

Serial Number 1940/64.



**THE PURCHASE OF SCHEELITE ORDER 1940.**

GALWAY, Governor-General.

**ORDER IN COUNCIL.**

At the Government House at Wellington, this 10th day of April, 1940.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the powers conferred on him by section 4 of the Marketing Amendment Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following Order.

**THE PURCHASE OF SCHEELITE ORDER.**

**PRELIMINARY.**

1. This Order may be cited as the Purchase of Scheelite Order 1940.
2. This Order, unless sooner revoked, shall continue in force until the 28th day of February, 1941, or, in the event of the termination of the present war with the German Reich before the 31st day of December, 1940, shall continue in force for the duration of that war and for two months thereafter.
3. In this Order, unless the context otherwise requires,—
  - “ Approved store ” means a store or other place that is approved by the Minister of Mines for the purposes of this Order :
  - “ Department ” means the Marketing Department established under the Marketing Act, 1936 :
  - “ Low-grade scheelite ” means scheelite which, on analysis in accordance with this Order, is found to contain less than 55 per centum by weight of tungstic acid, or more than 2 per centum by weight of arsenic :
  - “ Minister ” means the Minister of Marketing :
  - “ Scheelite ” means scheelite produced in New Zealand, and includes any other ore produced in New Zealand that contains tungstic acid :
  - “ Ton ”, in relation to scheelite, means a ton of 2,240 lb. net dry weight :
  - “ Tungstic acid ” means the tungstic oxide of which the chemical formula is  $WO_3$  :
  - “ Unit ”, in relation to tungstic acid, means the one-hundredth part of a ton.

4. (1) The Department is hereby authorized to purchase scheelite and to sell or otherwise dispose of scheelite in New Zealand or elsewhere.

(2) If any scheelite offered for sale to the Department in accordance with this Order is not purchased by the Department, the Department may, at the request of the owner and on terms to be agreed on between the Department and the owner, export such scheelite for sale overseas on behalf of the owner, or the Department may acquire from the owner the right to purchase any such scheelite at any time after it has been exported by the Department.

#### OFFER OF SCHEELITE TO DEPARTMENT.

5. (1) The owner of any scheelite who desires to sell the same to the Department shall deliver the same to an approved store in bags or other containers, which shall be packed, marked, and branded in such manner as the Department may require.

(2) Notice of the delivery of any scheelite to an approved store shall be given by the owner to the Inspector of Mines for the district in which it was produced.

#### ANALYSIS OF SCHEELITE.

6. (1) On receipt of a notice that any scheelite has been delivered to an approved store as aforesaid the Inspector of Mines, or any person authorized by him for the purpose, shall take a sufficient sample of the scheelite and shall submit it for analysis to the Dominion Analyst or to such other analyst as the Minister of Mines may approve.

(2) On the completion of the analysis of any sample the Analyst shall furnish to the Under-Secretary of Mines a certificate of the result of the analysis and a copy of the certificate shall be given by the Under-Secretary to the owner.

(3) For the purposes of this Order the grade of any lot of scheelite shall be deemed to conform to the grade of the sample.

#### COMPUTATION OF PRICE.

7. If the Department agrees to purchase any low-grade scheelite offered to it in accordance with the foregoing provisions of this Order the price thereof and the conditions of sale and purchase shall be fixed by agreement between the Department and the owner.

8. (1) If the Department agrees to purchase any scheelite (other than low-grade scheelite) offered to it in accordance with the foregoing provisions of this Order, the Department may, as it thinks fit, accept delivery of the scheelite when it is delivered on board a ship for export or at any other time or place.

(2) If the Department agrees to accept delivery of any scheelite elsewhere than on board a ship for export the costs incurred by the Department before the scheelite is actually placed on board the exporting ship shall be charged against the owner in accordance with clause 13 hereof :

Provided that if by direction of the Department the scheelite is actually shipped from a port other than the port that is nearest or is most convenient of access to the approved store any additional cost due to that fact shall be borne by the Department.

