

Reprint
as at 1 February 2008

**Securities Act (Retirement Villages) Exemption Notice 1999
Amendment Notice (No 2) 1999**

(SR 1999/265)

Securities Act (Retirement Villages) Exemption Notice 1999 Amendment Notice (No 2) 1999: expired, on 1 February 2008, pursuant to clause 1(6) of the Securities Act (Retirement Villages) Exemption Notice 1999 (SR 1999/15).

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

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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 notice is administered in the Securities Commission.

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1 Title and commencement

- (1) This notice may be cited as the Securities Act (Retirement Villages) Exemption Notice 1999 Amendment Notice (No 2) 1999, and is part of the Securities Act (Retirement Villages) Exemption Notice 1999¹ (“the principal notice”).
- (2) This notice comes into force on the day after the date of its notification in the *Gazette*.

2 Title, commencement, and expiry

Clause 1 of the principal notice is amended by revoking sub-clauses (4) and (5) and substituting the following subclauses:

- “(4) Clause 10A(1)(a) expires on the close of 31 August 1999.
- “(5) Clause 10B(1)(a) expires on the close of 30 September 2000.
- “(6) The rest of this notice expires on the close of 30 September 2003.”

3 New Part headings inserted

- (1) The principal notice is amended by inserting, after clause 1, the following heading:

**“Part1
“Preliminary provisions.”**

- (2) The principal notice is amended by inserting, before clause 4, the following heading:

¹ SR 1999/15

Amendment 1999: SR 1999/52

**“Part2
“Exemptions.”**

4 New Part inserted

The principal notice is amended by inserting, after clause 10, the following Part:

“Part3

**“Modified application of notice to certain
retirement villages**

“10A Woodlands Retirement Village Limited

“(1) Nothing in the following provisions applies to Woodlands Retirement Village Limited in respect of an offer of specified securities:

“(a) Clauses 4(2)(d), 5(2)(d), and 6(2)(e) of this notice and clauses 24 to 36 of Schedule 2:

“(b) Clause 8(3)(a) of Schedule 2 (to the extent that the financial statement in summary form relates to any of the 5 consecutive accounting periods preceding 31 March 1998).

“(2) Subclause (1) is subject to the condition that the registered prospectus contains a financial statement in summary form for the scheme for the accounting period ending on 31 March 1998, taken from Motueka Rest Homes Limited’s financial statements for that accounting period that comply with the Financial Reporting Act 1993.

“10B Fitzroy of Merivale (1999) Limited

“(1) Nothing in the following provisions applies to Fitzroy of Merivale (1999) Limited in respect of an offer of specified securities:

“(a) Clauses 4(2)(c) and (d), 5(2)(c) and (d), and 6(2)(d) and (e) of this notice and clauses 9(5)(a), 24(1)(a), 34 to 36, and 37(a) of Schedule 2:

“(b) Clause 8(1), (2), and (3)(a) of Schedule 2 to the extent that the financial statement in summary form relates to any of the 5 consecutive accounting periods ending on or before 30 April 1999.

- “(2) Subclause (1) is subject to the condition that the registered prospectus contains—
- “(a) An audited statement of financial position for the scheme as at 30 April 1999; and
 - “(b) An audited statement of financial position for Fitzroy of Merivale (1999) Limited as at 30 April 1999; and
 - “(c) A summary of statements of financial position for the scheme for each of the 1995 to 1999 financial years; and
 - “(d) Prospective statements of financial position and financial performance for the scheme for the period commencing on 30 April 1999 and ending on 31 March 2000 and for the period commencing on 1 April 2000 and ending on 31 March 2001 that—
 - “(i) Comply with the requirements of Financial Reporting Standard No 29 (Prospective Financial Information), approved under the Financial Reporting Act 1993; and
 - “(ii) Include such other information as required by generally accepted accounting practice.”

5 New Part heading inserted

The principal notice is amended by inserting, before clause 11, the following heading:

**“Part4
“Miscellaneous provisions.”**

6 Revocations

Clause 9A of the principal notice and the Securities Act (Retirement Villages) Exemption Notice 1999 Amendment Notice 1999 are consequentially revoked.

Dated at Wellington this 9th day of August 1999.

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

EH ABERNETHY, Chairman.

[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*, amends the Securities Act (Retirement Villages) Exemption Notice 1999.

That notice exempts specified issuers from certain provisions of the Securities Act 1978 and the Securities Regulations 1983 in the case of debt and participatory securities in respect of retirement villages.

This notice inserts a new Part in that notice which deals with the modified application of certain provisions of the Securities Act 1978 (Retirement Villages) Exemption Notice 1999 to certain retirement villages.

The new Part—

- Carries over the existing provisions relating to the modified application of the notice to Woodlands Retirement Village Limited: and
- Includes a new provision relating to the modified application of the notice to Fitzroy of Merivale (1999) Limited.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 12 August 1999.

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Notes**1 General**

This is an eprint of the Securities Act (Retirement Villages) Exemption Notice 1999 Amendment Notice (No 2) 1999. It incorporates all the amendments to the Securities Act (Retirement Villages) Exemption Notice 1999 Amendment Notice (No 2) 1999 as at 1 February 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)**