

**Reprint
as at 1 April 2013**



**Securities Act (Renewals and
Variations) Exemption Notice 2002**

(SR 2002/292)

Securities Act (Renewals and Variations) Exemption Notice 2002: revoked,
on 1 April 2013, by clause 9 of the Securities Act (Renewals and Variations)
Exemption Notice 2013 (SR 2013/53).

Pursuant to the Securities Act 1978, the Securities Commission gives
the following notice.

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Notice

- 1 Title**
This notice is the Securities Act (Renewals and Variations)
Exemption Notice 2002.

Note
Changes authorised by section 17C of the Acts and Regulations Publication Act 1989
have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together
with other explanatory material about this reprint.

This notice is administered by the Financial Markets Authority.

2 Commencement

This notice comes into force on 1 October 2002.

3 Expiry

This notice expires on the close of 31 March 2013.

Clause 3: amended, on 28 September 2012, by clause 3 of the Securities Act (Extension of Term, Amendment, and Transitional Provision) Exemption Notice 2012 (SR 2012/294).

4 Interpretation

- (1) In this notice, unless the context otherwise requires,—
Act means the Securities Act 1978
Regulations means the Securities Regulations 1983.
- (2) Any term or expression that is defined in the Act or the Regulations and used, but not defined, in this notice has the same meaning as in the Act or the Regulations.

5 Exemptions for variation of securities

- (1) Every person is exempted from section 33(2) of the Act in respect of any security that varies the terms or conditions of an existing security if compliance with that section was not required in respect of the original offer of the existing security.
- (2) Every person is exempted from sections 37, 37A, and 54 of the Act in respect of any security that varies the terms or conditions of an existing security, unless the security—
 - (a) extends the time for payment of money due, or to become due, under the existing security by the issuer; or
 - (b) changes the issuer of the existing security.

Clause 5: substituted, on 22 April 2004, by clause 3 of the Securities Act (Renewals and Variations) Exemption Amendment Notice 2004 (SR 2004/98).

6 Conditions of exemptions under clause 5

- (1) The exemptions in clause 5 are subject to the condition that a written statement containing the information set out in sub-clause (2) has been distributed or sent to the last known address of each person who is, at the time the statement is distributed or sent, a holder of the security that is to be varied.
- (2) The written statement must state—
 - (a) the terms of the proposed variation; and

- (b) the purpose and effect of the proposed variation; and
- (c) the steps necessary to bring the proposed variation into effect; and
- (d) particulars of any other matters that are material to the proposed variation.

Clause 6 heading: amended, on 22 April 2004, by clause 4(a) of the Securities Act (Renewals and Variations) Exemption Amendment Notice 2004 (SR 2004/98).

Clause 6(1): amended, on 22 April 2004, by clause 4(b) of the Securities Act (Renewals and Variations) Exemption Amendment Notice 2004 (SR 2004/98).

7 Exemption for renewal of securities

Every person is exempted from sections 37(3), 37A(1)(a), and 54 of the Act in respect of any security that—

- (a) renews an existing security; or
- (b) varies the terms or conditions of an existing security by extending the time for payment of money due, or to become due, under that security by the issuer.

Clause 7: amended, on 21 September 2007, by clause 3 of the Securities Act (Extension of Term, Amendment, and Revocation of Certain Exemptions) Exemption Notice 2007 (SR 2007/277).

8 This notice does not apply to moratorium proposals

- (1) Nothing in this notice gives an exemption from any provisions of section 37 or 37A of the Act in respect of any moratorium proposal.
- (2) In this clause, **moratorium proposal** means an offer of any debt security that is, in substance, a variation of the terms or conditions of an existing debt security that extends the time for payment of the principal amount or any other returns, or reduces or cancels the principal amount or any other returns, that are due, or to become due, under that existing debt security.

Clause 8: added, on 18 December 2009, by clause 4 of the Securities Act (Renewals and Variations) Exemption Amendment Notice 2009 (SR 2009/418).

Dated at Wellington this 17th day of September 2002.

The Common Seal of the Securities Commission was affixed in the presence of:

[Seal]

J Diplock,
Chairperson.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 19 September 2002.

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Notes

1 *General*

This is a reprint of the Securities Act (Renewals and Variations) Exemption Notice 2002. The reprint incorporates all the amendments to the notice as at 1 April 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint
(most recent first)***

Securities Act (Renewals and Variations) Exemption Notice 2013 (SR 2013/53): clause 9

Securities Act (Extension of Term, Amendment, and Transitional Provision) Exemption Notice 2012 (SR 2012/294): clause 3

Securities Act (Renewals and Variations) Exemption Amendment Notice 2009 (SR 2009/418)

Securities Act (Extension of Term, Amendment, and Revocation of Certain Exemptions) Exemption Notice 2007 (SR 2007/277): clause 3

Securities Act (Renewals and Variations) Exemption Amendment Notice 2004 (SR 2004/98)
