



ANALYSIS

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1948, No. 3

AN ACT to amend the Fertilizers Act, 1927. Title.
[14th July, 1948]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Fertilizers Amendment Act, 1948, and shall be read together with and deemed part of the Fertilizers Act, 1927 (hereinafter referred to as the principal Act). Short Title.

2. Section two of the principal Act is hereby amended by omitting the definition of the term "manufacture", and substituting the following new definition:— Definition of "manufacture".

“ ‘Manufacture’ includes packing for sale, and also mixing substances, whether mechanically or by hand, to form a fertilizer of more than one component; and ‘manufactured’ and ‘manufacturer’ have corresponding meanings:”.

Section 22 of principal Act (as to false representation as to fertilizer) amended.

3. Section twenty-two of the principal Act is hereby amended by repealing paragraph (*d*) and substituting the following new paragraphs:—

“(d) Sell any fertilizer which fails to conform to any standard of quality, purity, fineness, or composition prescribed in respect thereof, or of which any ingredient or component fails to comply with any such standard as aforesaid:

“(e) On the taking of any sample by an Inspector pursuant to sections twelve and thirteen of this Act, gives an invoice certificate at variance with the true particulars of the fertilizer, if such variance would be materially to the prejudice of a purchaser.”

Extending power to make regulations.

4. Section twenty-eight of the principal Act is hereby amended by repealing paragraph (*g*) of subsection one and substituting the following new paragraphs:—

“(g) Prescribing standards of quality, purity, fineness, and composition in respect of any fertilizer or in respect of any substance used in the manufacture of any fertilizer or of any ingredient or component thereof:

“(gg) Regulating, restricting, or prohibiting the manufacture, sale, supply, acquisition, distribution, or use of any fertilizer:”

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Returns to be furnished by manufacturers.

5. The principal Act is hereby further amended by inserting, after section twenty-three, the following new section:—

“23A. (1) Every manufacturer of fertilizer shall from time to time furnish to the Director-General, when required so to do by notice in writing given to him by the Director-General, a return giving such particulars as may be required in the notice with respect to the following matters, namely:—

“(a) The quantities of materials received, used or otherwise disposed of, or held in stock by the manufacturer for the purpose of the manufacture of fertilizer:

“(b) The number of containers received, used, or held in stock by the manufacturer for the purpose of packing fertilizer, and the number of such containers sold, delivered, or otherwise disposed of:

“(c) The quantities of fertilizer manufactured, held in stock, sold, delivered, or otherwise disposed of by the manufacturer.

“(2) Every manufacturer commits an offence against this Act who—

“(a) Fails or refuses to furnish any return required under subsection one of this section:

“(b) Knowingly makes any false or misleading statement in, or any material omission from, any such return as aforesaid.”