



NEWS RELEASE

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ENERGY TRUST TO SEEK HIGH COURT RULING TO CLARIFY TRUST DEED - HORIZON ENERGY TAKEOVER NOT PROCEEDING

The Eastern Bay Energy Trust is to make an application to the High Court to clarify matters under its trust deed that have arisen related to its proposed takeover offer for the remaining shares in Horizon Energy Distribution Limited.

Last Friday, Matata-based Te Mana o Ngati Rangitahi Trust sought an interim injunction to stop the counting of votes in a poll of Horizon consumers (the beneficiaries of the Eastern Bay Energy Trust). The court at that time did not halt the counting but the Eastern Bay Energy Trust agreed not to announce the result of the poll until a substantive hearing on the injunction, which was to take place in Auckland today (Wednesday, February 10).

“The Eastern Bay Energy Trust has subsequently considered certain matters raised in the injunction application, and the trustees have taken specialist legal advice in relation to the terms of the trust deed, which has led to a decision to seek a High Court ruling,” said energy trust chairman David Bulley.

“The injunction has now been withdrawn pending the Eastern Bay Energy Trust making application to the High Court for clarification of the issues, which relate to the powers of the trustees under the trust deed to acquire further shares in Horizon. At the same time the Eastern Bay Energy Trust has agreed to suspend the takeover offer process until a determination has been handed down by the Court. Therefore, the current proposed takeover offer will not be proceeding.”

Mr Bulley said the energy trust had in discussions sought to have the result of the poll released, but the Ngati Rangitahi Trust had not agreed. The poll result has not been disclosed to the trustees.

The Eastern Bay Energy Trust currently holds 77.3% of the shares in Horizon Energy.

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