

**Reprint
as at 31 August 2012**



**Apple and Pear Industry
Restructuring Act Repeal Act
2001**

Public Act 2001 No 50
Date of assent 26 September 2001
Commencement see section 2

Apple and Pear Industry Restructuring Act Repeal Act 2001: repealed, on 31 August 2012, by section 3 of the Regulatory Reform (Repeals) Act 2012 (2012 No 71).

Contents

	Page
1 Title	2
Part 1	
Preliminary provisions	
2 Commencement	2
3 Interpretation	2
Part 2	
Repeal and related matters	
4 Repeal of Apple and Pear Industry Restructuring Act 1999	3
5 Dissolution of Board and Committee	3

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Ministry of Agriculture and Forestry.

6	Transitional provision	4
7	Liability of members of Board and Committee	5
8	Suppliers not liable for certain losses of ENZA	5
9	No compensation	5
10	Revocation and consequential amendments	5
	Schedule	7
	Schedule of foreign exchange contracts entered into by ENZA with Citibank NA	

1 Title
This Act is the Apple and Pear Industry Restructuring Act Repeal Act 2001.

Part 1
Preliminary provisions

2 Commencement
This Act comes into force on 30 September 2001.

3 Interpretation
In this Act, unless the context otherwise requires,—
2001 supply agreement means the agreement called ENZA FRUIT Agreement–2001 Edition entered into by ENZA and its suppliers
2002 foreign exchange contracts means the foreign exchange contracts that are specified in the Schedule
apples and pears has the meaning set out in regulation 2 of the Regulations
Board means the New Zealand Apple and Pear Board established by regulation 25 of the Regulations
Committee means the Apple and Pear Export Permits Committee established by regulation 36 of the Regulations
Director-General means the chief executive of the Ministry of Agriculture and Forestry or any other Ministry that, with the authority of the Prime Minister, for the time being assumes responsibility for the administration of this Act

ENZA means the company incorporated under the Companies Act 1993 as at 1 April 2000 with the name ENZA Limited

fees means permit fees levied by the Committee on the basis of the volume of fruit approved to be exported under an export permit

Regulations means the Apple and Pear Export Regulations 1999 (SR 1999/311)

supplier means a person who supplied, under a supply agreement, apples or pears (or both) to ENZA or the New Zealand Apple and Pear Marketing Board (before its conversion to ENZA)

supply agreement means—

- (a) the 2001 supply agreement for the supply of apples and pears to ENZA:
- (b) any earlier supply agreement for the supply of apples and pears to the New Zealand Apple and Pear Marketing Board (before its conversion to ENZA).

Part 2

Repeal and related matters

4 Repeal of Apple and Pear Industry Restructuring Act 1999

The Apple and Pear Industry Restructuring Act 1999 (1999 No 96) is repealed.

5 Dissolution of Board and Committee

- (1) On the commencement of this Act,—
 - (a) the Board and the Committee are dissolved and the term of office of every member of the Board and the Committee ends:
 - (b) the assets—
 - (i) of the Board vest in ENZA:
 - (ii) of the Committee vest, in accordance with subsection (2), in each person who holds a permit as a result of an application made during the period of 1 October 2000 to 30 September 2001:
 - (c) subject to paragraph (d), the liabilities of the Board and the Committee vest in the Crown:

- (d) the liabilities (if any) of the Board relating to, or arising from, any act or omission of the Board in the performance of its functions under the Regulations are extinguished:
 - (e) no legal proceedings, except for judicial review, may be taken in respect of any act or omission of the Board relating to, or arising from, the performance of its functions under the Regulations.
- (2) The assets vest in the same proportion as the amount of fees paid by each permit holder bears to the total fees paid for export permits by all permit holders in the period of 1 October 2000 to 30 September 2001.

