



## **Financial Service Providers (Exemptions) Amendment Regulations 2019**

Patsy Reddy, Governor-General

### **Order in Council**

At Wellington this 11th day of March 2019

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 44(1)(ab) of the Financial Service Providers (Registration and Dispute Resolution) Act 2008—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Commerce and Consumer Affairs made in accordance with section 44(1A) of that Act.

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## Regulations

### 1 Title

These regulations are the Financial Service Providers (Exemptions) Amendment Regulations 2019.

### 2 Commencement

These regulations come into force on the day after the date of their notification in the *Gazette*.

### 3 Principal regulations

These regulations amend the Financial Service Providers (Exemptions) Regulations 2010 (the **principal regulations**).

### 4 New regulation 14D inserted (Exemption for lenders using peer-to-peer lending services)

After regulation 14C, insert:

#### **14D Exemption for lenders using peer-to-peer lending services**

- (1) A person is exempt from the application of the Act in respect of the provision of credit under a credit contract entered into by means of a licensed peer-to-peer lending service.
- (2) However, the exemption does not apply to—
  - (a) a provider of the service;
  - (b) a person who—
    - (i) is introduced (directly or indirectly) by a provider of the service to each other creditor under the contract; and
    - (ii) holds property or exercises rights under the contract for the benefit, or on behalf, of each other creditor.
- (3) In this regulation,—

**licensed** means licensed under section 390 of the Financial Markets Conduct Act 2013

**peer-to-peer lending service** has the same meaning as in regulation 185 of the Financial Markets Conduct Regulations 2014.

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 come into force on the day after the date of their notification in the *Gazette*, amend the Financial Service Providers (Exemptions) Regulations 2010, which were made under the Financial Service Providers (Registration and Dispute Resolution) Act 2008. The amendments exempt certain creditors under credit contracts entered into by means of a licensed peer-to-peer lending service from the application of that Act. The exemption applies only to investors. It does not extend to peer-to-peer lending service providers, or to creditors introduced by the providers to act for the investors.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 14 March 2019.

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