

Reprint
as at 1 October 2002

Securities Act (Data Advantage Limited) Exemption Notice 2001

(SR 2001/312)

The Securities Act (Data Advantage Limited) Exemption Notice 2001: expired, on 1 October 2002, by regulation 3.

Pursuant to the Securities Act 1978, the Securities Commission gives the following notice.

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1 Title	
This notice is the Securities Act (Data Advantage Limited) Exemption Notice 2001.	

Note

This notice is administered in the Securities Commission.

2 Commencement

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

3 Expiry

This notice expires on the close of 30 September 2002.

4 Interpretation

(1) In this notice, unless the context otherwise requires,—

Act means the Securities Act 1978

Baycorp means Baycorp Holdings Limited

Baycorp shareholders means the shareholders of Baycorp as at the effective date

Court order means a Court order under Part 15 of the Companies Act 1993 concerning the proposed arrangement

effective date means the date on which the proposed arrangement becomes effective as an arrangement in accordance with Part 15 of the Companies Act 1993 and the date of the Court order

information memorandum means the information memorandum that contains a report on the proposed arrangement required by a Court order

proposed arrangement means the proposal to merge Baycorp and Data Advantage Limited under an arrangement that is to be approved at an annual meeting of Baycorp shareholders and by the High Court of New Zealand in accordance with Part 15 of the Companies Act 1993

Regulations means the Securities Regulations 1983

specified securities means the securities in Data Advantage Limited that, under the arrangement, will be issued to Baycorp shareholders.

(2) Any term or expression that is defined in the Act or the Regulations and used, but not defined, in this notice has the same meaning as in the Act or the Regulations.

5 Exemptions

Baycorp, Data Advantage Limited, and every person acting on behalf of either or both of them are exempted from sections 37, 37A, and 38 to 44 of the Act and the Regulations (except regulation 8) in respect of any specified securities.

6 Conditions

The exemptions are subject to the condition that—

- (a) the information memorandum is distributed to Baycorp shareholders with a notice of the annual meeting; and
- (b) the specified securities are quoted, or, before the specified securities have been issued to Baycorp shareholders, have been accepted for quotation, on the Australian Stock Exchange and on the New Zealand Stock Exchange.

Dated at Wellington this 9th day of October 2001.

The Common Seal of the Securities Commission was affixed in the presence of:

J. Diplock,
Chairperson.

Explanatory note

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

This notice comes into force on the day after the date of its notification in the *Gazette* and expires on the close of 30 September 2002.

This notice exempts Baycorp Holdings Limited and Data Advantage Limited, subject to conditions, from section 37, 37A, and 38 to 44 of the Securities Act 1978 and from the Securities Regulations 1983 (except regulation 8) in the case of certain securities offered under an arrangement under Part 15 of the Companies Act 1993 that merges Baycorp Holdings Limited and Data Advantage Limited.