

1978/208



**THE EGG MARKETING (PRODUCTION ENTITLEMENT)  
REGULATIONS 1970, AMENDMENT NO. 3**

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 24th day of July 1978

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Primary Products Marketing Act 1953, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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| <ul style="list-style-type: none"> <li>1. Title and commencement</li> <li>2. Interpretation</li> <li>3. Certain entitlement licences not transferable</li> <li>4. Transfer of entitlement rights</li> </ul> | } | <ul style="list-style-type: none"> <li>5. New regulations inserted               <ul style="list-style-type: none"> <li>12A. Purchase of entitlement rights by Authority</li> <li>12B. Acquisition of interest in companies</li> </ul> </li> </ul> |
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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Egg Marketing (Production Entitlement) Regulations 1970, Amendment No. 3, and shall be read together with and deemed part of the Egg Marketing (Production Entitlement) Regulations 1970\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of August 1978.

**2. Interpretation**—Regulation 2 of the principal regulations (as amended by regulation 2 (1) of the Egg Marketing (Production Entitlement) Regulations 1970, Amendment No. 2) is hereby further amended by inserting, after the definition of the term “laying bird”, the following definition:

“‘Poultry farm’ means any land used for the keeping of not less than 100 laying birds.”.

\*S.R. 1970/236

Amendment No. 1: S.R. 1975/10

Amendment No. 2: S.R. 1976/317

**3. Certain entitlement licences not transferable**—The principal regulations are hereby amended by revoking regulation 5 (as substituted by regulation 4 of the Egg Marketing (Production Entitlement) Regulations 1970, Amendment No. 2), and substituting the following regulation:

“5. (1) Notwithstanding regulation 12 of these regulations but subject to subclause (2) of this regulation, no entitlement licence issued under regulation 4 of these regulations shall be transferable.

“(2) The Authority may approve the transfer of an entitlement licence issued pursuant to regulation 4 of these regulations only if—

“(a) The transferor had not previously held an entitlement licence other than an entitlement licence transferred to him; and

“(b) The transferor is disposing of the whole of his interest in his poultry farm to the transferee; and

“(c) The transferee gives an undertaking to the Authority that the poultry farm concerned will be operated at the location named in the entitlement licence for a period of at least 2 years after the transfer has been approved by the Authority and becomes effective.

“(3) If a person to whom an entitlement licence has been transferred under subclause (2) of this regulation at any time within 2 years after the transfer takes effect either breaches the undertaking given under paragraph (c) of that subclause, or transfers or leases any of his estate or interest in the land, buildings, plant, equipment, fixtures, or stock in trade involved in the transfer, in either case without first obtaining the written consent of the Authority, the Authority shall revoke the entitlement licence pursuant to regulation 11 of these regulations.”

**4. Transfer of entitlement rights**—Regulation 12 (1) of the principal regulations is hereby amended by omitting the words “The holder of an entitlement licence”, and substituting the words “Subject to regulation 12A of these regulations, the holder of an entitlement licence”.

**5. New regulations inserted**—The principal regulations are hereby further amended by inserting, after regulation 12, the following regulations:

“12A. **Purchase of entitlement rights by Authority**—(1) No entitlement licence may be transferred in whole or in part to any person other than the Authority for a period of 2 years after the 1st day of August 1978, unless the transfer of the licence is accompanied by a transfer or lease to that person of the number of laying birds corresponding to the entitlements being transferred together with such land, buildings, plant, equipment, fixtures, or stock in trade as the transferor uses to keep those laying birds.

“(2) The Minister may, by notice in the *Gazette*, at any time before the expiration of the period of 2 years specified in subclause (1) of this regulation, extend that period for such further period as he thinks fit.

“(3) Any holder of an entitlement licence (except the holder of an entitlement licence issued pursuant to regulation 4 of these regulations)

may at any time during the period specified in subclause (1) or subclause (2) of this regulation offer to the Authority all or part of his entitlement licence, and the Authority shall purchase the entitlements offered with funds from the Poultry Industry Account at a price set by the Authority, being a price not exceeding \$5 for each laying bird entitled to be kept pursuant to the entitlements being purchased. All entitlements purchased by the Authority under this subclause shall be cancelled by the Authority.

“(4) When any entitlement licence or any entitlement authorised by a licence is purchased by the Authority, the vendor shall surrender to the Authority for cancellation the entitlement licence held by him, and the Authority shall, where appropriate, issue a new licence in respect of such entitlements to keep laying birds as are retained by the vendor.

“12B. Acquisition of interest in companies—(1) It shall be a condition of every entitlement licence that the licensee or, if the licensee is a company, any subsidiary of the licensee or any company of which the licensee is a subsidiary, shall not, after the 1st day of August 1978, acquire any estate or interest in any company which is the holder of an entitlement licence without first obtaining the written consent of the Authority.

“(2) For the purpose of this regulation, the term “estate or interest” includes ownership whether legal or beneficial, any mortgage or charge, any share, stock, debenture, or debenture stock, and any right, title, or claim to any share, stock, or debenture stock.”

P. G. MILLEN,

Clerk of the Executive Council.

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#### EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations amend the Egg Marketing (Production Entitlement) Regulations 1970.

Regulation 2 inserts a definition of the term “poultry farm” which corresponds to that used in the Poultry Board Act 1976.

Regulation 3 allows entitlement licences issued under regulation 4 of the principal regulations, which previously were not transferable, to be transferred if the poultry farm to which the licence relates is also transferred as a going concern.

Regulation 4 makes regulation 12 of the principal regulations subject to the provisions of regulation 12A.

Regulation 5 authorises the Egg Marketing Authority to purchase entitlement licences and rights, and to cancel them, for 2 years after the coming into force of the regulations. The transfer of licences or rights to any person other than the Authority during that period of 2 years is prohibited unless the poultry farm involved is also transferred as a going concern. The Authority is also required, after the coming into force of the regulations, to consent to any licensee acquiring any estate or interest in a company which is a licensee.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 27 July 1978.

These regulations are administered in the Ministry of Agriculture and Fisheries.