



ANALYSIS

Title	1. Short Title 2. Regulations
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1997, No. 108

An Act to amend the Primary Products Marketing Act 1953
[17 December 1997]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Primary Products Marketing Amendment Act 1997, and is part of the Primary Products Marketing Act 1953 (“the principal Act”).

2. Regulations—Section 3 of the principal Act is amended by adding the following subsections:

“(7) Where regulations made under this Act provide for the payment of a levy to a Marketing Authority, they may also—

“(a) Require every person liable to pay the levy, or every person of any kind or description liable to pay the levy, to keep (in relation to that person, or in relation to that person and some other matter or thing) at a registered bank within the meaning of the Reserve Bank of New Zealand Act 1989 a bank account (in this subsection and subsections (8) to (11) referred to as a trust account); and

“(b) Require every person required to keep a trust account to—

“(i) Ensure that it is so named as to identify the person (and, where appropriate, the matter or thing in respect of which it is kept) and that it is a trust account kept for the purposes of this subsection; and

“(ii) Pay amounts into it; and

- “(c) Require every person required to keep a trust account to take all practicable steps to ensure that—
- “(i) It is used only for holding amounts required by the regulations to be paid into it; and
 - “(ii) The balance in it on any day is not less than an amount calculated or ascertained in accordance with the regulations.
- “(8) There is deemed to be held in trust for a Marketing Authority by a person required to keep a trust account—
- “(a) The amount referred to in subsection (7) (c) (ii) held in the account; or
 - “(b) Where the amount held in the account is less than that amount, all the money in the account.
- “(9) Money in a trust account that is deemed by subsection (8) to be held in trust for a Marketing Authority—
- “(a) Is not available for the payment of; and
 - “(b) Is not liable to be attached or taken in execution at the instance of,—
- any creditor of the person required to keep the account.
- “(10) Regulations made under this Act may require any person who would otherwise cease to be required to keep a trust account to continue to maintain it until all money required to be paid to the Marketing Authority concerned has been paid to it.
- “(11) Nothing in subsection (10) limits or affects any obligation or liability under regulations made under this Act of any person who has acquired the business of a person who—
- “(a) Would otherwise cease to be required by those regulations to keep a trust account; but
 - “(b) Is required by those regulations to continue to maintain it until all money required to be paid to the Marketing Authority concerned has been paid to it.”