

**Reprint
as at 1 December 2016**



Securities Act (Overseas Employee Share Purchase Schemes) Exemption Amendment Notice 2009

(SR 2009/385)

Securities Act (Overseas Employee Share Purchase Schemes) Exemption Amendment Notice 2009: revoked, on 1 December 2016, pursuant to Schedule 1 clause 26 of the Financial Markets Conduct Regulations 2014 (LI 2014/326).

Pursuant to the Securities Act 1978, the Securities Commission gives the following notice (to which is appended a statement of reasons of the Securities Commission).

Contents

	Page
1 Title	1
2 Commencement	1
3 Principal notice amended	1
4 Schedule 2 amended	2

Notice

1 Title

This notice is the Securities Act (Overseas Employee Share Purchase Schemes) Exemption Amendment Notice 2009.

2 Commencement

This notice comes into force on the day after the date of its notification in the *Gazette*.

3 Principal notice amended

This notice amends the Securities Act (Overseas Employee Share Purchase Schemes) Exemption Notice 2002.

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 Financial Markets Authority.

4 Schedule 2 amended

Schedule 2 is amended by inserting the following item in its appropriate alphabetical order: “Ireland”.

Dated at Wellington this 14th day of December 2009.

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

[Seal]

Annabel Cotton,
Member.

Statement of reasons

This notice, which comes into force on the day after the date of its notification in the *Gazette*, amends the Securities Act (Overseas Employee Share Purchase Schemes) Exemption Notice 2002 (the **principal notice**) to include Ireland as a specified overseas jurisdiction for overseas issuers for the purposes of that notice.

The Securities Commission considers that the amendment is appropriate because—

- the principal notice is intended to allow New Zealand employees or directors of overseas issuers or their subsidiaries to participate in offers of securities under or in connection with an overseas issuer’s employee share purchase scheme. The exemptions contained in the principal notice may be relied on by overseas issuers incorporated, and listed on a securities exchange, in specified overseas jurisdictions, the shares or common stock of which are quoted or approved for quoting by a securities exchange in specified overseas jurisdictions. The exemptions also extend to certain other persons offering securities under or in connection with employee share purchase schemes of overseas issuers:
- Irish securities law requires disclosure of information for investors to an extent broadly comparable with New Zealand securities law:
- Ireland is a member of the International Organization of Securities Commissions (**IOSCO**) and is listed in Appendix B of the IOSCO Multilateral Memorandum of Understanding Concerning Consultation and Cooperation and the Exchange of Information (the **IOSCO MOU**). This signifies its commitment to obtaining the legal authority necessary to meet the provisions of the IOSCO MOU:

- the Irish Stock Exchange is a member of the World Federation of Exchanges and the Federation of European Securities Exchanges and, therefore, meets the criteria for membership, and principles, of such organisations:
- taking these matters into account, the Commission is satisfied that it is appropriate to include Ireland in the list of specified overseas jurisdictions.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 17 December 2009.

Reprints notes

1 *General*

This is a reprint of the Securities Act (Overseas Employee Share Purchase Schemes) Exemption Amendment Notice 2009 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*

Financial Markets Conduct Regulations 2014 (LI 2014/326): Schedule 1 clause 26