



## Anti-Money Laundering and Countering Financing of Terrorism (Definitions) Amendment Regulations 2017

Patsy Reddy, Governor-General

### Order in Council

At Wellington this 18th day of December 2017

Present:

The Right Hon Jacinda Ardern presiding in Council

These regulations are made under sections 5, 153, and 154 of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009—

- (a) on the advice and with the consent of the Executive Council; and
- (b) in relation to regulations under section 154 of that Act, on the recommendation of the Minister (as defined by section 5(1) of that Act) made in accordance with section 154(2) and (3) of that Act.

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## Regulations

### 1 Title

These regulations are the Anti-Money Laundering and Countering Financing of Terrorism (Definitions) Amendment Regulations 2017.

### 2 Commencement

- (1) Regulations 12 and 13(1) come into force on 1 July 2018.
- (2) Regulation 13(2) comes into force on 1 October 2018.
- (3) Regulation 13(3) comes into force on 1 January 2019.
- (4) The rest of these regulations come into force on the 28th day after the date of their notification in the *Gazette*.

### 3 Principal regulations

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

### 4 Regulation 3 amended (Expiry)

In regulation 3, delete “, in accordance with section 154(5) of the Act,”.

### 5 Regulation 4 amended (Interpretation)

In regulation 4, definition of **financial activity**, replace “section 5” with “section 5(1)”.

### 6 Regulation 5 amended (Prescribed threshold)

In regulation 5, replace “section 5” with “section 5(1)”.

**7 Regulation 6 amended (Prescribed election process)**

In regulation 6(1), replace “section 5” with “section 5(1)”.

**8 Regulation 7 amended (Prescribed member: certain money transfer service agents and sub-agents)**

- (1) In regulation 7(1), replace “paragraph (d)(v)” with “paragraph (d)(xiii)”.
- (2) Revoke regulation 7(2).

**9 Regulation 8 amended (Prescribed member: overseas companies, etc)**

In regulation 8, replace “paragraph (d)(v)” with “paragraph (d)(xiii)”.

**10 Regulation 9 replaced (Prescribed condition of membership of designated business group)**

Replace regulation 9 with:

**9 Prescribed condition of membership of designated business group**

The only prescribed conditions of membership of a designated business group are those set out in section 5(3) of the Act.

**11 Regulation 10 amended (Applicable threshold value)**

Replace regulation 10(1) with:

- (1) For the purposes of paragraph (a) of the definition of occasional transaction in section 5(1) of the Act, the applicable threshold value is \$10,000.

**12 Regulation 17 revoked (Inclusion: trust and company service providers)**

Revoke regulation 17.

**13 Regulation 20 amended (Exclusion: lawyers, etc)**

- (1) In regulation 20(1)(a), replace “a lawyer, an incorporated law firm, a conveyancing practitioner, an incorporated conveyancing firm, an accountant,” with “an accountant”.
- (2) In regulation 20(1)(a), delete “an accountant or”.
- (3) Revoke regulation 20(1)(a).

**14 New regulation 25 and cross-heading inserted**

After regulation 24, insert:

*Prescribed enactments*

**25 Financial Service Providers (Registration and Dispute Resolution) Act 2008 prescribed for certain purposes**

The Financial Service Providers (Registration and Dispute Resolution) Act 2008 is prescribed, in accordance with section 140(2)(x) of the Anti-Money

Laundrying and Countering Financing of Terrorism Act 2009, as a listed enactment within the meaning of section 140(1) of that Act.

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, which, under *regulation 2*, come into force on different dates, make changes to the Anti-Money Laundering and Countering Financing of Terrorism (Definitions) Regulations 2011 (the **principal regulations**) that are consequential on the amendments to the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (the **Act**) made by the Anti-Money Laundering and Countering Financing of Terrorism Amendment Act 2017. The most important changes include—

- prescribing a figure of \$10,000 as the applicable threshold value for paragraph (a) of the definition of occasional transaction in section 5(1) of the Act;
- progressively amending and finally revoking regulation 20(1)(a) of the principal regulations (which provides exemptions from the status of reporting entity for lawyers, conveyancers, accountants, incorporated law firms, incorporated conveyancing firms, and real estate agents) to harmonise with the staged application of the Act to those professions;
- prescribing the Financial Service Providers (Registration and Dispute Resolution) Act 2008 (the **FSP Act**) as a listed enactment within the meaning of section 140(1) of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009. This enables information obtained under the FSP Act to be disclosed under section 140(1) of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 by a government agency or an AML/CFT supervisor to another AML/CFT supervisor or government agency, if the disclosing entity has reasonable grounds to believe that the disclosure of that information is necessary or desirable for the purpose of ensuring compliance with the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 and regulations under that Act.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 21 December 2017.

These regulations are administered by the Ministry of Justice.