

**Reprint  
as at 18 August 2020**



**Commodity Levies (Summerfruit) Amendment Order  
2018**

(LI 2018/216)

Commodity Levies (Summerfruit) Amendment Order 2018: revoked, on 18 August 2020, pursuant to clause 39 of the Commodity Levies (Summerfruit) Order 2020 (LI 2020/141).

Rt Hon Dame Sian Elias, Administrator of the Government

**Order in Council**

At Wellington this 5th day of November 2018

Present:

Her Excellency the Administrator of the Government in Council

This order is made under section 4 of the Commodity Levies Act 1990—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Agriculture made in accordance with sections 5 and 6 of that Act.

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This order is administered by the Ministry for Primary Industries.**

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## Order

### 1 Title

This order is the Commodity Levies (Summerfruit) Amendment Order 2018.

### 2 Commencement

This order comes into force on the 28th day after the date of its notification in the *Gazette*.

Order: confirmed, on 20 December 2019, by section 12(c) of the Subordinate Legislation Confirmation Act 2019 (2019 No 82).

### 3 Principal order

This order amends the Commodity Levies (Summerfruit) Order 2014 (the **principal order**).

### 4 Clause 3 amended (Interpretation)

(1) In clause 3(1), revoke the definition of **FOB value**.

(2) In clause 3(1), insert in its appropriate alphabetical order:

**first point of sale**, in the case of export for sale, means when the summerfruit is accepted for export by a licensed summerfruit exporter

### 5 Clause 7 replaced (Calculation)

Replace clause 7 with:

#### 7 Calculation

SNZI must calculate the levy for summerfruit sold in New Zealand as follows:

- (a) on the basis of the selling price of the summerfruit, for summerfruit sold in New Zealand as whole fresh fruit or exported as whole fresh fruit by, or on behalf of, the commercial grower:
- (b) on the basis of the notional process value of the summerfruit, for summerfruit processed by, or on behalf of, the commercial grower.

**6 Clause 8 amended (Rates)**

- (1) In clause 8(2), replace “price, the notional process value, or the FOB value” with “price or the notional process value”.
- (2) In clause 8(3), replace “price, the notional process value, or the FOB value” with “price or the notional process value”.

**7 Clause 13 amended (Information to determine payment)**

Replace clause 13(1)(c) with:

- (c) the selling price and quantity of summerfruit exported by the grower.

**8 Clause 18 amended (Commercial growers)**

- (1) In clause 18(1)(c), replace “FOB value” with “selling price”.
- (2) In clause 18(1)(h), replace “FOB value” with “selling price”.

**9 Clause 19 amended (Collection agents)**

In clause 19(1)(e), replace “FOB value” with “selling price”.

**10 Clause 20 amended (SNZI)**

In clause 20(1)(e), delete “, FOB value,”.

Rachel Hayward,  
acting for Clerk of the Executive Council.

## Explanatory note

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

This order, which comes into force on the 28th day after the date of its notification in the *Gazette*, amends the Commodity Levies (Summerfruit) Order 2014. It removes the expression FOB value and instead uses selling price, for which a definition is already provided.

This order is a confirmable instrument under section 47B of the Legislation Act 2012. It is revoked at the close of 31 December 2019, unless earlier confirmed by an Act of Parliament. That stated time is the applicable deadline under section 47C(1)(b) of that Act.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 8 November 2018.

## Reprints notes

### **1** *General*

This is a reprint of the Commodity Levies (Summerfruit) Amendment Order 2018 that incorporates all the amendments to that order as at the date of the last amendment to it.

### **2** *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3** *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4** *Amendments incorporated in this reprint*

Commodity Levies (Summerfruit) Order 2020 (LI 2020/141): clause 39

Subordinate Legislation Confirmation Act 2019 (2019 No 82): section 12(c)