

Serial Number 1942/262



PRICE ORDER NO. 104

PURSUANT to the powers conferred on it by the Control of Prices Emergency Regulations 1939,* the Price Tribunal, acting with the authority of the Minister of Industries and Commerce, doth hereby make the following Price Order :—

PRELIMINARY.

1. (1) This Order may be cited as Price Order No. 104.
- (2) This Order shall come into force on the day following the date of publication in the *Gazette* of a notification of the making thereof†.
2. (1) In this Order, unless the context otherwise requires :—
 - “ The said regulations ” means the Control of Prices Emergency Regulations 1939* :
 - “ Distributor ”, in relation to any lot of potatoes, means a wholesaler, as defined in the said regulations, who sells those potatoes otherwise than to a retailer for purposes of retail sale :
 - “ Grower ”, in relation to potatoes, means a person engaged in the business of growing potatoes for sale :
 - The expression “ f.o.r.s.i. ” means “ free on rail, sacks or other containers included.
- (2) Terms and expressions defined in the said regulations and used in this Order have the meanings severally assigned thereto by those regulations.
3. Subject to any general or specific directions that may be given by or on behalf of the Tribunal, any expenses that are reasonably incurred by a wholesaler or retailer in undertaking the transport of any potatoes at his own expense may be regarded for the purposes of this Order as if they were transport charges paid by him, and the maximum price of the potatoes shall be determined accordingly.
4. The provisions of this Order shall apply notwithstanding that any potatoes to which the Order is applicable are sold otherwise than by weight.
5. If any potatoes to which this Order applies are bought at auction by any distributor, wholesaler, or retailer, no account shall be taken of any commission or other charges paid or payable to the auctioneer in computing, for the purposes of this Order, the price paid or payable for those potatoes by any distributor, wholesaler, or retailer.

* Statutory Regulations 1939, Serial number 1939/275, page 1057.

† See end note.

APPLICATION OF THIS ORDER.

6. (1) This Order applies with respect to all potatoes grown in New Zealand that, being the produce of seed potatoes planted after the 31st day of March, 1942, are sold after the coming into force of this Order by any grower, distributor, wholesaler, or retailer.

(2) On the coming into force of this Order, Price Order No. 92* shall cease to apply with respect to any potatoes to which this Order applies.

FIXING PRICES OF POTATOES THAT ARE SUBJECT TO THIS ORDER.

Growers' Prices.

7. (1) The prices that may be charged by growers for potatoes to which this Order applies shall be determined as follows:—

(a) Where any such potatoes have been grown in the North Island or in the Nelson Provincial District, the price to be charged by the grower shall be not less than £35 per ton and not more than £42 10s. per ton:

(b) Where any such potatoes have been grown at any other place in New Zealand, the price to be charged by the grower shall be not less than £40 per ton and not more than £45 per ton.

(2) The growers' prices as aforesaid are fixed in respect of sales f.o.r.s.i. the station nearest or most convenient of access to the growers' premises (hereinafter referred to as the grower's station).

(3) Where any such potatoes are delivered by him otherwise than f.o.r.s.i. the grower's station as aforesaid, the price that may be charged by the grower shall be the appropriate price in terms of the foregoing provisions of this clause, increased by the amount of the charges (if any) incurred by him in effecting delivery, and then reduced by the amount of the charges that would have been incurred by him if he had delivered the potatoes f.o.r.s.i. the grower's station.

Distributors' Prices.

8. The maximum price that may be charged or received by any distributor for any potatoes to which this Order applies shall be the price actually paid or payable to the grower by the same or any other distributor, increased by an amount not exceeding £1 10s. per ton.

Wholesalers' Prices.

9. The maximum price that may be charged or received by any wholesaler for any potatoes to which this Order applies that are sold by him to a retailer for purposes of retail sale shall be the sum of the following amounts:—

(a) The price actually paid or payable by the wholesaler to the grower or any other person:

(b) An amount (not exceeding 2s. 6d. a ton) in respect of any potatoes actually received into and delivered from the wholesaler's store, together with any transport or other charges actually paid by the wholesaler:

(c) An amount equal to 2½ per cent. of the sum of the amounts specified in paragraphs (a) and (b) hereof (to cover the estimated loss due to shrinkage and other natural causes):

(d) An amount computed at the rate of £1 15s. a ton.

* Statutory Regulations 1942, Serial number 1942/174, page 395.

Computation of Distributors' and Wholesalers' Prices by reference to Average Prices.

10. In computing the maximum price that may be charged by any distributor or by any wholesaler for potatoes that have been acquired by him in different lots at different prices, the appropriate maximum price may, with the general or special approval of the Tribunal, and subject to any conditions that may be imposed by the Tribunal, be computed by reference to the average of the several prices paid for such potatoes.

Retailers' Prices.

11. (1) Subject to the provisions of subclauses (3) and (4) hereof, the maximum price that may be charged or received by any retailer for potatoes to which this Order applies shall be the sum of the following amounts:—

- (a) The price actually paid or payable by the retailer for the potatoes:
 - (b) Any transport or other charges actually paid or payable by the retailer:
 - (c) An amount equal to 33 $\frac{1}{3}$ per cent. of the sum of the amounts specified in paragraphs (a) and (b) hereof.
- (2) The retail price of any potatoes, computed in accordance with the last preceding subclause, shall be calculated by reference to the prices and weights disclosed in the appropriate invoices.
- (3) Notwithstanding anything to the contrary in the foregoing provisions of this clause, the retail price of potatoes shall not in any case exceed—
- (a) In the case of potatoes sold at any place in the North Island or within the provincial district of Nelson, 7d. a pound.
 - (b) In the case of potatoes sold elsewhere in New Zealand, 7 $\frac{1}{2}$ d. a pound.
- (4) If in respect of any lot of potatoes sold by a retailer the maximum price, calculated in accordance with the foregoing provisions of this clause, is not an exact number of halfpence (in the case of a lot less than 5 lb.) or is not an exact number of pence (in the case of a lot of 5 lb. or more), the maximum price of the lot shall be the next highest halfpenny or the next highest penny, as the case may be. The provisions of this subclause shall apply notwithstanding that in any case the retailer purports to sell any potatoes otherwise than by weight.
- (5) For the purposes of this clause the price paid or payable by a retailer for any lot of potatoes and the transport and other charges paid or payable by him in respect of the same lot shall be apportioned evenly over the whole lot, and the price and charges paid or payable by the retailer for each pound of potatoes included in the lot shall be determined accordingly.

Dated at Wellington, this 31st day of August, 1942.

The seal of the Price Tribunal was affixed hereto in the presence of—

[L.S.]

W. J. HUNTER (Judge), President.
H. L. WISE, Member.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 1st day of September, 1942.

These regulations are administered in the Department of Industries and Commerce, Tourist and Publicity.