

Reprint
as at 6 November 2008

**Berryfruit Marketing Licensing
Authority (Dissolution) Regulations
1991**

(SR 1991/2)

Berryfruit Marketing Licensing Authority (Dissolution) Regulations 1991: re-
voked, on 6 November 2008, by clause 3 of the Regulations Revocation Order
2008 (SR 2008/367).

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

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Note

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

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

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

1 Title and commencement

- (1) These regulations may be cited as the Berryfruit Marketing Licensing Authority (Dissolution) Regulations 1991.
- (2) Except as provided in regulation 4(2) of these regulations, these regulations shall come into force on the day after the date of their notification in the *Gazette*.

2 Interpretation

- (1) In these regulations,—
The Act means the Primary Products Marketing Act 1953
Authority means the Berryfruit Marketing Licensing Authority established by regulation 3(1) of the Marketing Regulations
Director-General means the Director-General of Agriculture and Fisheries
Marketing Regulations means the Berryfruit Marketing Licensing Regulations 1983.
- (2) Words and expressions used in these regulations and defined in the Act or the Marketing Regulations have the meanings as so defined.

3 Dissolution of Berryfruit Marketing Licensing Authority

- (1) The Authority shall not undertake any business as a marketing licensing authority.
- (2) Notwithstanding the Marketing Regulations, no person is required to pay any amount of levy pursuant to regulation 18 of those regulations, other than an amount that the person was liable to pay before the 1st day of September 1990.
- (3) For the purposes of these regulations, no person shall have or claim any interest in any property of the Authority solely by reason of being required, under the Marketing Regulations, to be licensed by or sell blackcurrants to the Authority, or to pay a levy to the Authority.
- (4) The Authority shall—
 - (a) Continue to get in, sell, transfer, and otherwise dispose of all of its real and personal property; and
 - (b) Continue to pay or arrange to satisfy all its creditors, both secured and unsecured, and all persons with proper claims against the Authority; and

- (c) Hold funds sufficient to meet any expenses relating to its dissolution under these regulations.
- (5) On being satisfied that the provisions of subclause (4) of this regulation have been complied with, the Authority shall distribute half of its remaining assets (including such as may be on loan to any other body or bodies, but excluding the funds held under paragraph (c) of that subclause) to Blackcurrants NZ Ltd, and half to Berryfruit Export NZ Ltd.
- (6) As soon as practicable after complying with subclause (5) of this regulation, the Authority shall—
 - (a) Give the Minister its annual report and audited accounts; and
 - (b) Dispose of all its books, accounts, and records as directed by the Director-General; and
 - (c) Distribute, in equal shares to the bodies specified in subclause (5) of this regulation, any remaining funds held under subclause (4)(c) of this regulation.
- (7) If satisfied that the requirements of—
 - (a) Subclause (2) of regulation 3 of the Berryfruit Marketing Licensing Authority (Dissolution) Regulations (No 2) 1990; and
 - (b) Subclauses (2) to (6) of this regulation have been complied with,—the Authority shall advise the Director-General in writing accordingly.
- (8) On receiving advice from the Authority under subclause (7) of this regulation, the Director-General shall, by notice in the *Gazette*, dissolve the Authority with effect on a day specified in the notice.
- (9) On the dissolution of the Authority, any money remaining owing as a debt to it shall be deemed owing to the bodies specified in subclause (5) of this regulation, in equal shares.

4 Revocations

- (1) The regulations specified in the Schedule to these regulations are hereby revoked.

- (2) This regulation and the Schedule to these regulations shall come into force on the day notified in the *Gazette* pursuant to regulation 3(8) of these regulations.

**Schedule
Regulations revoked**

Reg 4

Title	Statutory Regulations Serial Number
The Berryfruit Marketing Licensing Regulations 1983.....	1983/135
The Berryfruit Marketing Licensing Regulations 1983, Amendment No 1.....	1985/132
The Berryfruit Marketing Licensing Regulations 1983, Amendment No 3.....	1989/124
The Berryfruit Marketing Licensing Regulations 1983, Amendment No 4.....	1990/19

MARIE SHROFF,
Clerk of the Executive Council.

Explanatory note

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

These regulations replace the Berryfruit Marketing Licensing Authority (Dissolution) Regulations (No 2) 1990 (SR 1990/323). Those regulations lapsed at the close of the session of Parliament that ended on 18 January 1991. They provided for the dissolution of the Berryfruit Marketing Licensing Authority constituted by the Berryfruit Marketing Licensing Regulations 1983.

Since 1 July 1990 blackcurrants have been the only berryfruit subject to those regulations and to the jurisdiction of the Authority. By virtue of the Horticultural Prescribed Products (Blackcurrants) Order 1990, blackcurrants have become a prescribed product under the New Zealand Horticulture Export Authority Act 1987 and are subject to export licensing under that Act. So there is no further need for the Authority or for the Regulations.

These regulations provide that no person needs to hold an export licence under the Berryfruit Marketing Licensing Regulations 1983. They also provide for various matters in relation to the dissolution of the Authority. After payment of the Authority's debts, its assets will be transferred to Blackcurrants NZ Ltd (which is the recognised product group for blackcurrants under the new regime) and Berryfruit Export NZ Ltd.

On being advised—

- (a) That the advertising required by regulation 3(2) of the Berryfruit Marketing Licensing Authority (Dissolution) Regulations (No 2) 1990 has been carried out; and
- (b) That all the requirements of regulation 3 of these regulations have been complied with,—

the Director-General of Agriculture and Fisheries will dissolve the Authority, by notice in the *Gazette*, on a day specified in the notice; and on that day the regulations specified in the *Schedule* to these regulations will be revoked.

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Notes**1 General**

This is an eprint of the Berryfruit Marketing Licensing Authority (Dissolution) Regulations 1991. It incorporates all the amendments to the regulations as at 6 November 2008. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

2 About this eprint

This eprint has not been officialised. For more information about officialisation, please see “Making online legislation official” under “Status of legislation on this site” in the About section of this website.

3 List of amendments incorporated in this eprint (most recent first)

Regulations Revocation Order 2008 (SR 2008/367): clause 3
