



**THE BERRYFRUIT MARKETING LICENSING AUTHORITY  
(DISSOLUTION) REGULATIONS (NO. 2) 1990**

---

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 23rd day of October 1990

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Primary Products Marketing Act 1953, His Excellency the Governor-General, 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 (No. 2) 1990.

(2) Regulation 4 of these regulations shall come into force on the day notified in the *Gazette* pursuant to regulation 3 (9) of these regulations.

(3) Except as provided in subclause (2) of this regulation, these regulations shall come into force on the day after the date of their notification in the *Gazette*.

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

“The Act” means the Primary Products Marketing Act 1953:

“Authority” means the Berryfruit Marketing Licensing Authority established by regulation 3 (1) of the Marketing Regulations:

“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 Authority shall not undertake any business as a marketing licensing authority.

(2) As soon as is practicable after the commencement of this regulation, the Authority shall, by advertisement in any daily newspaper or newspapers circulating generally in its area of operations,—

(a) Give notice of its impending dissolution; and

(b) Call for any claims against it (of which it has not already been made aware) to be made to it in writing within a period ending with the day 31 days after the date of the notification of these regulations in the *Gazette*.

(3) Notwithstanding the Marketing Regulations, no person is required to pay any amount of levy pursuant to regulation 18 of those regulations, other than an amount that the person was liable to pay before the 1st day of September 1990.

(4) 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.

(5) The Authority shall—

(a) Continue to get in, sell, transfer, and otherwise dispose of all of its real and personal property; and

(b) Continue to pay or arrange to satisfy all 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 its dissolution under these regulations.

(6) On being satisfied that the provisions of subclause (5) of this regulation have been complied with, the Authority shall distribute half of its remaining assets (including such as may be on loan to any other body or bodies, but excluding the funds held under paragraph (c) of that subclause) to Blackcurrants NZ Ltd., and half to Berryfruit Export NZ Ltd.

(7) As soon as practicable after complying with subclause (6) of this regulation, the Authority shall—

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

(b) Dispose of all its books, accounts, and records as directed by the Director-General; and

(c) Distribute, in equal shares to the bodies specified in subclause (6) of this regulation, any remaining funds held under subclause (5) (c) of this regulation.

(8) If satisfied that the requirements of subclauses (2) to (7) of this regulation have been complied with, the Authority shall advise the Director-General in writing accordingly.

(9) On receiving advice from the Authority under subclause (8) of this regulation, the Director-General shall, by notice in the *Gazette*, dissolve the Authority with effect on a day specified in the notice.

(10) On the dissolution of the Authority, any money remaining owing as a debt to it shall be deemed owing to the bodies specified in subclause (6) of this regulation, in equal shares.

**4. Revocations**—The following regulations are hereby revoked:

- (a) The Berryfruit Marketing Licensing Regulations 1983:
- (b) The Berryfruit Marketing Licensing Regulations 1983, Amendment No. 1:
- (c) The Berryfruit Marketing Licensing Regulations 1983, Amendment No. 2:
- (d) The Berryfruit Marketing Licensing Regulations 1983, Amendment No. 3:
- (e) The Berryfruit Marketing Licensing Regulations 1983, Amendment No. 4.

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 replace the Berryfruit Marketing Licensing Authority (Dissolution) Regulations 1990, which lapsed at the close of the session of Parliament recently ended. Those regulations provided 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 have become a prescribed product under the New Zealand Horticultural Export Authority Act 1987 and are subject to export licensing under that Act. So there is no further need for the Authority or for the Regulations.

These regulations provide that no person needs to hold an export licence under the Berryfruit Marketing Licensing Regulations 1983. They also provide for various matters in relation to the dissolution of the Authority. After payment of the Authority's debts, its assets will be transferred to Blackcurrants NZ Ltd. (which is the recognised product group for blackcurrants under the new regime) and Berryfruit Export NZ Ltd.

On being advised that all the requirements of regulation 3 have been complied with, the Director-General of Agriculture and Fisheries will dissolve the Authority by notice in the *Gazette*, on a day specified in the notice; and on that day the 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*: 25 October 1990.

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