

Serial Number 1944/149



## THE PURCHASE OF SCHEELITE ORDER 1944

C. L. N. NEWALL, Governor-General

### ORDER IN COUNCIL

At the Government House at Wellington, this 1st day of  
November, 1944

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.

### ORDER

#### PRELIMINARY

1. This Order may be cited as the Purchase of Scheelite Order 1944.
2. In this Order, unless the context otherwise requires,—
  - “ Approved store ” means a store or other place 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 cent. by weight of tungstic acid, or more than 2 per cent. 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.

## APPLICATION OF THIS ORDER

3. This Order shall apply with respect to—

- (a) All scheelite that has been received into an approved store since the 31st day of March, 1944, and before the date of the making of this Order; and
- (b) All scheelite that is hereafter received into an approved store in accordance with the terms of this Order.

## OFFER OF SCHEELITE TO THE DEPARTMENT

4. (1) The owner of any scheelite who desires to sell the same to the Department shall deliver it 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.

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

## ANALYSIS OF SCHEELITE

5. (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 that 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.

## ACCEPTANCE OF SCHEELITE BY DEPARTMENT

6. (1) If the Department agrees to purchase any 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 for freight, storage, cost of loading, or otherwise before the scheelite is finally laden on board the exporting ship, shall be charged against the owner in accordance with clause 8 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.

## PAYMENT FOR SCHEELITE

7. (1) Subject to the provisions of the next succeeding clause, the price to be paid by the Department for any scheelite purchased by it under this Order shall be the price realized by the Department on the sale of the scheelite to His Majesty's Government in the United Kingdom or to any other overseas purchaser with the concurrence of that Government.

(2) The price 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, and payment shall be made as follows :—

(a) As soon as practicable after delivery of the scheelite to an approved store, and after production to the Department of such certificates of analysis and other documents that it 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 cent. (in the case of low-grade scheelite), or 90 per cent. (in the case of other scheelite) of the estimated amount that will be realized by the Department on the sale of the scheelite in accordance with subclause (1) hereof, reduced in accordance with the table set out in the Schedule hereto in any case where, on analysis in accordance with the provisions of clause 5 hereof, the proportion of tungstic acid is 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 :

(b) On receipt by the Department of the relative certificates of weight and 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 amount by which the price to be paid by the Department in accordance with subclause (1) hereof exceeds any advance made under the last preceding paragraph.

(3) In the event of the price payable under subclause (1) hereof being less than the amount paid under subclause 2 (a) hereof, the difference shall be recoverable by the Department as a debt due to the Crown by the person to whom payment was made.

8. (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, loading, or other charges, 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 cent. of the gross purchase-price thereof as computed in accordance with the foregoing provisions of this Order.

## SCHEDULE

### AUTHORIZED DEDUCTIONS UNDER CLAUSE 7 (2) (a)

#### *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.
(a) For each 1 per cent. under 65 per cent. down to and including 60 per cent.	4d. per unit of tungstic acid.
(b) For each 1 per cent. under 60 per cent. down to and including 55 per cent.	8d. per unit of tungstic acid.
(c) For each 1 per cent. under 55 per cent. . .	Such amount (being not less than 8d. per unit) as the Minister may determine.

(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 cent. in excess of 1·5 per cent.

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

*Arsenic Contents*

Where the arsenic contents exceed :—

	Rate of Deduction.
(a) 0·2 per cent. by weight up to and including 0·25 per cent. .. .. .	4d. per unit of tungstic acid.
(b) 0·25 per cent. by weight up to and including 0·30 per cent. .. .. .	8d. per unit of tungstic acid.
(c) 0·30 per cent. by weight up to and including 0·70 per cent. .. .. .	1s. per unit of tungstic acid.
(d) 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.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 2nd day of November, 1944.

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