



Insolvency Practitioners Regulations 2020

Patsy Reddy, Governor-General

Order in Council

At Wellington this 29th day of June 2020

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 80 and 81 of the Insolvency Practitioners Regulation Act 2019—

- (a) on the advice and with the consent of the Executive Council; and
- (b) for the regulations made under section 81 of that Act, on the recommendation of the Minister of Commerce and Consumer Affairs made after complying with the consultation requirements of section 82 of that Act.

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Regulations

1 Title

These regulations are the Insolvency Practitioners Regulations 2020.

2 Commencement

These regulations come into force on 1 September 2020.

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Insolvency Practitioners Regulation Act 2019

leviable event, in respect of a person specified in column 1 of Schedule 3, means the event specified for that person in column 2 of that schedule

New Zealand Business Number means the number allocated to an entity under the New Zealand Business Number Act 2016.

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

5 Contents of register

In addition to the information specified in section 30(1)(a) to (j) of the Act, the register must contain the following information about each licensed insolvency practitioner:

- (a) the practitioner's business email address and Internet site address (if any):
- (b) the practitioner's firm's email address and Internet site address (if any):
- (c) the practitioner's firm's New Zealand Business Number (if any):
- (d) the country, state, or territory in which the practitioner is ordinarily resident:
- (e) the registration number assigned by the Registrar to the practitioner.

6 Changes that accredited bodies must notify to Registrar

In accordance with section 31 of the Act, an accredited body must notify the Registrar of any change to any of the information relating to an insolvency practitioner that is described in—

- (a) sections 30(1)(a), (e), (g), (h), and (j) of the Act;
- (b) regulation 5(a) to (e).

7 Search of register

In addition to the criteria specified in section 33(2)(a) to (d) of the Act, the register may be searched by reference to—

- (a) the New Zealand Business Number of a practitioner's firm (if any);
- (b) the country, state, or territory in which the practitioner is ordinarily resident;
- (c) the registration number assigned by the Registrar to the practitioner;
- (d) whether the practitioner's licence is suspended, cancelled, expired, or current.

8 Conditions of accreditation

In addition to the conditions specified in section 35(2)(a) to (c) of the Act, a person (or 2 or more persons acting jointly together) may be accredited as an accredited body subject to—

- (a) conditions relating to the accredited body's ongoing compliance with any minimum standards for accreditation prescribed by the Registrar under section 22(1) of the Act;
- (b) conditions relating to the resources, financial position, and financial stability of the accredited body;
- (c) conditions to ensure that the accredited body's governance and organisational structures are adequate and effective.

9 Contents of report of accredited bodies

In addition to the matters set out in section 37(2)(b)(i) and (ii) of the Act, the report of an accredited body must contain—

- (a) the most recent audited financial statements of the accredited body; and
- (b) an assessment by the accredited body of—
 - (i) the extent to which its regulatory systems are adequate and effective; and
 - (ii) whether it has allocated sufficient resources to ensure that its regulatory systems are, and will continue to be, adequate and effective; and

- (c) information relating to any material changes to the accredited body's governance and organisational structures.

10 Contents of annual confirmation

- (1) For the purpose of section 37(3)(c) of the Act, the annual confirmation of an accredited body must contain or be accompanied by a summary of—
 - (a) the number of licence applications received by the accredited body in the year; and
 - (b) the number of complaints received by the accredited body in the year and the nature of those complaints; and
 - (c) any disciplinary action taken against practitioners by the accredited body in the year.
- (2) In subclause (1), **the year** is the year to which the annual confirmation relates.

11 Registrar may refuse to accept document not submitted via Internet site

For the purpose of section 78(b) of the Act, the Registrar may refuse to accept a document under the Act if the document is not submitted electronically via the Internet site on which the register is kept.

12 Registrar may specify information requirements

The Registrar may specify any of the matters set out in section 80(1)(d) of the Act.

