



Private Security Personnel and Private Investigators (Forms) Amendment Regulations 2015

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 16th day of February 2015

Present:

The Right Hon John Key presiding in Council

Pursuant to section 114 of the Private Security Personnel and Private Investigators Act 2010, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

1 Title

These regulations are the Private Security Personnel and Private Investigators (Forms) Amendment Regulations 2015.

2 Commencement

- (1) Regulations 5, 7, and 9 come into force on 6 March 2020.
- (2) The rest of these regulations come into force on 6 March 2015.

3 Principal regulations

These regulations amend the Private Security Personnel and Private Investigators (Forms) Regulations 2011 (the **principal regulations**).

4 Schedule, form 1 amended

- (1) In the Schedule, form 1, under the heading “**Class(es) of business**”, after the item relating to crowd controller, insert:
“Repossession agent”.
- (2) In the Schedule, form 1, under the heading “**Grounds of disqualification under section 62**”, after the paragraph relating to the Fair Trading Act 1986, insert:
“I have/have not*, within the past 7 years, been convicted of an offence under section 103(1) of the Credit Contracts and Consumer Finance Act 2003 that involves a breach of any provision of Part 3A of that Act.”
- (3) In the Schedule, form 1, under the heading “**Grounds of disqualification under section 62**”, delete “[*You must provide details of relevant experience with this application.*]”.
- (4) In the Schedule, form 1, under the heading “**Grounds of disqualification under section 62**”, after the last paragraph, insert:
“*Note: This ground applies only to applications for licences for a class of private security business other than that of repos-*

session agent. You must provide details of relevant experience with this application.”

- (5) In the Schedule, form 1, under the heading “**Grounds of disqualification under section 62**”, above the footnote, insert:
- “I am applying for a licence as a repossession agent and I have/have not*, within the past 5 years, had 12 months’ relevant experience—
- “(a) of carrying on a business of repossessing consumer goods (either by myself or in partnership with any other person) on behalf of a creditor; or
- “(b) of repossessing consumer goods in the course of my employment, or engagement as a contractor, by a person who carries on a business referred to in paragraph (a) or by a creditor. [*You must provide details of relevant experience with this application.*]”

5 Schedule, form 1 amended

In the Schedule, form 1, under the heading “**Grounds of disqualification under section 62**”, replace the last 2 paragraphs and note (as amended and inserted by regulation 4(3) to (5) of these regulations) above the footnote with:

“I have/have not*, within the past 5 years, had 12 months’ relevant experience as a licensee or responsible employee in the class or classes of private security business to which the application relates. [*You must provide details of relevant experience with this application.*]”

6 Schedule, form 2 amended

- (1) In the Schedule, form 2, under the heading “**Class(es) of business**”, after the item relating to crowd controller, insert “Repossession agent”.
- (2) In the Schedule, form 2, under the heading “**Grounds of disqualification for company under section 63**”, after the paragraph relating to the Fair Trading Act 1986, insert:
- “The company has/has not*, within the past 7 years, been convicted of an offence under section 103(1) of the Credit Contracts and Consumer Finance Act 2003 that involves a breach of any provision of Part 3A of that Act.”

- (3) In the Schedule, form 2, under the heading “**Further grounds of disqualification under section 63, relating to company officers**”, delete “[*You must provide details of relevant experience with this application.*]”.
- (4) In the Schedule, form 2, under the heading “**Further grounds of disqualification under section 63, relating to company officers**”, after the last paragraph, insert:
“*Note: This ground applies only to applications for licences for a class of private security business other than that of repossession agent. You must provide details of relevant experience with this application.*”
- (5) In the Schedule, form 2, under the heading “**Further grounds of disqualification under section 63, relating to company officers**”, above the footnote, insert:
“The company is applying for a licence as a repossession agent and I have/have not*, within the past 5 years, had 12 months’ relevant experience—
“(a) of carrying on a business of repossessing consumer goods (either by myself or in partnership with any other person) on behalf of a creditor; or
“(b) of repossessing consumer goods in the course of my employment, or engagement as a contractor, by a person who carries on a business referred to in paragraph (a) or by a creditor. [*You must provide details of relevant experience with this application.*]”

