

## Reprint

as at 1 January 2009

# Securities Act (Calibre Asset Services Limited) Exemption Notice 2004

(SR 2004/4)

Securities Act (Calibre Asset Services Limited) Exemption Notice 2004: expired, on 1 January 2009, by clause 3.

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

### Contents

	Page
1 Title	2
2 Commencement	2
3 Expiry	2
4 Interpretation	2
5 Exemptions	3
6 Conditions of exemption in clause 5(a)	3
7 Condition of exemption in clause 5(b)	4
8 Condition of exemption in clause 5(ba)	4

---

#### 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 notice is administered in the Securities Commission.**

---

**Schedule**  
**Australian unit trusts**  
*[Revoked]*

---

4

**1 Title**

This notice is the Securities Act (Calibre Asset Services Limited) Exemption Notice 2004.

**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 31 December 2008.

**4 Interpretation**

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

**Act** means the Securities Act 1978

**Australian unit trust** means a unit trust—

- (a) established under the laws of Australia; and
- (b) governed by a trust deed entered into by Calibre and dated 18 August 2003 (as modified from time to time)

Australian unit trust: this definition was inserted, as from 30 September 2005, by clause 3(1) Securities Act (Calibre Asset Services Limited) Exemption Amendment Notice (No 2) 2005 (SR 2005/274).

**Calibre** means Calibre Asset Services Limited, a company incorporated in Mauritius

**Regulations** means the Securities Regulations 1983

**specified participatory securities** means any interests or rights to participate in any capital, assets, earnings, or other property of an Australian unit trust; and includes any renewal or variation of the terms or conditions of any of those interests or rights

specified participatory securities: this definition was substituted, as from 10 June 2005, by clause 3 Securities Act (Calibre Asset Services Limited) Exemption Amendment Notice 2005 (SR 2005/145).

specified participatory securities: this definition was amended, as from 30 September 2005, by clause 3(2) Securities Act (Calibre Asset Services Limited) Ex-

emption Amendment Notice (No 2) 2005 (SR 2005/274) by omitting the words “listed in the Schedule”.

**unit holder** means a holder of specified participatory securities.

- (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**

Calibre and every person acting on its behalf are exempted in respect of the specified participatory securities from—

- (a) section 37(3) of the Act; and
- (b) section 54 of the Act; and
- (ba) clause 1(4) of Schedule 3 of the Regulations; and
- (c) clause 7(5) of Schedule 3 of the Regulations; and
- (d) clause 4(1)(a) of Schedule 7 of the Regulations.

Paragraph (ba) was inserted, as from 10 June 2005, by clause 4 Securities Act (Calibre Asset Services Limited) Exemption Amendment Notice 2005 (SR 2005/145)

## **6 Conditions of exemption in clause 5(a)**

- (1) The exemption in clause 5(a) is subject to the conditions that—
- (a) Calibre must not allot the specified participatory securities unless the allottee has, before the allotment, authorised the allotment in writing; and
  - (b) if any scheme for ongoing subscriptions of specified participatory securities is offered, the investment statement for the specified participatory securities contains a clear statement explaining how a unit holder can change an ongoing subscription for the securities.
- (2) For the purpose of subclause (1), an allotment is authorised by an allottee if the allottee—
- (a) authorises the particular allotment; or
  - (b) authorises an allotment to be made from time to time, and the particular allotment is made under that authority.

- 7 Condition of exemption in clause 5(b)**  
The exemption in clause 5(b) is subject to the condition that Calibre must send, or cause to be sent, to a unit holder at any time on request, and to each unit holder at least once every 6 months, a written statement that properly evidences the nature and ownership of the specified participatory securities issued by Calibre to the unit holder.
- 8 Condition of exemption in clause 5(ba)**  
The exemption in clause 5(ba) is subject to the condition that the registered prospectus relating to the specified participatory securities contains a description of the manner by which the price to be paid for the specified participatory securities is fixed.

Clause 8 was inserted, as from 10 June 2005, by clause 5 Securities Act (Calibre Asset Services Limited) Exemption Amendment Notice 2005 (SR 2005/145)

---

## Schedule

### Australian unit trusts

cl 4(1)

*[Revoked]*

The heading was amended, as from 10 June 2005, by clause 6(1) Securities Act (Calibre Asset Services Limited) Exemption Amendment Notice 2005 (SR 2005/145) by substituting the words “Australian unit” for the word “Unit”. It previously read “Unit trusts”.

The Schedule was amended, as from 10 June 2005, by clause 6(1) Securities Act (Calibre Asset Services Limited) Exemption Amendment Notice 2005 (SR 2005/145) by substituting the words “an Australian unit” for the words “a unit” wherever they occur.

The Schedule was amended, as from 10 June 2005, by clause 6(2) Securities Act (Calibre Asset Services Limited) Exemption Amendment Notice 2005 (SR 2005/145) by inserting the item relating to the FIRST UP No. 1 Fund.

The Schedule was revoked, as from 30 September 2005, by clause 4 Securities Act (Calibre Asset Services Limited) Exemption Amendment Notice (No 2) 2005 (SR 2005/274).

Dated at Wellington this 27th day of January 2004.

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

J Diplock,  
Chairperson.

[LS]

---

### **Explanatory note**

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

This notice, which comes into force on the day after the date of its notification in the *Gazette* and expires on 31 December 2008, exempts, subject to conditions, Calibre Asset Services Limited from sections 37(3) and 54 of the Securities Act 1978, clause 7(5) of Schedule 3 of the Securities Regulations 1983, and clause 4(1)(a) of Schedule 7 of the Securities Regulations 1983 in respect of specified participatory securities.

---

Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 29 January 2004.

---

**Contents**

- 1 General
  - 2 About this eprint
  - 3 List of amendments incorporated in this eprint (most recent first)
- 

**Notes****1 General**

This is an eprint of the Securities Act (Calibre Asset Services Limited) Exemption Notice 2004. It incorporates all the amendments to the notice as at 1 January 2009. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 4 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)**

Securities Act (Calibre Asset Services Limited) Exemption Notice 2004 (SR 2004/4): clause 3

---