9. (1) The price to be paid by the Department for any scheelite (other than low-grade scheelite) shall be computed at the basic rate of sixty-two shillings and twopence per unit of tungstic acid, reduced in accordance with the table set out in the Schedule hereto in any case where, on the final analysis of the scheelite as hereinafter provided for, the proportion of tungstic acid is found to be less than 65 parts per centum by weight, or the proportion of tin is more than 1.6 parts per centum by weight, or the proportion of arsenic is more than 0.2 parts per centum by weight.

(2) For the purposes of this clause the final analysis of any scheelite shall be deemed to be its analysis as disclosed in a certificate of analysis furnished to the Department by or on behalf of or at the request of His Majesty's Government in the United Kingdom.

#### PAYMENT FOR SCHEELITE.

10. The price to be paid for any scheelite purchased by the Department in accordance with this Order shall be paid out of any appropriate account that may be established in accordance with section 5 or section 6 of the Marketing Amendment Act, 1939.

11. The price of any low-grade scheelite so purchased by the Department shall be paid in accordance with the terms agreed upon in that behalf by the Department and the owner.

12. The price of any other scheelite so purchased by the Department shall be paid in accordance with the following provisions of this clause, that is to say—

(a) Upon delivery to the Director of the Export Division of the Department of the relative bills of lading or other documents of title and such other documents as the Department may require, prepared in such form as the Department may require, the Department shall pay to or to the order of the owner, as an advance on account of the purchase-price, a sum not exceeding 80 per centum of the price computed as nearly as may be in accordance with the provisions of clause 9 hereof. Any deductions from the basic price to be made for the purposes of this paragraph shall be made in accordance with the certificate of analysis furnished in accordance with clause 6 of this Order :

(b) On receipt by the Department of the relative certificate of analysis issued by or on behalf of or at the request of His Majesty's Government in the United Kingdom the Department shall, subject to the next succeeding clause, pay to or to the order of the owner, as a final payment, the difference between any advance payment already made and the purchase-price computed in accordance with the provisions of clause 9 hereof.

13. (1) From the purchase-price of any scheelite purchased by it the Department may deduct, as a charge against the owner, the cost of obtaining any analysis of the scheelite in New Zealand or elsewhere and any costs incurred by the Department for freight, storage, or other charges prior to the shipment for export of the scheelite, and may also deduct an amount sufficient in the opinion of the Minister to cover the costs incurred by the Department in the administration of this Order.

(2) Unless the Minister otherwise directs in any case, the deduction authorized by the last preceding subclause for the costs of administration shall, in the case of any lot of scheelite, be an amount equal to  $2\frac{1}{2}$  per centum of the purchase-price thereof as computed in accordance with the foregoing provisions of this Order.

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**SCHEDULE.**

**AUTHORIZED DEDUCTIONS FROM BASIC PRICE.**

*Tungstic Acid Contents.*

(1) Where the tungstic acid contents are under 65 per cent. by weight the following deductions will be made :—

	Rate of Deduction.
For each 1 per cent. under 65 per cent. down to and including 60 per cent. . . . .	4d. per unit of tungstic acid.
For each 1 per cent. under 60 per cent. down to and including 55 per cent. . . . .	8d. per unit of tungstic acid.

(2) Fractions of 1 per cent. will be calculated proportionately.

*Tin Contents.*

	Rate of Deduction.
(1) Where the tin contents exceed 1·6 per cent. by weight . . . . .	3d. per unit of tungstic acid for each one-tenth of 1 per centum in excess of 1·5 per cent.

(2) Fractions less than one-tenth of 1 per centum will be calculated proportionately.

*Arsenic Contents.*

Where the arsenic contents exceed—

	Rate of Deduction.
0·2 per cent. by weight up to and including 0·25 per cent. . . . .	4d. per unit of tungstic acid.
0·25 per cent. by weight up to and including 0·30 per cent. . . . .	8d. per unit of tungstic acid.
0·30 per cent. by weight up to and including 0·70 per cent. . . . .	1s. per unit of tungstic acid.
For each 0·50 per cent. by weight or part of 0·50 per cent. over 0·70 per cent. . . . .	4d. per unit of tungstic acid.

C. A. JEFFERY,  
Clerk of the Executive Council.

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Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 11th day of April, 1940.

These regulations are administered in the Export Division of the Marketing Department.