13 Fees

- (1) A person or body specified in column 1 of Schedule 2 must pay the fee specified in that table for the person or body.
- (2) The fee must be paid—
 - (a) at the time of the event specified in column 3 of Schedule 2 for the person or body; and
 - (b) to the Registrar (but *see* section 9(2)(b) and (3) of the Act in relation to the licence registration fee).
- (3) The fees set out in the table in Schedule 2 are exclusive of any goods and services tax payable.

14 Levies

- (1) A person specified in column 1 of Schedule 3 at the time of a leviable event must pay the levy specified for the event.
- (2) The levy must be paid—
 - (a) at the time of the leviable event; and
 - (b) to the Registrar.

- (3) The levies set out in the table in Schedule 3 are exclusive of any goods and services tax payable.

Schedule 1 Transitional, savings, and related provisions

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Part 1 Provisions relating to these regulations as made

There are no transitional, savings, or related provisions relating to these regulations as made.

Schedule 2 Fees

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Column 1 Fee payer	Column 2 Fee	Column 3 When fee payable	Column 4 Amount (\$)
Person who applies for a licence under section 9 of Act	Licence registration fee	Making the application	165.00
Accredited body that supplies annual confirmation under section 37 of the Act	Annual confirmation fee	Supplying the annual confirmation	105.00 per practitioner on the register at time of confirmation to which confirmation relates

Schedule 3 Levies

r 14

Column 1 Levy payer	Column 2 Leviable event	Column 3 Amount (\$)
Person who makes an application to register a company under section 12 of the Companies Act 1993	Making the application	1.00
Person who provides an annual return for registration under section 214(1) of the Companies Act 1993	Providing the annual return	1.00

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 are made under the Insolvency Practitioners Regulation Act 2019 (the **Act**). They come into force on 1 September 2020.

The Act provides for the regulation of insolvency practitioners. Under the Act, insolvency practitioners are required to hold a licence and to have certain details recorded in a searchable register, maintained by the Registrar of Companies. Accredited bodies (that is, bodies accredited by the Registrar) have the role of assessing applications for licences and for issuing them. Most of the provisions of the Act will come into force on 1 September 2020.

The regulations prescribe the following matters that supplement the provisions of the Act:

- information that must be contained in the register of licensed insolvency practitioners (*regulation 5*);
- information about an insolvency practitioner that, if the information changes, the accredited body must notify the changes to the Registrar (*regulation 6*);
- the criteria by which the register may be searched (*regulation 7*);
- conditions that apply to the accreditation of a person (or 2 or more persons acting jointly together) as an accredited body (*regulation 8*);
- information that an accredited body must include in the report that it must supply to the Registrar under section 37(2) of the Act (*regulation 9*);
- information that an accredited body must include in the annual confirmation that it must supply to the Registrar under section 37(3) of the Act (*regulation 10*);
- a requirement to submit documents electronically via the Internet site on which the register is kept (*regulation 11*).

The regulations also—

- empower the Registrar to specify various things about the way in which information must be supplied or made available under the Act (including the format and medium for supplying information or making information available) (*regulation 12*);
- prescribe the fees payable by a person applying for an insolvency practitioner's licence or by an accredited body in respect of the supply of the annual confirmation under section 75(3) of the Act (*regulation 13 and Schedule 2*);
- prescribe the levies payable in respect of an application to register a company or to register an annual return for a company under the Companies Act 1993 (*regulation 14 and Schedule 3*).

Regulatory impact assessment

The Ministry of Business, Innovation, and Employment produced a regulatory impact statement and a cost recovery impact statement assessment on 12 February 2020 to help inform the decisions taken by the Government relating to the contents of this instrument.

Copies of these impact assessments can be found at—

- <https://www.mbie.govt.nz/dmsdocument/11356-appendix-1-regulatory-impact-statement-insolvency-practitioners-regulations-proactiverelease>
- <https://www.mbie.govt.nz/dmsdocument/11357-appendix-3-cost-recovery-impact-statement-regulations-to-introduce-insolvency-practitioners-scheme-fees-and-levy-proactiverelease-pdf>
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

Issued under the authority of the Legislation Act 2012.

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These regulations are administered by the Ministry of Business, Innovation, and Employment.