7 Schedule, form 2 amended

In the Schedule, form 2, under the heading “**Further grounds of disqualification under section 63, relating to company officers**”, replace the last 2 paragraphs and note (as amended and inserted by regulation 6(3) to (5) of these regulations) above the footnote with:

“I have/have not*, within the past 5 years, had 12 months’ relevant experience as a licensee or responsible employee in the class or classes of private security business to which the application relates. [*You must provide details of relevant experience with this application.*]”

8 Schedule, form 6 amended

- (1) In the Schedule, form 6, under the heading “**Grounds of disqualification under section 62**”, after the paragraph relating to the Fair Trading Act 1986, insert:

“I have/have not*, within the past 7 years, been convicted of an offence under section 103(1) of the Credit Contracts and Consumer Finance Act 2003 that involves a breach of any provision of Part 3A of that Act.”
- (2) In the Schedule, form 6, under the heading “**Grounds of disqualification under section 62**”, delete “[*You must provide details of relevant experience with this application.*]”.
- (3) In the Schedule, form 6, under the heading “**Grounds of disqualification under section 62**”, after the last paragraph, insert:

“*Note: This ground applies only if the company has a licence for a class of private security business other than that of repossession agent. You must provide details of relevant experience with this application.*”
- (4) In the Schedule, form 6, under the heading “**Grounds of disqualification under section 62**”, above the footnote, insert:

“The company has a licence as a repossession agent and I have/have not*, within the past 5 years, had 12 months’ relevant experience—

 - “(a) of carrying on a business of repossessing consumer goods (either by myself or in partnership with any other person) on behalf of a creditor; or
 - “(b) of repossessing consumer goods in the course of my employment, or engagement as a contractor, by a person who carries on a business referred to in paragraph (a) or by a creditor. [*You must provide details of relevant experience with this application.*]”

9 Schedule, form 6 amended

In the Schedule, form 6, under the heading “**Grounds of disqualification under section 62**”, replace the last 2 paragraphs and note (as amended and inserted by regulation 8(2) to (4) of these regulations) above the footnote with:

“I have/have not*, within the past 5 years, had 12 months’ relevant experience as a licensee or responsible employee in the class or classes of private security business to which the application relates. [*You must provide details of relevant experience with this application.*]”

10 Schedule, form 7 amended

- (1) In the Schedule, form 7, under the heading “**Class(es) of responsible employee**”, after the item relating to crowd controller employee, insert:
“Repossession employee”.
- (2) In the Schedule, form 7, under the heading “**Grounds of disqualification under section 62**”, after the paragraph relating to the Fair Trading Act 1986, insert:
“I have/have not*, within the past 7 years, been convicted of an offence under section 103(1) of the Credit Contracts and Consumer Finance Act 2003 that involves a breach of any provision of Part 3A of that Act.”
- (3) In the Schedule, form 7, under the heading “**Grounds of disqualification under section 62**”, revoke the last paragraph.

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 amend the Private Security Personnel and Private Investigators (Forms) Regulations 2011 (the **principal regulations**). Most of the amendments are to application forms for licences under the Private Security Personnel and Private Investigators Act 2010 (the **2010 Act**). The changes are consequential to provisions in respect of repossession agents and their employees in the Credit Contracts and Consumer Finance Amendment Act 2014 (the **2014 Act**). The 2014 Act institutes a licensing regime for people who repossess

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Explanatory note

consumer goods that are secured by a security agreement. Repossession agents will need to be licensed, and their employees will need to be certified, under the 2010 Act.

One amendment relates to the application form for a certificate of approval in form 7 of the Schedule of the principal regulations. It removes the requirement to state whether the applicant has had 12 months' relevant experience in the past 5 years. This requirement is removed because it was included in error. Section 62(j) of the 2010 Act, which requires the information to be provided, only applies to applications for licences and not certificates of approval.

Most of the amendments come into force on 6 March 2015. However, 3 amendments to form 1, 3 amendments to form 2, and 3 amendments to form 6 of the Schedule will be replaced by subsequent amendments on 6 March 2020. This is because the initial amendments reflect transitional provisions (section 126A(4) to (6) of the 2010 Act, inserted by the 2014 Act) affecting applications for licences for the first 5 years of the new licensing regime.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 19 February 2015.
These regulations are administered by the Ministry of Justice.
