



## Securities Act (Kingfish Limited) Exemption Notice 2004

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 (Kingfish Limited) Exemption Notice 2004.

#### 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 31 December 2004.

#### 4 Interpretation

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

**Act** means the Securities Act 1978

**issuer** means Kingfish Limited

**Regulations** means the Securities Regulations 1983

**specified securities** means ordinary shares in the issuer offered to the public by the issuer.

- (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 from clause 10(1)(c) of First Schedule of Regulations**

The issuer and every person acting on its behalf are exempted from clause 10(1)(c) of the First Schedule of the Regulations in respect of the specified securities.

## **6 Conditions to clause 5**

- (1) The exemption in clause 5 is subject to the condition that—
- (a) the specified securities are quoted, or approved for quotation, on a securities market operated by New Zealand Exchange Limited; or
  - (b) application has been made to New Zealand Exchange Limited for quotation of the specified securities and, at the time of the offer of the specified securities, the issuer has complied with all the requirements of New Zealand Exchange Limited relating to the application with which it must comply at that time.
- (2) The exemption in clause 5 is subject to the condition that the registered prospectus relating to the offer of the specified securities contains, in the place where the prospective statement of cash flows required by clause 10(1)(c) of the First Schedule of the Regulations would otherwise have been set out,—
- (a) a statement of the issuer's reasons for not providing the prospective statement of cash flows required by clause 10(1)(c); and
  - (b) a statement to the effect that investors should regard investment in the issuer as high risk.

Dated at Wellington this 24th day of February 2004.

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

[L.S.]

F. R. S. Clouston,  
Member.

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### **Explanatory note**

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

This notice, which comes into force on the day after the date of its notification in the *Gazette* and expires on 31 December 2004, exempts Kingfish Limited and every person acting on its behalf, subject to conditions, from clause 10(1)(c) of the First Schedule of the Securities Regulations 1983 in respect of an offer to the public of its ordinary shares.

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

Date of notification in *Gazette*: 26 February 2004.

This notice is administered in the Securities Commission.

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