



Financial Service Providers (Fees and Levy) Regulations 2010

Anand Satyanand, Governor-General

Order in Council

At Wellington this 9th day of August 2010

Present:

His Excellency the Governor-General in Council

Pursuant to sections 44 and 78A of the Financial Service Providers (Registration and Dispute Resolution) Act 2008, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and on the recommendation of the Minister of Commerce, and on the recommendation of the Minister of Consumer Affairs made after consultation in accordance with section 78A of that Act, makes the following regulations.

Contents

	Page
1 Title	2
2 Commencement	2
3 Interpretation	2
4 Application fee	3
5 Annual confirmation fee	3
6 Waiver of supplement	3
7 Dispute resolution scheme levy	3

8 GST included 4

Regulations

1 Title

These regulations are the Financial Service Providers (Fees and Levy) Regulations 2010.

2 Commencement

These regulations come into force on 16 August 2010.

3 Interpretation

(1) In these regulations, unless the context otherwise requires,—
Act means the Financial Service Providers (Registration and Dispute Resolution) Act 2008

applicant means a person making an application to be registered as a financial service provider

relevant person means, in relation to an applicant or registered financial service provider that is a body corporate or an unincorporated body, a controlling owner, director, or senior manager of the applicant or provider

supplement means the fee payable in respect of a criminal record check for the purposes of section 14 of the Act, which is carried out by the appropriate department at the request of the Registrar, being,—

(a) in the case of an applicant or a registered financial service provider who is an individual or a corporation sole, \$39.38:

(b) in the case of an applicant or a registered financial service provider that is a body corporate or an unincorporated body, the sum of \$39.38 multiplied by the number of relevant persons.

(2) Any term or expression that is defined in the Act and used, but not defined, in these regulations has the same meaning as in the Act.

4 Application fee

The fee in respect of an application to be registered as a financial service provider under section 15 of the Act is \$350 plus the supplement (unless the supplement is waived under regulation 6).

5 Annual confirmation fee

The fee in respect of an annual confirmation of a registered financial service provider's details under section 28 of the Act is \$60 plus the supplement (unless the supplement is waived under regulation 6).

6 Waiver of supplement

- (1) If the Registrar does not propose to check whether or not an individual or a corporation sole is disqualified under section 14(2)(d) to (f) of the Act, the Registrar must waive the supplement.
- (2) If the Registrar does not propose to check whether or not 1 or more relevant persons are disqualified under section 14(2)(d) to (f) of the Act, the Registrar must waive the supplement or, if checks are to be carried out on 1 or more relevant persons, part of the supplement (being the sum of \$39.38 multiplied by the number of relevant persons in respect of whom no check is proposed).

7 Dispute resolution scheme levy

- (1) This regulation applies to every person required, by section 48 of the Act, to be a member of either an approved dispute resolution scheme or the reserve scheme.
- (2) A registered financial service provider must pay an annual dispute resolution scheme levy of \$30 (the **levy**) to the Minister by the due date, in accordance with section 28(2)(a) of the Act.
- (3) An applicant for registration as a financial service provider under section 15 of the Act must pay the levy at the time the application is made, in accordance with section 15(1)(e) of the Act.

- (4) However, if the Registrar does not accept that an applicant is qualified to be registered, as provided for under section 16(2) of the Act, the Registrar must refund the levy to the applicant.

8 GST included

The fees and levy set by these regulations include goods and services tax.

Rebecca Kitteridge,
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, which come into force on 16 August 2010, prescribe fees and the levy under the Financial Service Providers (Registration and Dispute Resolution) Act 2008 (the **Act**).

The fee for an application to be registered as a financial service provider under section 15 of the Act is \$350 plus the supplement (which is the fee payable in respect of a criminal record check for the purposes of section 14 of the Act, carried out by the appropriate department at the request of the Registrar). The fee for the annual confirmation of a financial service provider's details under section 28 of the Act is \$60 plus the supplement.

The supplement is \$39.38 for a financial service provider who is an individual or a corporation sole. For a financial service provider that is a body corporate or an unincorporated body, the supplement is \$39.38 per relevant person.

The supplement recovers the cost of checking criminal history for the purposes of ascertaining whether a person is disqualified under section 14 of the Act from being registered as a financial service provider. The regulations make provision for the supplement to be waived if these checks do not take place.

A registered financial service provider and an applicant for registration must pay a dispute resolution regime levy (the **levy**) of \$30 per

year if required, by section 48 of the Act, to be a member of either an approved dispute resolution scheme or the reserve scheme. The purpose of the levy is to cover the costs of administering the dispute resolution regime established under Part 3 of the Act. Part of the levy is allocated to cover some of the fixed costs of having the reserve scheme in place irrespective of the number of members of that scheme. The levy is payable to the Minister in accordance with section 78A(1) of the Act. The Registrar must refund a levy paid by an applicant for registration if the Registrar does not accept that the applicant is qualified to be registered.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 12 August 2010.
These regulations are administered by the Ministry of Economic Development.
