

## Serial Number 1942/315



## PRICE ORDER NO. 116

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. 116.
- (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) Price Order No. 112† is hereby revoked.
- (2) The revocation of the said Price Order shall not affect the liability of any person for any offence in relation thereto committed before the coming into force of this Order.
3. (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.
4. 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.
5. The provisions of this Order shall apply notwithstanding that any potatoes to which the Order is applicable are sold otherwise than by weight.
6. 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.

† Statutory Regulations 1942, Serial number 1942/290, page 695.

## APPLICATION OF THIS ORDER.

7. (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 and on or before the 28th day of February, 1943, by any grower, distributor, wholesaler, or retailer.

(2) Nothing in Price Order No. 92\* shall apply with respect to any potatoes to which this Order applies.

## FIXING PRICES OF POTATOES THAT ARE SUBJECT TO THIS ORDER.

*Growers' Prices.*

8. (1) The growers' prices fixed by this Order are fixed by reference to—

- (a) The place where the potatoes are grown; and
- (b) The period (including in any period both the first and the last of the appropriate specified dates) within which, in accordance with the contract of sale, the potatoes are to be delivered by the grower to the purchaser.

(2) With respect to first-grade potatoes grown in the North Island or in the Provincial District of Nelson, the prices fixed as aforesaid are the actual prices to be charged by the grower. With respect to potatoes grown elsewhere in New Zealand, or to under-grade potatoes grown in the North Island or in the Provincial District of Nelson, the prices so fixed are the maximum prices that may be lawfully charged by the grower in any case.

(3) 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).

(4) Where any such potatoes are delivered by a grower 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.

*Growers' Prices for Potatoes grown in the North Island or in the Nelson Provincial District.*

9. (1) The actual price to be charged by any grower for first-grade potatoes grown in the North Island or in the Provincial District of Nelson, and the maximum price to be charged by any such grower for under-grade potatoes grown in the said areas, shall be determined in accordance with the following scale, namely:—

Period (both Dates inclusive) within which Delivery to be made.	Actual Price (First Grade) and Maximum Price (Under Grade).
(i) 7th November, 1942, to 15th November, 1942	£25 per ton.
(ii) 16th November, 1942, to 30th November, 1942	£20 per ton.
(iii) 1st December, 1942, to 31st December, 1942	£18 per ton.
(iv) 1st January, 1943, to 28th February, 1943	£14 per ton.

(2) For the purposes of the last preceding subclause, potatoes shall be deemed to be first grade or under grade, as the case may be, in accordance with the following rules:—

- (a) *Rule as to Size.*—If in any sample of one hundred potatoes taken at random from any lot more than 15 per cent. by number of the sample can be passed through a square of

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

which the sides have an inside measurement of  $1\frac{1}{2}$  in., all the potatoes in the lot from which the sample is taken shall be deemed to be under grade :

- (b) *Rule as to Quality*.—If in any lot of potatoes more than 3 per cent. by weight of the lot is affected by disease, damage, second growth, or other defect, or is not reasonably free from earth, all the potatoes in the lot shall be deemed to be under grade :
- (c) Potatoes that are not under grade in accordance with paragraph (a) or paragraph (b) hereof shall be deemed to be first-grade potatoes.

*Growers' Prices for Potatoes grown Elsewhere in New Zealand.*

10. The maximum price that may be charged or received by any grower for potatoes grown elsewhere than in the North Island or in the Provincial District of Nelson shall be determined in accordance with the following scale, namely :—

Period (both Dates inclusive) within which Delivery to be made.	Maximum Price.
(i) 7th November, 1942, to 30th November, 1942 .. .. .	£42 10s. per ton.
(ii) 1st December, 1942, to 31st December, 1942 .. .. .	£35 per ton.
(iii) 1st January, 1943, to 31st January, 1943	£25 per ton.
(iv) 1st February, 1943, to 28th February, 1943	£18 per ton.

*Distributors' Prices.*

11. The maximum price that may be charged or received by any distributor for any potatoes to which this Order applies shall be the sum of the following amounts :—

- (a) The price actually paid or payable to the grower by the same or any other distributor :
- (b) Any disbursements (other than brokerage) actually incurred and paid by the same or any other distributor by way of grading, transport, or other charges :
- (c) An amount computed at the rate of 30s. a ton when the price paid to the grower is £20 a ton or more, or computed at the rate of 20s. a ton when the price paid to the grower is less than £20 a ton.

*Wholesalers' Prices.*

12. 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  $2\frac{1}{2}$  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) Whichever of the following amounts is appropriate in the circumstances of the case, namely :—

(i) When the sum of the amounts specified in paragraphs (a), (b), and (c) of this clause is less than an average of £19 a ton, an amount computed at the rate of 20s. a ton for lots of  $\frac{1}{2}$  ton or more, and computed at the rate of 30s. a ton for lots of less than  $\frac{1}{2}$  ton ; or

(ii) When the sum of the amounts specified in paragraphs (a), (b), and (c) of this clause is an average of £19 a ton or more, an amount computed at the rate of 30s. a ton for lots of  $\frac{1}{2}$  ton or more, and computed at the rate of 40s. a ton for lots of less than  $\frac{1}{2}$  ton.

*Computation of Distributors' and Wholesalers' Prices by Reference to Average Prices.*

13. 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.*

14. (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—

*For Potatoes sold (by Retail) in the North Island (exclusive of the Provincial District of Auckland).*

Period (both Dates inclusive) within which Retail Sale is made.	Maximum Retail Price. Per Pound.
(i) 7th November, 1942, to 21st November, 1942	.. 4 $\frac{1}{2}$ d.
(ii) 22nd November, 1942, to 6th December, 1942	.. 4d.
(iii) 7th December, 1942, to 6th January, 1943	.. 3 $\frac{1}{2}$ d.
(iv) 7th January, 1943, to 28th February, 1943	.. 3d.

*For Potatoes sold (by Retail) in the Provincial Districts of Auckland and Nelson.*

Period (both Dates inclusive) within which Retail Sale is made.	Maximum Retail Price. Per Pound.
(i) 7th November, 1942, to 18th November, 1942	.. 4½d.
(ii) 19th November, 1942, to 3rd December, 1942	.. 4d.
(iii) 4th December, 1942, to 3rd January, 1943	.. 3½d.
(iv) 4th January, 1943, to 28th February, 1943	.. 3d.

*For Potatoes sold (by Retail) elsewhere in New Zealand.*

Period (both Dates inclusive) within which Retail Sale is made.	Maximum Retail Price Per Pound.
(i) 7th November, 1942, to 3rd December, 1942	.. 7d.
(ii) 4th December, 1942, to 3rd January, 1943	.. 6d.
(iii) 4th January, 1943, to 3rd February, 1943	.. 4½d.
(iv) 4th February, 1943, to 28th February, 1943	.. 3½d.

(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 of 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 purpose 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 5th day of November, 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*: 6th day of November, 1942.

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