6 Transitional provision

- (1) On and from the commencement of this Act,—
- (a) the Director-General has, and may exercise in the name of the Board, the powers of the Board—
 - (i) to take action under any authorisation issued by the Board to ENZA under Part 2 of the Regulations:
 - (ii) to perform the functions of the Board under regulation 26(1)(b) of the Regulations:
 - (iii) to commence, carry on, or complete any action by the Board (including legal proceedings) in respect of ENZA under subparagraphs (i) and (ii):
 - (iv) to carry on, complete, enforce, or defend any legal proceedings pending by or against the Board; and
 - (b) all money payable to the Board is payable to, and recoverable by, the Director-General in the name of the Board; and
 - (c) all records and other information held by the Board and the Committee must be transferred to the Director-General.
- (2) Anything done under subsection (1)(a) has the same effect as if the Board had not been dissolved and the Regulations had not been revoked.

7 Liability of members of Board and Committee

No person who was a member of the Board or Committee is personally liable—

- (a) for any liability of the Board or Committee; or
- (b) for any act done or omitted to be done by the Board or Committee in good faith in the performance or intended performance of the functions, duties, or powers of the Board or Committee.

8 Suppliers not liable for certain losses of ENZA

- (1) On and from the commencement of this Act,—
 - (a) ENZA must not make any deductions (either directly or indirectly) from the returns payable to suppliers under a supply agreement in respect of any losses arising from the 2002 foreign exchange contracts; and
 - (b) ENZA must refund to each supplier any deductions (not already refunded) made—
 - (i) from returns paid to suppliers under a supply agreement; and
 - (ii) in respect of any losses arising from the 2002 foreign exchange contracts.
- (2) ENZA must, by 31 January 2002, provide to each supplier an audited statement of account in relation to all deductions made from the supplier's returns under the 2001 supply agreement.
- (3) The audited statement of account must include the following information:
 - (a) a schedule of payments made by ENZA to the supplier;
 - (b) an itemised list of the deductions made by ENZA from the supplier's returns under the 2001 supply agreement;
 - (c) a statement relating to the purpose of the deductions.

9 No compensation

No compensation is payable by the Crown to any person for any loss or damage arising from the enactment or operation of this Act.

10 Revocation and consequential amendments

- (1) The Regulations are revoked.

(2) *Amendment(s) incorporated in the Act(s).*

Schedule

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**Schedule of foreign exchange contracts
entered into by ENZA with Citibank NA**

Foreign exchange contracts referred to in paragraph 3 of letter from Citibank NA to ENZA dated 13 June 2001

Citibank NA reference	Citibank buys	Citibank sells	Rate	Value date
1081156313	SGD 1,000,000	NZD 1,092,776.75	0.9151	12 June 2001
1081156211	SGD 2,000,000	NZD 2,187,465.82	0.9143	25 June 2001
1081156209	SGD 2,000,000	NZD 2,195,148.72	0.9111	25 July 2001
1081156198	USD 2,500,000	NZD 4,959,333.47	0.5041	7 August 2001
1081156196	USD 2,500,000	NZD 4,960,317.46	0.5040	23 August 2001
1081157027	DEM 15,000,000	NZD 12,782,275.24	1.1735	9 July 2001
1081156192	DEM 15,000,000	NZD 12,782,275.24	1.1735	16 July 2001
1081156190	DEM 15,000,000	NZD 12,781,186.09	1.1736	23 July 2001
1081156188	DEM 15,000,000	NZD 12,781,186.09	1.1736	30 July 2001
1081156186	DEM 10,000,000	NZD 8,520,790.73	1.1736	7 August 2001
1081156184	DEM 10,000,000	NZD 8,520,064.75	1.1737	13 August 2001

**Foreign exchange contracts referred to in paragraphs 2(b)(iii) and (iv) of
letter from Citibank NA to ENZA dated 6 April 2000**

Citibank NA reference	Rate	NZD amount	DEM amount	Expiration date
658070	1.0350	57,971,014.49	60,000,000.00	28 June 2002

Citibank NA reference	Rate	NZD amount	GBP amount	Expiration date
658130	0.3375	77,037,037.04	26,000,000.00	28 June 2002

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes**1 General**

This is a reprint of the Apple and Pear Industry Restructuring Act Repeal Act 2001. The reprint incorporates all the amendments to the Act as at 31 August 2012, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Regulatory Reform (Repeals) Act 2012 (2012 No 71): section 3
