

And whereas the said land is not the land of any serviceman who is for the time being serving outside New Zealand in any of His Majesty's Forces or in any British ship:

Now, therefore, the Minister of Lands, acting in pursuance of section 51 of the said Act, doth hereby declare that the said land is taken for the settlement of discharged servicemen, and hereby specifies the 21st day of September, 1949, as the date on which the said land shall be deemed to be vested in His Majesty the King.

#### SCHEDULE

##### SOUTH AUCKLAND LAND DISTRICT

ALL that parcel of land situated in Blocks XIII and XIV, Tuhua Survey District, containing by admeasurement three hundred and sixty-six (366) acres two (2) roods twenty-three (23) perches, more or less, being part of Ohura South A No. 2B Block, and being the balance of the land described in certificate of title, Vol. 295, folio 207 (Auckland Registry).

Also all that parcel of land situated in Blocks XIII and XIV, Tuhua Survey District, containing by admeasurement three hundred (300) acres one (1) rood thirty-nine decimal two (39.2) perches, more or less, being parts of Ohura South A No. 2A Block, and being all of the land described in certificate of title, Vol. 458, folio 186 (Auckland Registry).

As witness my hand, this 13th day of September, 1949.

C. F. SKINNER, Minister of Lands.

(L. and S. H.O. 36/1444/2170; D.O. 4/1098.)

#### Price Order No. 1076 (Apples and Pears)

PURSUANT to the Control of Prices Act, 1947, 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. 1076.  
(2) This Order shall come into force on the 19th day of September, 1949.

2. (1) Price Orders Nos. 665,\* 825†, 924‡, and 1055§ are hereby revoked.

(2) The revocation of the said Orders 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,—

“Bushel case”, in relation to apples, means a package of the kind numbered 1 in the First Schedule to the New-Zealand-grown Fruit Regulations 1940 Amendment No. 3, and, in relation to pears, means a package of the kind numbered 2 in the said Schedule:

“Half-bushel case”, in relation to apples or pears means a package of the kind numbered 6 in the First Schedule to the New-Zealand-grown Fruit Regulations 1940, Amendment No. 3:

“Marketing Board” means the New Zealand Apple and Pear Marketing Board constituted under the Apple and Pear Marketing Act, 1948:

“Retailer's railway-station”, in relation to sales by a wholesaler to a retailer, means the railway-station that is nearest or most convenient of access to the retailer's premises.

(2) References in the First and Second Schedules to this Order to counts and grades are references to the counts and grades of apples and pears respectively, determined in accordance with the regulations for the time being in force under the Orchard and Garden Diseases Act, 1928.

(3) Terms and expressions defined in the Control of Prices Act, 1947, when used in this Order, have the meanings severally assigned thereto by that Act.

4. The provisions of this Order fixing prices by reference to the weight of the fruit to which any sale relates shall apply notwithstanding that in any case the seller may sell or purport to sell otherwise than by weight.

##### APPLICATION OF THIS ORDER

5. This Order applies with respect to all sales of apples and pears grown in New Zealand.

6. The maximum prices fixed by this Order apply with respect to sales by auction as well as to other sales.

##### MAXIMUM WHOLESALE PRICES

7. (1) The maximum price that may be charged or received by any wholesaler for apples to which this Order applies shall be determined in accordance with the First Schedule hereto.

(2) The maximum price that may be charged or received by any wholesaler for pears to which this Order applies shall be determined in accordance with the Second Schedule hereto.

(3) The several wholesale prices fixed by this clause are fixed as for delivery by the wholesaler to the retailer at the wholesaler's store. Where, with the concurrence or by direction of the Marketing Board, delivery to the retailer is effected at the retailer's railway-station, freight charges to the retailer's railway-station from the depot from which the fruit is actually supplied will be borne by the Marketing Board.

(4) The several wholesale prices fixed by this clause do not include the price of the case for which an additional charge may be made not exceeding 6d. in respect of a No. 1 or No. 2 case or 3d. in respect of a No. 6 case.

\* Gazette, 20th March 1947, Vol. I, page 355.

† Gazette, 8th January 1948, Vol. I, page 25.

‡ Gazette, 26th August 1948, Vol. II, page 1081.

§ Gazette, 11th August, 1949, Vol. II, page 1691.

