



Securities Act (Apatā Centrepac Limited) Exemption Notice 2002

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

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Notice

1 Title

This notice is the Securities Act (Apatā Centrepac Limited) Exemption Notice 2002.

2 Commencement

This notice comes into force on the day after the date of its notification in the *Gazette*.

3 Expiry

This notice expires on the close of 14 February 2007.

4 Interpretation

(1) In this notice, unless the context otherwise requires,—

Act means the Securities Act 1978

company means Apatā Centrepac Limited

Regulations means the Securities Regulations 1983

specified equity security means an equity security offered by the company to any person who is, or is to be, a transacting shareholder

transacting shareholder means, in relation to the company, any person who would be a transacting shareholder under section 4 of the Co-operative Companies Act 1996 if the company was a co-operative company under that Act.

- (2) Any term or expression that is defined in the Act or the Regulations and used, but not defined, in this notice has the same meaning as in the Act or the Regulations.

5 Exemption

The company and every person acting on its behalf are exempted in respect of any specified equity securities from—

- (a) sections 37A(1)(c), 37A(2), and 54 of the Act; and
- (b) clauses 5, 8 to 11, 15, 16, 19, and 22 to 38 of the First Schedule of the Regulations; and
- (c) clauses 4, 5A, 6, 7, 12 to 14, 17, 18, 20, and 40 to 42 of the First Schedule of the Regulations.

6 Conditions

- (1) The exemption granted by clause 5(a) is subject to the condition that a copy of the most recent audited financial statements or group financial statements of the company, being financial statements that comply with the Financial Reporting Act 1993, is attached to, or is contained in, every copy of the registered prospectus sent to a person under section 54B of the Act.
- (2) The exemption granted by clause 5(c) is subject to the condition that the information required by those clauses is contained in every annual report for the company.

Dated at Wellington this 11th day of February 2002.

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

[L.S.]

J. Diplock,
Chairperson.

Explanatory note

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

This notice comes into force on the day after the date of its notification in the *Gazette* and expires on 14 February 2007. Apata Centrepac Limited (**Apata**) operates in a similar manner to a co-operative company. However, as Apata has chosen not to register as a co-operative company, the exemptions given to co-operative companies in the Securities Act (Co-operative Companies) Exemption Notice (No 2) 1997 do not apply.

This notice exempts Apata from the same provisions of the Securities Act 1978 and the Securities Regulations 1983 as the co-operative companies, although the conditions of the exemptions vary slightly. The effect of the exemptions is to allow Apata to use an evergreen prospectus. Information that would normally be required in the prospectus is to be disclosed in Apata's annual report.

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

Date of notification in *Gazette*: 14 February 2002.

This notice is administered in the Securities Commission.
