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# Legal Entities for the Purpose of the Radiocommunications Act 1989 (PIB 47)

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# 1 Introduction

## 1.1 Contents

This Public Information Brochure (PIB 47) describes the legal entities that may, pursuant to the Radiocommunications Act 1989 (the Act) or Radiocommunications Regulations 2001 (the Regulations), hold, modify or transfer;

- Management Rights, as per section 10 of the Act;
- Spectrum Licences registered under section 48 of the Act;
- Radio Licences granted under Regulation 8 of the Regulations ;
- Certificates of Competency granted under Regulation 24 of the Regulations; and
- Radio Callsigns – granted under Schedule 1 of the Regulations

The list of entities set out below is a guide and is not definitive. There are a number of entities created under various Acts of Parliament that are not specifically listed (for example the NZ Racing Board and Maori Television Service).

## 1.2 Disclaimer

The Ministry of Business, Innovation and Employment (the Ministry) makes no warranty, express or implied, nor assumes any liability for any loss suffered, whether arising directly, or indirectly, due to the sole reliance on the accuracy or contents of this Public Information Brochure (PIB 47).

## 1.3 Changes

Radio Spectrum Management (RSM) may change, delete or add to, or otherwise amend information contained in this document from time to time to reflect evolving policies. Changes to this document will be notified through the 'Radio Spectrum Management Business Update' e-newsletter that is emailed to those who subscribe. The changes are also notified in the news section on the RSM website.

## 1.4 Clarification and Corrections

RSM will provide clarification of the information contained in this document when requested and would appreciate receiving suggestions for its improvement or advice relating to inaccuracies or ambiguities in this document. Such matters may be emailed to [rsmlicensing@mbie.govt.nz](mailto:rsmlicensing@mbie.govt.nz). Correspondence received will be acknowledged, investigated and appropriate action taken.

## 1.5 Terms and Definitions

A “legal entity” is an organisation that has legal status independent of its members or shareholders. A legal entity in the eyes of the law is able to own and dispose of property, enter contracts, sue and be sued, and be convicted of criminal offences.

Other terms used in this PIB are defined in the Act and Regulations.

## 1.6 Amendment History

Issue	Date of effect	Description of Amendment	Authorised by
1	May 2008	Information collated	
2	December 2014	Minor editorial changes and brand changes.	
3	December 2014	Minor update	
3.1	July 2016	Minor update to Local and Regional Authorities.	Jeff Hicks

## 2 Notes regarding Legal Entities

A legal entity is capable of holding radio or spectrum licences independent of individuals who may be members or shareholders of the entity.

Certain associations or organisations are not considered to be legal entities, at least for the purposes of New Zealand law. These include partnerships and some forms of unincorporated associations. Details of these are set out below under Partnerships, Limited Partnerships and Clubs.

Where legal entity status is claimed by virtue of legislation or for reasons not identified in this PIB please contact [rsmlicensing@mbie.govt.nz](mailto:rsmlicensing@mbie.govt.nz).

## 3 Registration in the Register of Radio Frequencies (the Register)

Legal entities requiring the issue of management rights, spectrum licences, radio licences, certificates of competency and radio callsigns, and approved radio engineers (ARE), approved radio certifiers (ARC) and approved radio examiners (ARX) will be recorded in the [Register of Radio Frequencies \(the Register\)](#) as clients by Radio Spectrum Management (RSM) after verification of their legal entity status.

New clients can be registered in the Register by providing identification of legal entity status to their ARE, ARC, ARX where appropriate or to RSM by telephoning 0508 RSM INFO (0508 776 4636).

In the case of issue of licences to overseas licensees a local address for service is required for the purpose of coordinating operational and/or compliance requirements.

## 4 List of Legal Entities

### 4.1 Government Departments

Government departments are part of the Crown, which is a single legal entity. Accordingly, licences held by Government departments should be in the name of 'Her Majesty the Queen in right of New Zealand acting by and through [name of department]'

#### 4.1.1 Crown Entities/ State Schools, Universities and Polytechnics

Under the Crown Entities Act 2004, crown entities can either be established as statutory entities or as crown entity companies. In either case they qualify as legal entities.

School Boards of Trustees and Tertiary Education Institutions established under the Education Act 1989 (such as universities and polytechnics) are recognised as categories of crown entities under the Crown Entities Act 2004 and are legal entities in their own right.

You can check the [Ministry of Education website](#) for a directory of education institutions.

#### 4.1.2 State Owned Enterprises

State owned enterprises are incorporated as limited liability companies in which Ministers of the Crown are shareholders. They are legal entities.