##### MAXIMUM RETAIL PRICES

8. (1) For the purposes of the Third and Fourth Schedules hereto, the retailer's cost into store per bushel case of any apples or pears sold by him by way of retail sale shall be determined as if on the day of the retail sale he had bought the fruit from a wholesaler at the appropriate maximum wholesale price ruling on that day, and the amount of the retailer's cost into store of any such fruit shall be ascertained as follows:—

(a) Where no transport expenses have been incurred by the retailer in effecting delivery into his shop or other premises, his cost into store per bushel case shall be the appropriate maximum wholesale price per bushel case increased by the cost of the case:

(b) Where any transport expenses have been actually and reasonably incurred by the retailer in effecting delivery into his shop or other premises as aforesaid of fruit delivered to him either at the wholesaler's store or at the retailer's railway-station, as the case may be, the retailer's cost into store per bushel case shall be the appropriate maximum wholesale price per bushel case increased by the cost of the case and further increased by a proportionate part of the transport expenses incurred by him as aforesaid (not exceeding in respect of transport expenses 6d. per bushel case or 3d. per half-bushel case, or the charges that would have been incurred if delivery had been effected by the holder of a goods-service licence under the Transport Licensing Act, 1931, at authorized rates, whichever is the less).

(2) If in respect of any variety or grade of apples or pears there is no maximum wholesale price ruling on the date of any retail sale, the maximum retail price shall be the maximum retail price that was last fixed in respect of such apples or pears.

(3) Notwithstanding anything in the foregoing provisions of this clause, if by reason of a reduction of the maximum wholesale price of any apples or pears the maximum retail price is reduced, the reduction of the maximum retail price shall not take effect until noon of the day on which the reduction of the maximum wholesale price took effect.

9. (1) Except as otherwise provided in this clause the maximum price that may be charged or received by any retailer for apples to which this Order applies, when sold by him in bushel-case or half-bushel-case lots or in 10 lb. lots, shall be determined in accordance with the Third Schedule hereto.

(2) Except as otherwise provided in this clause, the maximum price that may be charged or received by any retailer for apples to which this Order applies, when sold by him otherwise than in accordance with the last preceding subclause, shall be the appropriate price per pound fixed in the Third Schedule hereto.

(3) Except as otherwise provided in this clause, the maximum price that may be charged or received by any retailer for pears to which this Order applies, when sold by him in bushel-case or half-bushel-case lots or in 10 lb. lots, shall be determined in accordance with the Fourth Schedule hereto.

(4) Except as otherwise provided in this clause, the maximum price that may be charged or received by any retailer for pears to which this Order applies, when sold by him otherwise than in accordance with the last preceding subclause, shall be the appropriate price per pound fixed in the Fourth Schedule hereto.

(5) Where any apples or pears are sold in any lot exceeding 10 lb., but otherwise than in half-bushel-case or bushel-case lots, the maximum price per pound of any surplus (being less in every case than 10 lb.) shall be the appropriate maximum price fixed by subclause (2) or subclause (4) hereof, as the case may require.

(6) Where the transport expenses actually and reasonably incurred by a retailer in effecting delivery of any fruit into his shop or other premises (not exceeding in any case the charges that would have been incurred if delivery had been effected by a common carrier at current rates) exceeds 9d. per bushel case or 4½d. per half-bushel case, the maximum retail price that may be charged or received by the retailer shall be the prescribed maximum price as aforesaid, increased as follows:—

(a) In the case of fruit sold by him in bushel-case lots, the prescribed maximum price may be increased by the amount by which the transport charges exceed 9d. per case:

(b) In the case of fruit sold by him in half-bushel-case lots or in lots of 10 lb. or more (but otherwise than in bushel-case lots), the prescribed maximum price may be increased by a proportionate part of the amount by which the transport charges exceed 9d. per bushel case or 4½d. per half-bushel case:

(c) In the case of fruit sold otherwise than as aforesaid, the prescribed maximum price may be increased by ½d. per pound.

(7) If in respect of any apples or pears sold by a retailer the maximum price calculated in accordance with the foregoing provisions of this clause is not an exact number of pence or half-pence, the maximum price of the lot shall be computed to the nearest upward halfpenny.

(8) The several retail prices fixed by this clause include the price of the cases or other containers in which the fruit is delivered to the purchaser.

##### RETAILERS TO EXHIBIT RETAIL PRICES

10. Every retailer who offers or exposes any apples or pears to which this Order applies for sale in any shop shall keep in a prominent position in such proximity to the fruit to which it relates as to be obviously descriptive thereof a ticket, placard, or label on which shall be stated in legible and prominent characters the retail price per pound of the fruit.