

Commerce Amendment Act 1990

Public Act 1990 No 41
Date of assent 29 June 1990

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An Act to amend the Commerce Act 1986

BE IT ENACTED by the Parliament of New Zealand as follows:**1 Short Title and commencement**

- (1) This Act may be cited as the Commerce Amendment Act 1990 and shall be read together with and deemed part of the Commerce Act 1986 (hereinafter referred to as the principal Act).
- (2) Except as provided in subsection (3) of this section, this Act shall come into force on the 1st day of July 1990.
- (3) Sections 2 (1), (3), (4), (5), and (6), 17, 18, 23, 25, 26 (except subsection (1) (b)), 27, 29, 30, 31, 32, 33, 44, 46, 47, and 48 of this Act shall come into force on the 1st day of January 1991.

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7 Establishment of Commission

This section repealed section 8(4) of the principal Act.

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Section 11 was repealed, as from 21 December 1992, by section 42 Public Finance Amendment Act 1992 (1992 No 142).

12 Commission to have regard to economic policies of Government

This section amended section 26(1) of the principal Act.

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Section 16 was repealed, as from 1 January 1995, by section 42(2) Layout Designs Act 1994 (1994 No 116).

17 Section 46 repealed

This section repealed section 46 of the principal Act.

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22 Section 63 repealed

This section repealed section 63 of the principal Act.

23 New sections substituted

This section substituted sections 66 to 69 and the preceding heading, and inserted sections 69A and 69B of the principal Act.

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38 Delegation by Commission

This section amended section 105(1) of the principal Act.

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43 Transitional provisions repealed

- (1) *This subsection repealed sections 112 to 115 of the principal Act.*
- (2) The repeal of sections 112 to 115 of the principal Act by subsection (1) of this section does not affect the validity of anything done pursuant to, or effected by, the enactments repealed.

44 Schedule 1 repealed

This section repealed Schedule 1 to the principal Act.

45 Human Rights Commission Act 1977 amended

This section substituted section 69(3) and (4) Human Rights Commission Act 1977 (1977 No 49).

46 Consequential amendment to Broadcasting Act 1989

This section repealed section 83 of the Broadcasting Act 1989 (1989 No 25).

47 Amendment to Radiocommunications Act 1989

This section substituted subsection 138(1) of the Radiocommunications Act 1989 (1989 No 148).

48 Transitional provisions in relation to mergers and takeovers

- (1) Notwithstanding the repeals and amendments effected by this Act,—
 - (a) The provisions of the principal Act that were in force immediately before the 1st day of January 1991 shall apply in relation to every notice given under section 66 or section 67 of that Act as in force immediately before that date and to every clearance given or authorisation granted in relation to the proposal to which the notice relates as if this Act had not been passed:

- (b) Without limiting paragraph (a) of this section, every clearance given and every authorisation granted under section 66 or section 67 of the principal Act as in force immediately before the 1st day of January 1991 or as continued in force by virtue of paragraph (a) of this section is deemed to be a clearance or an authorisation to which section 69 of the principal Act (as inserted by section 23 of this Act) applies.
- (2) Nothing in section 27 or section 47 of the principal Act (as enacted by section 18 of this Act) shall apply in relation to the acquisition of assets or shares if—
 - (a) The acquisition results from a proposal that was not a merger or takeover proposal under Part 3 of the Commerce Act 1986 (as in force immediately before the commencement of this Act) by reason of section 47(2) of that Act (as so in force); and
 - (b) The acquisition gives effect to a written agreement made before the commencement of this Act whether or not the parties to the acquisition and the agreement are the same persons.

Subsection (2) was inserted, as from 1 August 1990, by section 2 Commerce Amendment Act (No 2) 1990 (1990 No 84).