

Reprint

as at 6 November 2008

Citrus Marketing Authority (Dissolution) Regulations 1981

(SR 1981/353)

Citrus Marketing Authority (Dissolution) Regulations 1981: revoked, on 6 November 2008, by clause 3 of the Regulations Revocation Order 2008 (SR 2008/367).

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.

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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.

This order is administered in the Ministry of Agriculture and Fisheries.

1 Title and commencement

- (1) These regulations may be cited as the Citrus Marketing Authority (Dissolution) Regulations 1981.
- (2) Except as provided in subclause (3) of this regulation, these regulations shall come into force on the day after the date of their notification in the *Gazette*.
- (3) Regulation 4 of these regulations shall come into force on the 30th day of November 1982.

2 Interpretation

- (1) In these regulations,—

Act means the Primary Products Marketing Act 1953

District, in relation to a grower co-operative, means that area agreed to be the area within which the grower co-operative will work

Grower co-operative means the Gisborne Fruitpac Co-operative Limited, the Taura Fruit Industries Co-operative Limited, or the Keri Packers Co-operative Limited, being in each case a co-operative fruit packing company registered under the Co-operative Companies Act 1956

Marketing regulations means the Citrus Marketing Authority Regulations 1966¹.

- (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 Citrus Marketing Authority

- (1) The Citrus Marketing Authority shall, upon the date of commencement of this regulation,—
 - (a) Cease all business as a marketing authority; and
 - (b) As soon as practicable after that date, by advertisement in any daily newspaper or newspapers circulating gen-

¹ SR 1966/64

Amendment No 1: SR 1968/216

Amendment No 2: SR 1976/11

Amendment No 3: SR 1979/244

erally in its area of operations, give public notice of its proposed dissolution and call for any claims against the Authority (of which it is not already aware) to be made in writing to the Authority within a period ending not less than 1 month after the date of the advertisement (in this regulation referred to as the due date).

- (2) Notwithstanding the marketing regulations, no person shall, on or after the commencement of this regulation, be required to hold, apply for, or renew any licence which, except for this subclause, they would otherwise be required to do.
- (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 to sell fruit to or to pay a levy to the Authority.
- (4) As soon as practicable after the due date the Authority shall—
 - (a) Subject to subclause (5) of this regulation, get in, sell, transfer, or otherwise dispose of all of its real and personal property; and
 - (b) Pay or arrange to satisfy all of its creditors, both secured and unsecured, and all persons with proper claims against the Authority.
- (5) The Authority shall, as far as may be practicable, sell any property situated within the district of a grower co-operative to that co-operative at the value reflected in the audited accounts of the Authority as at the 30th day of November 1980; but the Authority shall not, in the first instance, require the payment of such part of the sale price payable by each grower co-operative as is set out in the following table:
Gisborne Fruitpac Co-operative Ltd, \$90,194:
Taura Fruit Industries Co-operative Ltd, \$199,495:
Keri Packers Co-operative Ltd, \$64,609.
- (6) From the proceeds received from grower co-operatives pursuant to subclause (5) of this regulation, the Authority shall hold the sum of \$13,472 to the credit of the Auckland Citrus Growers' Association Limited and, as soon as practicable after determining whether the provisions of subclause (7) of this regulation apply in respect of that sum, shall pay that sum or the balance thereof (if any) to the Association.

- (7) If (without recourse to the money not collected under subclause (5) of this regulation or to the money held on credit under subclause (6) of this regulation) there is a deficiency in the funds of the Authority, then, to the extent of the deficiency, recourse shall be had to that money not collected and to the money so held on credit in the following proportions of the deficiency:
- From the Gisborne Fruitpac Co-operative Ltd, 28 percent:
From the Taura Fruit Industries Co-operative Ltd, 48 percent:
From the Keri Packers Co-operative Ltd, 21.5 percent:
From the Auckland Citrus Growers' Association Ltd, 2.5 percent:
- Provided that, if (without such recourse) there is a surplus in the funds of the Authority, the surplus shall be distributed to the same bodies in like proportion.
- (8) On being satisfied that the requirements of this regulation have been complied with, the Authority, under its common seal, shall advise the Director-General of Agriculture and Fisheries in writing accordingly, and shall also, pursuant to the direction of the Director-General, dispose of the common seal and all books, accounts, and records of the Authority.
- (9) Upon receipt of the advice of the Authority under subclause (8) of this regulation, the Director-General shall give notice in the *Gazette* that the Citrus Marketing Authority is thereby dissolved as from the date specified in the notice.
- (10) Upon the date of dissolution of the Authority, any money remaining owing as a debt to the Authority pursuant to subclause (5) of this regulation shall be deemed to be forgiven without liability for any gift duty.

4 Revocations

The following regulations are hereby revoked:

- (a) The Citrus Marketing Authority Regulations 1966:
- (b) The Citrus Marketing Authority Regulations 1966, Amendment No 1:
- (c) The Citrus Marketing Authority Regulations 1966, Amendment No 2:

- (d) The Citrus Marketing Authority Regulations 1966,
Amendment No 3.

P G MILLEN,
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 provide for the dissolution of the Citrus Marketing Authority and, after payment of its debts, the transference of its property to various grower co-operatives set up to take over most of the Authority's functions.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 17 December 1981.

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Notes**1 General**

This is an eprint of the Citrus Marketing Authority (Dissolution) Regulations 1981. 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
