

Reprint
as at 27 July 2016



Anti-Money Laundering and Countering Financing of Terrorism (Definitions) Amendment Regulations 2013

(SR 2013/230)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 27th day of May 2013

Present:

His Excellency the Governor-General in Council

Pursuant to sections 5, 153, and 154 of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009, His Excellency the Governor-General makes the following regulations, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) in relation to regulations made under section 154 of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009, on the recommendation of the Minister (as defined by section 5 of that Act) made in accordance with section 154(2) and (3) of that Act.

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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.

These regulations are administered by the Ministry of Justice.

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Regulations

1 Title

These regulations are the Anti-Money Laundering and Countering Financing of Terrorism (Definitions) Amendment Regulations 2013.

2 Commencement

(1) These regulations come into force on 30 June 2013.

(2) [*Revoked*]

Regulation 2(1): amended, on 27 July 2016, by regulation 7(2) of the Anti-Money Laundering and Countering Financing of Terrorism (Definitions) Amendment Regulations 2016 (LI 2016/132).

Regulation 2(2): revoked, on 27 July 2016, by regulation 7(3) of the Anti-Money Laundering and Countering Financing of Terrorism (Definitions) Amendment Regulations 2016 (LI 2016/132).

3 Principal regulations

These regulations amend the Anti-Money Laundering and Countering Financing of Terrorism (Definitions) Regulations 2011 (the **principal regulations**).

4 Regulation 5 amended (Prescribed threshold)

In regulation 5, after “prescribed threshold is”, insert “more than”.

5 New regulation 5A and cross-heading inserted

After regulation 5, insert:

Applicable threshold value for wire transfer

5A Applicable threshold value for wire transfer is \$1, 000

For the purposes of section 27(1) of the Act, the applicable threshold value of a wire transfer is \$1,000.

6 New regulation 13A inserted (Inclusion: wire transfers of more than \$1,000)

After regulation 13, insert:

13A Inclusion: wire transfers of more than \$1,000

- (1) This regulation applies to every transaction that—
 - (a) occurs outside of a business relationship; and
 - (b) involves the receipt of a wire transfer by a beneficiary institution for an amount of more than \$1,000 (whether the transaction is carried out in a single operation or several operations that appear to be linked).
- (2) Every transaction to which this regulation applies is declared to be an occasional transaction for the purposes of the Act.

7 Regulation 15 amended (Inclusion: transactions involving certain stored value instruments)

- (1) Replace regulation 15(1) with:

- (1) This regulation applies to every transaction that occurs outside of a business relationship and that involves the issuing or provision of a stored value instrument that—
 - (a) has a maximum possible value at any one time of,—
 - (i) if the stored value instrument is redeemable for cash, \$1,000 or more;
 - (ii) if the stored value instrument is not redeemable for cash, \$5,000 or more; or
 - (b) is capable of being reloaded with \$10,000 or more in any consecutive 12-month period; or
 - (c) is capable of being reloaded directly through transfer from an account held at a financial institution that is—
 - (i) unregulated for AML/CFT purposes; or

- (ii) located in a country with insufficient money laundering and countering financing of terrorism systems and measures.

(2) Replace regulation 15(4) with—

(4) For the purposes of this regulation,—

debit card means an instrument that can be used to withdraw cash or make payments by debiting an account held at a financial institution

gift facility has the same meaning as in regulation 9(2) of the Financial Service Providers (Exemptions) Regulations 2010

stored value instrument—

(a) means a portable device, including a gift facility, that is capable of storing monetary value in a form that is not physical currency, regardless of whether the device is reloadable or able to be redeemed for cash; and

(b) includes—

(i) a portable device whose value, or associated value, is transferable to a third party or is able to be remitted; and

(ii) any account or other arrangement associated with the value stored on the device; but

(c) does not include a credit card or a debit card.

8 Regulation 17 amended (Inclusion: trust and company service providers)

Replace regulation 17(2)(c) with:

- (c) providing a registered office, a business address, a correspondence address, or an administrative address for a company, a partnership, or any other legal person or arrangement.

9 New regulation 18A inserted (Exclusion: non-finance businesses that transfer money to facilitate purchase of goods or services)

After regulation 18, insert:

18A Exclusion: non-finance businesses that transfer money to facilitate purchase of goods or services

(1) A person is not a reporting entity, for the purposes of the Act, by reason only that, in the ordinary course of a non-finance business, the person transfers money on behalf of a customer to facilitate the purchase of goods or services by the customer.

(2) In this regulation, **non-finance business** means a person whose only or principal business is the provision of goods or services that are not relevant services.

10 Regulation 20 replaced (Exclusion: lawyers, etc)

Replace regulation 20 with:

20 Exclusion: lawyers, etc

- (1) It is declared that a person is not a reporting entity, for the purposes of the Act, by reason only that the person carries out a relevant service in the ordinary course of the person's business as one of the following:
 - (a) a lawyer, an incorporated law firm, a conveyancing practitioner, an incorporated conveyancing firm, an accountant, or a real estate agent;
 - (b) an executor, an administrator, or a trustee in respect of services provided in the administration of an estate or, in the case of a trustee, in respect of services provided to beneficiaries of a family trust.
- (2) If subclause (1) applies to a person (A), it applies equally to any director, employee, agent, or other person while acting in the course of, and for the purposes of, A's business to the same extent as it applies to A.

Compare: 2008 No 97 s 7(2)(a), (h), (3)

11 New regulation 21A inserted (Exclusion: licensed or registered auctioneers and providers of Internet auctions)

After regulation 21, insert:

21A Exclusion: licensed or registered auctioneers and providers of Internet auctions

- (1) It is declared that an auctioneer who is licensed or registered under an enactment is not a reporting entity, for the purposes of the Act, by reason only that the auctioneer carries out a relevant service in the ordinary course of the auctioneer's business of conducting auctions.
- (2) It is declared that a person is not a reporting entity, for the purposes of the Act, by reason only that the person provides relevant services in the ordinary course of the person's business as a provider of Internet auctions.
- (3) In this regulation,—

auction means a process in which property of any kind (including goods, services, and interests in land) is offered for sale by an auctioneer on behalf of a vendor, and—

- (a) bids for the property are placed with the auctioneer in real time, whether in person, by telephone, via the Internet, or by any other means; and
- (b) the property is sold when the auctioneer so indicates

Internet auction means a process, not being an auction as defined by this subclause, that is operated online to enable members of the public to conclude contracts for the sale and purchase of goods or the provision and acquisition of non-financial services

non-financial service means a service that is not, or does not include, a relevant service.

12 Regulations 11 to 24 revoked*[Revoked]*

Regulation 12: revoked, on 27 July 2016, by regulation 7(3) of the Anti-Money Laundering and Countering Financing of Terrorism (Definitions) Amendment Regulations 2016 (LI 2016/132).

Michael Webster,
for Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 30 May 2013.

Reprints notes

1 *General*

This is a reprint of the Anti-Money Laundering and Countering Financing of Terrorism (Definitions) Amendment Regulations 2013 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

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*

Anti-Money Laundering and Countering Financing of Terrorism (Definitions) Amendment Regulations 2016 (LI 2016/132): regulation 7