles Act 1972 and continued under the UT Act, from all the provisions of the Act in relation to any relevant services provided in carrying out any management, financial, or administrative functions relating to the body corporate and the unit title development in accordance with the UT Act or the Unit Titles Regulations 2011 (**UT Regulations**).
- 2 I also exempt any persons contracted or otherwise engaged by a body corporate as a body corporate manager or body corporate secretary (collectively referred to as **body corporate managers**) from Part 2 of the Act in relation to any relevant services provided whilst carrying out management, financial, or administrative functions and services on behalf of a body corporate. The scope of this exemption for body corporate managers covers only those functions and services that a body corporate would otherwise provide its constituent owners in accordance with the UT Act or the UT Regulations.
- 3 The exemption provided to bodies corporate in paragraph 1 is not subject to any conditions.
- 4 The exemption provided to body corporate managers in paragraph 2 is subject to the following condition:
 - a. A body corporate manager, in carrying out any functions and services on behalf of a body corporate, must adhere to all duties and other requirements contained in the UT Act, the UT Regulations, and any other relevant legislation as if the body corporate manager was acting as the body corporate itself.
- 5 These exemptions have been made for the following reasons:
 - a. The risks of money laundering or the financing of terrorism are low.
 - b. Funds paid to bodies corporate or body corporate managers are only payable by unit owners of bodies corporate. Funds are not accepted from any other parties (unless it is clear that such parties are acting as a unit owner's agent, such as a lawyer or accountant paying on instructions from their client).
 - c. Funds are payable on levies struck during a financial year or (in the case of body corporate managers) on the supply of an invoice showing levies struck by the body corporate for the financial year. The levies struck are intended to cover the costs of insurance and other outgoings for that

- year. If further funds are required during the year, additional levies are struck by the body corporate.
- d. Payments are made by direct credit to either the body corporate or body corporate manager. On receipt, funds are held in specific accounts as required by the UT Act.
 - e. Where the amount levied is in excess of the amount required for the year's outgoings, the surplus is usually credited to a long term maintenance fund or offset against the next year's levies.
 - f. Individual unit owners have no control or ability to move money once it is received by the body corporate or body corporate manager.
 - g. There is no automatic right of withdrawal or ability to use funds once levies are paid. Any surplus at the end of the financial year is usually minimal. These amounts are not usually returned to unit owners, but retained in the manner set out above.
- 6 This exemption comes into force on the day after the date I grant this exemption.
- 7 This exemption will expire on 30 June 2018.
- Date: 8 October 2013

Hon Judith Collins
Minister of Justice

Explanatory note

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

The class exemption set out in the *Schedule* is published in the Legislative Instruments series in accordance with section 157(5) of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009. Notice of the class exemption was given in the *Gazette* on 14 November 2013, at pages 4153 and 4154, after the relevant provisions of the Legislation Act 2012 were brought into force on 5 August 2013, which changed the relevant publication rules.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 27 February 2014.

Reprints notes

1 *General*

This is a reprint of the Anti-Money Laundering and Countering Financing of Terrorism (Publication of Class Exemption) Notice 2013 that incorporates all the amendments to that notice 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*

Anti-Money Laundering and Countering Financing of Terrorism (Class Exemptions) Notice 2018 (LI 2018/101): clause 5(a)