

Reprint
as at 11 October 2002



**Health Sector (Transfer of Assets and Liabilities of Crown
Public Health Limited and CLS Properties Limited)
Order 2002
(SR 2002/333)**

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 7th day of October 2002

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 5 of the Health Sector (Transfers) Act 1993, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and on the recommendation of the Minister of Finance and the Minister of Health, makes the following order.

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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.

This order is administered by the Ministry of Health.

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Order

1 Title

This order is the Health Sector (Transfer of Assets and Liabilities of Crown Public Health Limited and CLS Properties Limited) Order 2002.

2 Commencement

This order comes into force on 7 November 2002.

3 Interpretation

In this order, unless the context otherwise requires,—

proposal means the proposal set out in the Schedule

transferee means the Canterbury DHB established by the New Zealand Public Health and Disability Act 2000

transferors means—

- (a) Crown Public Health Limited; and
- (b) CLS Properties Limited.

4 Proposal approved

The proposal is approved.

5 Date on which proposal takes effect

The proposal takes effect on 7 November 2002.

6 Provisions facilitating transfer of assets and liabilities

- (1) It is declared that, on and from 7 November 2002,—
 - (a) every reference to either of the transferors in all regulations, orders, notices, and documents is deemed to be a reference to the transferee; and
 - (b) the transferee assumes the rights and obligations of the transferors in respect of applications for rights, objections, or proceedings before any court, authority, or other person; and
 - (c) this order is deemed to be notice to all persons, and specific notice need not be given to any authority or other person.

- (2) The Registrar of Companies is directed to register the declaration referred to in subclause (1) in respect of Crown Public Health Limited and CLS Properties Limited.

Schedule

Proposal for transfer of assets and liabilities from Crown Public Health Limited and CLS Properties to Canterbury DHB

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1 Background

This proposal has been prepared in accordance with section 5 of the Health Sector (Transfers) Act 1993 for the purpose of transferring all of the assets and liabilities of Crown Public Health Limited and CLS Properties Limited to the Canterbury DHB.

2 Transferors

The transferors are—

- (a) Crown Public Health Limited; and
- (b) CLS Properties Limited.

3 Transferee

The transferee is the Canterbury DHB established by the New Zealand Public Health and Disability Act 2000.

4 Description of assets to be transferred

The assets to be transferred to the transferee are all the assets for the time being of the transferors.

5 Description of liabilities to be transferred

The liabilities to be transferred to the transferee are all the liabilities for the time being of the transferors.

6 Values attributed for purposes of transfer to assets and liabilities to be transferred

- (1) The value attributed to the assets to be transferred from—
 - (a) Crown Public Health Limited is \$1,408,000 as at 7 November 2002; and
 - (b) CLS Properties Limited is \$2,229,861 as at 7 November 2002.
- (2) The value attributed to liabilities to be transferred from—
 - (a) Crown Public Health Limited is \$1,167,000 as at 7 November 2002; and
 - (b) CLS Properties Limited is \$1,712,103 as at 7 November 2002.

7 Transfer of assets without consideration

The transferors are to transfer the assets referred to in clause 4 without receiving any asset in return.

8 Transfer of liabilities for consideration only of transfer of assets

The transferee is to incur the liabilities referred to in clause 5 for consideration only of receiving the assets referred to in clause 4.

9 Transfer date

The transfer date is 7 November 2002.

10 Date and execution

This proposal is dated 17 September 2002 and is signed by the transferring Ministers, Annette Faye King, Minister of Health, and Michael John Cullen, Minister of Finance.

Annette Faye King, Minister of Health.

Michael John Cullen, Minister of Finance.

Marie Shroff,
Clerk of the Executive Council.

Explanatory note

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

This order, which comes into force on 7 November 2002, approves a proposal that has been prepared in accordance with section 5 of the Health Sector (Transfers) Act 1993 (“the Act”). The proposal transfers all the assets and liabilities of Crown Public Health Limited and CLS Properties Limited to the Canterbury DHB. Included in the transfer are the rights and obligations of Crown Public Health Limited and CLS Properties Limited under contracts of service with their employees. Crown Health Properties Limited and CLS Properties Limited are both subsidiaries of the Canterbury DHB; which is a publicly-owned health and disability organisation under the Act.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 10 October 2002.

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- 1 General
- 2 Status of reprints
- 3 How reprints are prepared
- 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
- 5 List of amendments incorporated in this reprint (most recent first)

Notes

1 General

This is a reprint of the Health Sector (Transfer of Assets and Liabilities of Crown Public Health Limited and CLS Properties Limited) Order 2002. The reprint incorporates all the amendments to the order as at 11 October 2002, 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 New Zealand 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)***