## 4.2 Local and Regional Authorities

District health boards are established under the New Zealand Health and Disability Act 2000 and are legal entities.

City councils, district councils and regional councils are usually incorporated by statute and are also legal entities in their own right.

## 4.3 New Zealand Companies

A limited liability company is a legal entity and usually identified by the words 'Limited' or 'Ltd' being included in the company name.

The company must be registered under the Companies Act 1993 with the New Zealand Companies Office. You must check the [register of companies](#) to confirm the current registered status.

A company that has been "STRUCK OFF" the companies register is no longer a legal entity. The Companies office provides the [definition of a company status](#).

## 4.4 Overseas Companies

Refer requests for overseas companies to RSM.

Companies that are incorporated overseas are legal entities. Such companies may be registered under the Companies Act 1993 (Part 18) as an overseas company and have a New Zealand billing address when carrying out business in New Zealand.

The Register of Overseas Companies is maintained by the [New Zealand Companies Office](#).

## 4.5 Co-operative Companies

A co-operative company is a legal entity and is often identified by the words 'Co-operative' in conjunction with 'Limited' in a company name.

The company must be registered under the Co-operative Companies Act 1996 and registered under the Companies Act 1993 with the [New Zealand Companies Office](#). You must check the register of companies to confirm the current registered status

## 4.6 Incorporated Societies and Industrial and Provident Societies

An Incorporated Society is a legal entity registered under the Incorporated Societies Act 1908 and identified by the word 'Incorporated' or 'Inc' being included in the name of the society.

An Industrial or Provident Society is a legal entity registered under the Industrial and Provident Societies Act 1908. Such Societies can be identified by the words 'Society Limited' in the name.

These societies must be registered with the New Zealand Companies Office. You must check the ['other registers'](#) section of the Companies Office database to confirm the current registered status.

## 4.7 Friendly Societies and Credit Unions

Friendly societies and credit unions do not have any legal entity status separate from their members. Licences held by credit unions or friendly societies should be registered in the name

of the individual trustees who are officers of the credit union or friendly society (refer to section 4.8\_Trusts below).

## 4.8 Charitable Trusts

A Charitable Trust is a legal entity established under the Charitable Trusts Act 1957 and can often be identified by inclusion of one or more of the words 'Trust Board' or 'Society', or 'Incorporated' included in the name of the organisation.

A check of the [Societies and Trusts register](#) of the New Zealand Companies Office database is usually sufficient to confirm the current registered status.

(Note: registration as a charity under the Charities Act 2005 does not itself confer legal entity status.)

## 4.9 Trusts

Trusts, including 'Family Trusts', are not legal entities in their own right unless they are registered as [charitable trusts](#) on the New Zealand Companies Office database. Trusts are similar to partnerships in that a licence to be held by a trust should be registered in the names of all individuals who are trustees of the trust.

## 4.10 Maori Trusts

Unless a Maori Iwi is registered as a Maori Trust Board within the meaning of the Maori Trust Board Act 1955 or as another form of incorporated body they are not to be classified as having a status as a legal entity.

A Maori Trust Board is identifiable by the words Maori Trust Board at the end of the name.

Maori trust types include:

- Ahu whenua trust
- Whenua topu trust
- Whanau trust
- Putea trust
- Kai tiaki trust

You can search the [Maori Land Court](#) records and trust definitions

## 4.11 A Natural Person

A natural person has the capacity of a legal entity and may enter into legal commitments, but may be subject to capacity rules, for example capacity may be in question in relation to a:

- a person who is a minor
- someone mentally impaired.

## 4.12 Partnerships and Limited Partnerships

The Limited Partnerships Act 2008 came into force on 2 May 2008. A limited liability partnership registered under the Act has separate legal personality and is capable of holding a

licence. The Act also makes provision for the registration of overseas limited partnerships which are also legal entities. The registers of [limited partnerships and overseas limited partnerships](#) are maintained by the New Zealand Companies Office.

A partnership which is not registered as a limited partnership does not have status as a separate legal entity – it is an ‘unincorporated body’.

It will be possible for a partnership to apply for a radio or spectrum licence, but where this occurs the names of all members of the partnership will need to be provided.

This is because the individuals that comprise the partnership have legal status as a ‘natural person’ where the partnership does not.

### **4.13 Clubs**

A client type of ‘Club’ must only be used for Amateur Radio Clubs. It is not to be used for any other types of clubs such as yacht or racing clubs.

The club will need to be some form of incorporated body to be a legal entity, such as an ‘Incorporated Society’. Otherwise the licence will need to be registered in the name of an individual or individuals on behalf of the club. Refer to RSM.