

Serial Number 1951/22

THE POTATO GROWING INDUSTRY REGULATIONS 1951

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 20th day of
February, 1951

Present :

THE HON. K. J. HOLYOAKE PRESIDING IN COUNCIL

PURSUANT to the Potato Growing Industry Act, 1950, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. These regulations may be cited as the Potato Growing Industry Regulations 1951 and shall come into force on the 1st day of March, 1951.

2. In these regulations, unless the context otherwise requires,—

“ Authorized wholesaler ” means a person authorized under section 20 of the Potato Growing Industry Act, 1950, to purchase potatoes in respect of which contracts have been made :

“ Board ” means the Potato Board established under the Potato Growing Industry Act :

“ Contract ” means a contract entered into between the Board or any of its authorized agents and a grower :

“ Grower ” means a person engaged in the business of growing potatoes for sale :

“ Levy ” means the levy payable pursuant to section 15 of the Potato Growing Industry Act, 1950, and to a resolution of the Board published in the *Gazette* of the 15th day of February, 1951.

3. These regulations apply to main crop potatoes in respect of which a levy is payable and which are grown in New Zealand in districts other than the North Auckland, South Auckland, Taranaki, or Gisborne Land Districts, or the Waimarino County of the Wellington Land District.

4. (1) Where a levy is payable by a grower in respect of potatoes that are subject to a contract the following provisions shall apply :—

(a) Where the potatoes are sold to the Board, the levy shall be deducted by the Board from the purchase price payable to the grower :

- (b) Where the potatoes are sold to an authorized wholesaler, the levy shall be deducted by that wholesaler from the purchase price payable to the grower :
- (c) Where the potatoes are, with the prior approval of the Board, sold to some person other than the Board or an authorized wholesaler, the levy shall be paid to such person as may be directed by the Board by notice in that behalf given to the grower. In the absence of any such direction the levy shall be paid either to the Board or to an authorized wholesaler.
- (2) Where a levy is payable by a grower in respect of potatoes that are not subject to a contract, the following provisions shall apply :—
- (a) Where the potatoes are sold to an authorized wholesaler the levy shall be deducted by that wholesaler from the purchase price payable to the grower :
- (b) Where the potatoes are sold to a person who is not an authorized wholesaler the levy shall be paid either to the Board, or to an authorized wholesaler.
- (3) In any case to which paragraph (c) of subclause (1) or paragraph (b) of subclause (2) of this regulation applies, the levy payable by the grower shall be paid by him before the potatoes in respect of which the levy is payable are delivered to the purchaser.
- (4) The Board shall, on the request of any grower who has not entered into a contract with the Board or with any of its authorized agents, deliver to the grower a list of authorized wholesalers residing or carrying on business in the district in which the grower carries on his business.
5. Every authorized wholesaler who, in accordance with these regulations, receives any levy, whether deducted by him from the purchase price payable to the grower or paid directly by the grower, shall, at the end of each calendar month, forward to the Board the total amount so received by him together with a statement, in a form approved by the Board, showing details of the amounts received.
6. (1) Every grower of potatoes in respect of which a levy is payable shall, on demand by the Board or by an officer of the Board authorized in that behalf, forward to the Board a statement setting out :—
- (a) The area of land used by him in the current or immediately preceding season for the growing of potatoes ; and
- (b) The quantity of potatoes grown on the area referred to in paragraph (a) hereof and sold by the grower.
- (2) With each statement forwarded in accordance with subclause (1) of these regulations, the grower shall produce evidence of the payment of any levy payable by him.
7. The amount of any levy payable by a grower shall constitute a debt due from the grower to the Board and may be recovered accordingly in any Court of competent jurisdiction.
8. (1) The Travelling Allowance Regulations 1949* shall apply to and be deemed to be incorporated in these regulations so as to relate to the Board and to the members thereof.
- (2) The subsistence allowance referred to in regulation 5 of the Travelling Allowance Regulations 1949* shall be at such rate as the Minister of Finance from time to time approves in that behalf.

* Statutory Regulations 1949, Serial number 1949/94, page 387.

(3) The mileage allowance referred to in regulation 13 of the Travelling Allowance Regulations 1949* shall be at such rate as the Minister of Finance from time to time approves in that behalf.

T. J. SHERRARD,
Clerk of the Executive Council.

* Statutory Regulations 1949, Serial number 1949/94, page 387.

EXPLANATORY NOTE

[*This note is not part of the regulations but is intended to indicate their general effect.*]

The purpose of these regulations is to provide for the payment of the levy payable by growers of main crop potatoes under the Potato Growing Industry Act, 1950.

Details regarding the levy are contained in a resolution of the Board published in the *Gazette* of the 15th day of February, 1951.

The principal provisions are these—

(a) The levy is at the rate of 13s. a ton :

(b) The levy is not payable in respect of potatoes sold for the purpose of replanting or to potatoes sold as "Island smalls" for the purpose of export to the Pacific Islands :

(c) The levy is payable by all growers of main crop potatoes other than those grown in the districts mentioned in clause 3 of these regulations.

Clause 6 provides for certain information to be supplied to the Board by growers.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 22nd day of February, 1951.

These regulations are administered by the Potato Board.