



Securities Markets (Insider Trading Exemption—Futures Contracts) Regulations 2010

Rt Hon Sir Peter Blanchard, Administrator of the Government

Order in Council

At Wellington this 4th day of October 2010

Present:

His Excellency the Administrator of the Government in Council

Pursuant to section 49D(1) of the Securities Markets Act 1988, His Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, and on the recommendation of the Minister of Commerce made after consultation with the Securities Commission, makes the following regulations.

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Regulations

1 Title

These regulations are the Securities Markets (Insider Trading Exemption—Futures Contracts) Regulations 2010.

2 Commencement

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

3 Certain conduct relating to futures contracts exempt from being insider conduct

- (1) Conduct by person A (**A**), to the extent that it is conduct falling within section 8C of the Securities Markets Act 1988, is not insider conduct merely because A trades in futures contracts with knowledge of A's own past, current, or proposed—
 - (a) transactions or agreements concerning those or any other futures contracts; or
 - (b) business activities, transactions, or agreements concerning the underlying commodities or assets, or the underlying variables or indices, to which those futures contracts relate.
- (2) If person B (**B**) advises or encourages A to trade or hold futures contracts, conduct by person B, to the extent that it is conduct falling within section 8E of the Securities Markets Act 1988, is not insider conduct merely because B has knowledge, acquired in the course of acting as A's adviser, of A's past, current, or proposed—
 - (a) transactions or agreements concerning futures contracts; or
 - (b) business activities, transactions, or agreements concerning the underlying commodities or assets, or the underlying variables or indices, to which those futures contracts relate.

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 the day after the date of their notification in the *Gazette*, provide that certain conduct by traders in futures contracts, and their advisers, is not insider conduct for the purposes of the Securities Markets Act 1988. The regulations relate to a trader's knowledge of the trader's own past, current, or proposed business activities, transactions, and agreements that relate to futures contracts, the underlying commodities or assets, and the underlying variables or indices.

The regulations are intended to clarify that traders in futures contracts have protection that is similar to that provided to traders of securities and their advisers by section 9C(1) and (2) of the Securities Markets Act 1988.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 7 October 2010.
These regulations are administered by the Ministry of Economic Development.
