



ANALYSIS

Title
1. Short Title

2. New sections substituted
 2A. Minister may set maximum and minimum amount, and rate, of levy
 3. Occupiers of orchards to pay levy

1988, No. 224

An Act to amend the Orchard Levy Act 1953

[16 December 1988

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Orchard Levy Amendment Act 1988, and shall be read together with and deemed part of the Orchard Levy Act 1953 (hereinafter referred to as the principal Act).

2. New sections substituted—(1) The principal Act is hereby amended by repealing section 3 (as substituted by section 3 (1) of the Orchard Levy Amendment Act 1985), and substituting the following sections:

“2A. Minister may set maximum and minimum amount, and rate, of levy—(1) Subject to subsection (2) of this section, the Minister may from time to time, by notice in the *Gazette*, fix—

“(a) A maximum amount for the levy payable under section 3 of this Act (being an amount of not more than \$1,200); and

“(b) A minimum amount for that levy (being an amount of at least \$120); and

“(c) A rate (being a rate of not more than \$30 per hectare) for the calculation of that levy.

“(2) The Minister shall not fix any amounts and rate under subsection (1) without first having—

“(a) Asked the Federation to recommend amounts and a levy; and

“(b) Considered any recommendation made by the Federation within a reasonable time of its being asked.

“**3. Occupiers of orchards to pay levy**—(1) In this section,—

“‘Calculated amount’, in relation to any person who, on the 31st day of January in any year, was the occupier of an orchard, means an amount calculated at the rate (per hectare of the aggregate area of all orchards of which the person was occupier on that day) that was in force under section 2A (1) (c) of this Act on that day:

“‘Maximum amount’, in relation to the 31st day of January in any year, means the amount that was in force under section 2A (1) (a) of this Act on that day:

“‘Minimum amount’, in relation to the 31st day of January in any year, means the amount that was in force under section 2A (1) (b) of this Act on that day.

“(2) Every person who on the 31st day of January in any year is the occupier of an orchard shall pay to the Federation in the month of March in that year a levy calculated in accordance with subsection (3) of this section.

“(3) The following provisions shall apply to the calculation of the levy in respect of the occupier of any orchard:

“(a) If the calculated amount for the aggregate area of all the occupier’s orchards is more than the maximum amount, the levy payable is the maximum amount:

“(b) If the calculated amount for the aggregate area of all the occupier’s orchards is less than the minimum amount, the levy payable is the minimum amount:

“(c) In every other case, the calculated amount for the aggregate area of all the occupier’s orchards is the levy payable.”

(2) Section 3 of the Orchard Levy Amendment Act 1985 is hereby consequentially repealed.