



**THE BERRYFRUIT MARKETING LICENSING AUTHORITY
(DISSOLUTION) REGULATIONS 1990**

THOMAS EICHELBAUM,
Administrator of the Government

ORDER IN COUNCIL

At Wellington this 6th day of August 1990

Present:

THE RIGHT HON. G. W. R. PALMER PRESIDING IN COUNCIL

PURSUANT to the Primary Products Marketing Act 1953, His Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Berryfruit Marketing Licensing Authority (Dissolution) Regulations 1990.

(2) Except as provided in subclause (3) of this regulation, these regulations shall come into force on the 1st day of September 1990.

(3) Regulation 4 of these regulations shall come into force on the date of dissolution as notified in the *Gazette* pursuant to regulation 3 (8) of these regulations.

2. Interpretation—(1) In these regulations,—

“Act” means the Primary Products Marketing Act 1953:

“Director-General” means the Director-General of Agriculture and Fisheries:

“Marketing Regulations” means the Berryfruit Marketing Licensing Regulations 1983*.

(2) Words and expressions used in these regulations and defined in the Act or the Marketing Regulations have the meanings as so defined.

3. Dissolution of Berryfruit Marketing Licensing Authority—

(1) The Berryfruit Marketing Licensing Authority shall, upon the date of commencement of this regulation,—

(a) Cease all business as a marketing licensing authority; and

(b) As soon as practicable after that date, by advertisement in any daily newspaper or newspapers circulating generally in its area of operations, give notice of its proposed dissolution and call for any claims against the Authority (of which it is not already aware) to be made in writing to the Authority within a period ending not less than one month after the date of the advertisement (in this regulation referred to as the due date).

(2) Notwithstanding the Marketing Regulations, no person shall, on or after the commencement of this regulation, be required to—

(a) Hold, apply for, or renew any licence, which, except for this subclause, that person would otherwise be required to do pursuant to the Marketing Regulations; or

(b) Pay any levy pursuant to regulation 18 of the Marketing Regulations, other than a levy which the person was liable to pay before the commencement of this regulation.

(3) For the purposes of these regulations, no person shall have or claim any interest in any property of the Authority solely by reason of being required, under the Marketing Regulations, to be licensed by or sell blackcurrants to the Authority, or to pay a levy to the Authority.

(4) As soon as practicable after the due date the Authority shall—

(a) Get in, sell, transfer, or otherwise dispose of all of its real and personal property; and

(b) Pay or arrange to satisfy all of its creditors, both secured and unsecured, and all persons with proper claims against the Authority; and

(c) Hold funds sufficient to meet any expenses relating to the dissolution of the Authority under these regulations.

(5) On being satisfied that the provisions of subclause (4) of this regulation have been complied with, the Authority shall distribute its remaining assets (including such as may be on loan to any other body or bodies) in the following proportions:

(a) To Blackcurrants NZ Ltd., 50 percent:

(b) To Berryfruit Export NZ Ltd., 50 percent.

(6) As soon as practicable after the provisions of subclause (5) of this regulation have been completed, the Authority shall—

(a) Furnish to the Minister its annual report and audited accounts; and

(b) Dispose of all books, accounts, and records of the Authority pursuant to the direction of the Director-General; and

*S.R. 1983/135

Amendment No. 1: S.R. 1985/132

Amendment No. 2: S.R. 1987/234

Amendment No. 3: S.R. 1989/124

Amendment No. 4: S.R. 1990/19

- (c) Distribute, in the proportions and to the bodies specified in subclause (5) of this regulation, such funds as may remain of those held under subclause (4) (c) of this regulation.
- (7) On being satisfied that the requirements of this regulation have been complied with, the Authority shall advise the Director-General in writing accordingly.
- (8) Upon receipt of the advice of the Authority under subclause (7) of this regulation, the Director-General shall give notice in the *Gazette* that the Berryfruit Marketing Licensing Authority is thereby dissolved as from the date specified in the notice.
- (9) Upon the date of the dissolution of the Authority, any money remaining owing as a debt to the Authority shall be deemed owing to the bodies specified in subclause (5) of this regulation, in the proportions specified in that subclause.

4. Revocations—The following regulations are hereby revoked:

- (a) The Berryfruit Marketing Licensing Regulations 1983 (S.R. 1983/135);
- (b) The Berryfruit Marketing Licensing Regulations 1983, Amendment No. 1 (S.R. 1985/132);
- (c) The Berryfruit Marketing Licensing Regulations 1983, Amendment No. 2 (S.R. 1987/234);
- (d) The Berryfruit Marketing Licensing Regulations 1983, Amendment No. 3 (S.R. 1989/124);
- (e) The Berryfruit Marketing Licensing Regulations 1983, Amendment No. 4 (S.R. 1990/19).

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations provide for the dissolution of the Berryfruit Marketing Licensing Authority constituted by the Berryfruit Marketing Licensing Regulations 1983.

Since 1 July 1990 blackcurrants have been the only berryfruit subject to those regulations and to the jurisdiction of the Authority. By virtue of the Horticultural Prescribed Products (Blackcurrants) Order 1990, blackcurrants are to become a prescribed product under the New Zealand Horticultural Export Authority Act 1987 and will be subject to export licensing under that Act, hence there is no further need for the Berryfruit Marketing Licensing Authority or for the Berryfruit Marketing Licensing Regulations 1983.

Regulation 3 comes into force on 1 September 1990, and provides that from that date no person will need to hold an export licence under the Berryfruit Marketing Licensing Regulations 1983. The regulation also provides for various matters in relation to the dissolution of the Authority. After payment of its debts, the Authority's assets will be transferred to Blackcurrants NZ Ltd. (which is to be the recognised product group for blackcurrants under the new regime) and Berryfruit Export NZ Ltd.

Upon being advised that all the requirements of *regulation 3* have been complied with, the Director-General of Agriculture and Fisheries will notify the date of dissolution of the Authority in the *Gazette*, and on that date the Berryfruit Marketing Licensing Regulations specified in *regulation 4* will be revoked.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 9 August 1990.

These regulations are administered in the Ministry of Agriculture and Fisheries.