

**Reprint
as at 2 November 2009**



**Dairy Industry Restructuring
(Transfer of Export Licences)
Regulations 2007**
(SR 2007/394)

Anand Satyanand, Governor-General

Order in Council

At Wellington this 17th day of December 2007

Present:
His Excellency the Governor-General in Council

Pursuant to section 28A of the Dairy Industry Restructuring Act 2001, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Agriculture and Forestry.

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Regulations

- 1 Title**

These regulations are the Dairy Industry Restructuring (Transfer of Export Licences) Regulations 2007.
- 2 Commencement**

These regulations come into force on 21 December 2007.
- 3 Interpretation**

In these regulations, **Act** means the Dairy Industry Restructuring Act 2001.

Transferring export licences

4 Transferring export licences

- (1) Any person who holds an export licence may transfer all or part of the licence to another person who is eligible to hold an export licence.
- (2) However, an export licence holder—
 - (a) may transfer part of his or her export licence only if the part represents 20 metric tonnes or more of a single product to a designated market for a quota year; and
 - (b) may not transfer part of his or her export licence that has already been used.
- (3) Subclause (1) also applies to a person who is removed from the register of export licence holders, but only in relation to a licence held by the person at the time of removal.
- (4) This regulation is subject to section 28 of the Act.

*Application and registration of transfer of
export licences*

5 Application for registration

- (1) The transferor and the transferee of all or part of an export licence must jointly apply to the chief executive in writing for registration of the transfer on the register of export licence holders.
- (2) A separate application must be made for each designated market and quota year that is the subject of a transfer under these regulations.
- (3) An application must contain the information set out in section 29B(2) of the Act.
- (4) The chief executive may require the transferor or the transferee, or both, to supply information additional to that contained in the application for the purpose of determining whether to register the transfer.
- (5) If the transferor or the transferee fails to supply the information within 1 month after the request, or within such further time as the chief executive may allow, the application lapses.

- (6) If an application for the registration of a transfer of all or part of an export licence relates to period 2 of the quota year for the exporting of butter to the European Communities,—
- (a) the application must state that the transfer relates to period 2 of the quota year for the exporting of butter to the European Communities; and
 - (b) that fact must be recorded on the register of export licence holders.
- (7) In subclause (6)(a), **period 2** means a period of 6 months beginning on 1 July and ending on 31 December.

6 Registration of transfer

- (1) On receipt of a properly completed application, the chief executive must, as soon as practicable,—
- (a) register the transferee as an export licence holder if subclause (3) is satisfied; and
 - (b) notify the transferor and the transferee of the registration.
- (2) The transfer of all or part of an export licence may be registered at any time after the licence is allocated, but not during the last 15 days of the quota year to which the licence applies.
- (3) Only a person eligible to hold an export licence may be registered as an export licence holder.

Regulation 6(2): substituted, on 2 November 2009, by regulation 4 of the Dairy Industry Restructuring (Transfer of Export Licences) Amendment Regulations 2009 (SR 2009/287).

7 Effective transfer

- A transfer under these regulations becomes effective only if—
- (a) the transfer has been registered in the register of export licence holders in accordance with regulation 6; and
 - (b) the chief executive, or a person authorised by the chief executive, has notified the transferor and the transferee of the registration of the transfer.

Refusal to register and deregistration

8 Refusal to register

- (1) If the chief executive proposes to refuse to register a person as an export licence holder, the chief executive must give the transferee—
 - (a) a notice containing the grounds on which the chief executive proposes to refuse to register the transferee; and
 - (b) a copy of any information the chief executive relied on in proposing to refuse to register the transferee; and
 - (c) a reasonable opportunity to make written submissions or be heard in respect of the matter.
- (2) Where the chief executive finally determines to refuse to register a person as an export licence holder, the chief executive must as soon as practicable notify the person, in writing, of—
 - (a) the decision; and
 - (b) the reasons for the decision, and the facts on which it is based.

9 Removal from register of export licence holders

- (1) The chief executive may remove a person from the register of export licence holders if satisfied that the person is disqualified from being registered as an export licence holder by virtue of regulation 6(3).
- (2) Before removing a person from the register, the chief executive must notify the person in writing of his or her intention, giving the reasons for that intention and the facts on which it is based.

Access to register of export licence holders

10 Access to register of export licence holders

- (1) The chief executive must allow a holder of an export licence, on receipt of a written request, to inspect information on the register that relates to his or her licence.
- (2) Access must be provided during each working day at the times determined by the chief executive, and may be provided by any means the chief executive considers appropriate, including electronic means.

- (3) The chief executive must provide a copy of the information described in subclause (1) to an export licence holder on payment of the prescribed fee (if any).

Notification requirements

11 Notification

- (1) If any person is to be notified of any matter under these regulations, written notice of the matter must be given or supplied to the person either personally or by post or facsimile addressed to the person, or by electronic means acceptable to the person, at—
- (a) the person's address as given under regulation 5(3):
 - (b) the person's electronic address, if known:
 - (c) the person's last known business or residential address, in any other case.
- (2) If a solicitor represents that he or she is authorised to accept a notice on behalf of a person, it is sufficient notification to deliver the notice to the solicitor if the solicitor signs a memorandum stating that he or she accepts the notice on behalf of the person.
- (3) If a notice is posted to a person (whether physically or by electronic means), it is to be treated as having been received by the person not later than 3 days after the date on which it was posted, unless the person proves that, otherwise than through fault on the person's part, it was not so received.

Rebecca Kitteridge,
for Clerk of the Executive Council.

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Notes

1 *General*

This is a reprint of the Dairy Industry Restructuring (Transfer of Export Licences) Regulations 2007. The reprint incorporates all the amendments to the regulations as at 2 November 2009, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Dairy Industry Restructuring (Transfer of Export Licences) Amendment Regulations 2009 (SR 2009/287)
