

1980/16



**THE POTATO INDUSTRY (MAIN CROP LEVY)  
REGULATIONS 1980**

KEITH HOLYOAKE, Governor-General

**ORDER IN COUNCIL**

At the Government Buildings at Wellington this 11th day of February  
1980

Present:

THE RIGHT HON. R. D. MULDOON PRESIDING IN COUNCIL

PURSUANT to section 35 of the Potato Industry Act 1977, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

**ANALYSIS**

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| <ul style="list-style-type: none"> <li>1. Title and commencement</li> <li>2. Interpretation</li> <li>3. Main crop potato levy</li> </ul> |  | <ul style="list-style-type: none"> <li>4. Persons liable to pay levy</li> <li>5. Returns, and payment of levy</li> <li>6. Expenditure of levy</li> <li>7. Membership of affiliated body</li> </ul> |
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**REGULATIONS**

**1. Title and commencement**—(1) These regulations may be cited as the Potato Industry (Main Crop Levy) Regulations 1980.

(2) These regulations shall come into force on the 14th day of February 1980.

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

“The Act” means the Potato Industry Act 1977:

“Federation” means the New Zealand Potato Growers Federation Incorporated:

“Main crop potatoes” means any potatoes produced from tubers planted after the 1st day of August in any year and delivered by the grower between the 1st day of March and the last day of November in the following year to any person for the purposes of sale or of being processed, canned, or resold otherwise than by retail:

“Main crop potato levy” or “levy” means the charge on main crop potatoes imposed by regulation 3 (1) of these regulations.

**3. Main crop potato levy—**(1) Subject to these regulations, the Federation is hereby authorised to levy a charge on main crop potatoes and enforce its collection.

(2) The rates of levy shall be fixed from time to time by the Minister by notice published in the *Gazette* after receiving the recommendation of the Federation, and different rates may be fixed in respect of the sale of different quantities of main crop potatoes for different processes or end uses whether sold by an auctioneer or directly by a grower or otherwise; but no rate shall be fixed which exceeds one-quarter of one percent of the price at which the main crop potatoes are sold by or on behalf of their grower.

(3) Subject to subclause (4) of this regulation, the levy shall be payable in respect of main crop potatoes sold on and after the 1st day of the month next following the date of publication of the notice referred to in subclause (2) of this regulation.

(4) The notice referred to in subclause (2) of this regulation shall be published in the *Gazette* at least 14 days before the date on which the levy to which it relates is to take effect.

(5) If main crop potatoes are sold more than once, the levy shall be payable only in respect of the first sale by or on behalf of the grower, and no main crop potatoes shall bear the levy more than once.

**4. Persons liable to pay levy—**(1) The following persons shall be liable to pay or account for any levy:

(a) Every grower who sells main crop potatoes:

(b) Every auctioneer and wholesaler who sells any main crop potatoes on behalf of a grower:

(c) Every person who grows, or who receives or purchases from a grower, any main crop potatoes for the purpose of processing, canning, or resale otherwise than by retail.

(2) For the purposes of subsection (1) (c) of this regulation, any main crop potatoes grown or received by any person for processing or canning shall be deemed to have been sold to that person and, in the absence of a contract sale, the sale price shall be calculated as being the price the purchaser might reasonably have been expected to pay if he had bought the potatoes for processing or canning in the same locality at the same time.

(3) The date of any sale deemed to have taken place under subclause (2) of this regulation shall be deemed to be the date on which the main crop potatoes are received for processing or canning.

**5. Returns, and payment of levy—**(1) Every grower liable to pay the levy shall, unless the levy is accounted for pursuant to subclause (2) of this regulation, deliver to the Federation in respect of each year ending with the 1st day of March or such other date as the Federation may approve, a return in a form provided by the Federation for the purpose setting out the gross returns received from the sale of all main crop potatoes upon which the levy is payable.

(2) Every other person liable to pay the levy as specified in paragraphs (b) and (c) of regulation 4 (1) of these regulations shall, within 28 days after the levy has become payable, deduct the levy

from any amount due to the grower of the potatoes and account for it to the Federation accompanied by a return in a form provided by the Federation for the purpose.

(3) Every return under subclause (1) of this regulation shall be delivered within 3 months after the close of the year to which it relates and shall contain the particulars indicated in the form provided, shall be signed by or on behalf of the person making it, and, subject to subclause (5) of this regulation, shall be accompanied by the amount of main crop potato levy disclosed by the return.

(4) Every return may be verified by statutory declaration or by such other means as the Federation thinks fit.

(5) The Federation may, upon application in writing made to it before the expiry of any time allowed for payment, extend the time for payment of the levy for such period as it thinks fit.

(6) If any levy is not paid on or before the last day allowed for payment or is not paid within such further time as may be allowed under subclause (5) of this regulation, an additional levy equal to 10 percent of the levy unpaid shall be payable to the Federation.

(7) The Federation may remit the whole or any part of any additional levy imposed by subclause (6) of this regulation if in the special circumstances of the case it thinks it equitable to do so.

(8) All levies imposed under these regulations shall be recoverable from the person liable to pay them as a debt due to the Federation.

**6. Expenditure of levy**—Any levy received by the Federation pursuant to these regulations may be expended for any purpose within its constitution, including its expenses of administration.

**7. Membership of affiliated body**—(1) Any society which is a member of or affiliated to the Federation shall admit to membership, without any additional payment by way of annual subscription or membership fee, any potato grower who makes written application to the society in that behalf and who satisfies the society—

- (a) That within the 12 months immediately preceding the date of the application a levy of not less than \$1 has been paid or accounted for under these regulations by or on behalf of the applicant; and
- (b) That he is not a member, pursuant to this section, of any other such society; and
- (c) That at the date of the application he is a main crop potato grower.

(2) Notwithstanding subclause (1) of this regulation, a society may charge a subscription or membership fee if it wishes to engage in activities which incur costs greater than any grants made to it by the Federation and the activities benefit those who subscribe to the society.

(3) Any person admitted to membership of any society under this regulation shall be entitled to exercise a vote at any meeting of the society during such time as he retains the qualifications necessary to enable him to be admitted to membership under this regulation and so long as he fulfills his other obligations as a member pursuant to the society's rules.

(4) Nothing in this regulation shall preclude any such society from admitting to membership otherwise than under this regulation any person to whom the rules of the society permit to be admitted to membership.

(5) For the purposes of this regulation, the term "society" includes any association or body of persons which is a member of or affiliated to the Federation.

P. G. MILLEN,  
Clerk of the Executive Council.

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#### EXPLANATORY NOTE

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

These regulations authorise the New Zealand Potato Growers Federation Incorporated to levy a charge on all main crop potatoes grown in New Zealand, whether grown for the table, for seed, or for processing. The regulations also prescribe the maximum amount of levy and the manner in which it is to be collected. The levy is to be spent for any purpose within the constitution of the Federation.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 14 February 1980.

These regulations are administered in the Ministry of Agriculture and Fisheries.