

*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,*

*12th March, 1943.*

*Hon. Mr. Barclay*

## COMMERCIAL GARDENS REGISTRATION

### ANALYSIS

Title.	3. Annual registration of commercial gardens.
1. Short Title and commencement.	4. Disposal of registration fees.
2. Interpretation.	5. Regulations. Schedules.

### A BILL INTITULED

AN ACT to require the Registration of Commercial Gardens and to provide Moneys for the Industry of Commercial Gardening and to make Provision for  
5 Matters incidental thereto. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Commercial Gardens  
10 Registration Act, 1943, and shall come into force on the first day of *May*, nineteen hundred and *forty-three*. Short Title and commencement.

2. (1) In this Act, unless the context otherwise  
requires,— Interpretation.

15 “Commercial garden” means any land (whether within a glasshouse or not) used for the growing and production of vegetables for sale for human consumption and not exempted from the provisions of this Act as hereinafter provided:

20 “Minister” means the Minister of Agriculture:

“Occupier” means the person by whom or on whose behalf any land is actually occupied:

25 “Registration year” means the period of twelve months commencing on the first day of *May* in any year:

“Vegetables” means the crops of the several kinds specified in the *First* Schedule to this Act, and includes any other crop which the Governor-General may declare to be vegetables within the meaning of this Act. 5

(2) Two or more commercial gardens occupied and used as such by the same occupier shall be deemed to be one commercial garden for the purposes of this Act.

(3) For the purposes of this Act, vegetables which are sold to any person who proposes to subject them to any manufacturing process shall be deemed to have been sold for human consumption if the product of the manufacturing process is intended for human consumption. 10

(4) The Governor-General may at any time, by Warrant under his hand, extend the definition of the term “vegetables” by declaring any crop that is not specified in the *First* Schedule to this Act to be vegetables. 15

(5) The Governor-General may at any time, by Warrant under his hand, declare that any class of land therein described shall be exempt from the provisions of this Act, notwithstanding that it may be used wholly or partly for the growing and production of vegetables for sale for human consumption. 20 25

(6) Any Warrant under this section may be at any time in like manner amended or revoked.

(7) In computing the area of land for the purposes of this Act, two thousand five hundred square feet of land enclosed in a glasshouse shall be deemed to be equivalent to one-half of an acre of land not so enclosed. 30

Annual  
registration of  
commercial  
gardens.

3. (1) Every commercial garden existing at the commencement of any registration year or established during a registration year which has a total area equivalent to not less than one-half of an acre is hereby required to be registered for that year in accordance with the provisions of this Act and of regulations thereunder. 35

(2) Application for the registration of a commercial garden shall be made by the occupier thereof in the prescribed form to such person or persons as may be prescribed, and every such application shall be accompanied by the appropriate fee specified in the *Second* Schedule to this Act. 40 45

(3) If the occupier of any commercial garden fails to make application for the registration thereof and to pay the appropriate fee within one month after the

commencement of the registration year or, in the case of a commercial garden established during a registration year, within one month after its establishment, he shall be liable on summary conviction to a fine of 5 *five* pounds, and to a further fine of *ten* shillings for every week that elapses after the said period of one month has expired and before application for registration is duly made and the appropriate fee is paid.

(4) If any person becomes the occupier of an 10 unregistered commercial garden in any registration year he shall make application for the registration thereof, and shall pay the appropriate fee, within the period prescribed by the *last preceding* subsection or within fourteen days after he has become the occupier 15 (whichever period is the later to expire), and if he fails so to do he shall be liable on summary conviction to a fine of *five* pounds, and to a further fine of *ten* shillings for every week that elapses after the said period and before application for registration is duly 20 made and the appropriate fee is paid.

(5) The Governor-General may from time to time, by Order in Council, alter any fees specified in the *Second Schedule* to this Act:

Provided that he may not alter any fee so that it 25 exceeds the amount specified in that Schedule by more than fifty per centum thereof.

4. (1) All moneys received by way of registration fees pursuant to this Act shall be paid into the Public Account to the credit of a Deposit Account.

Disposal of registration fees.

30 (2) The expenses of collection and of administration as determined by the Minister shall be deducted from the proceeds thereof, and shall, without further appropriation than this section, be paid to the credit of the appropriate fund or account.

35 (3) The residue of the proceeds shall, on the recommendation of the Minister and without further appropriation than this section, be paid to the Dominion Council of Commercial Gardeners, Limited (being a society incorporated under the Industrial and Provident Societies Act, 1908), to be expended by it for such 40 purposes in furtherance of the interests of commercial gardeners as may be approved in accordance with regulations under this Act.

See Reprint of Statutes, Vol. III, p. 1029

5. (1) The Governor-General may from time to time 45 by Order in Council make all such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

Regulations.

(2) Without limiting the general power hereinbefore conferred, it is hereby declared that regulations may be made under this section for all or any of the following purposes:—

- (a) Prescribing forms of application for the registration of commercial gardens and the procedure in connection therewith: 5
- (b) Prescribing the purposes for which moneys paid to the Dominion Council of Commercial Gardeners, Limited, under this Act may be expended: 10
- (c) Prescribing the forms of accounts to be kept and of returns to be furnished by the Dominion Council of Commercial Gardeners, Limited, in respect of moneys paid to it under this Act: 15
- (d) Prescribing any other forms required for the purposes of this Act:
- (e) Prescribing the method of settling any dispute that may arise as to the area of any commercial garden. 20

Schedules.

## SCHEDULES.

### FIRST SCHEDULE.

ASPARAGUS, bean, beetroot, brussel sprouts, cabbage, carrot, cauliflower (including broccoli), celery, cucumber, leek, lettuce, marrow, melon (musk or rock or water), parsnip, pea, pumpkin, radish, rhubarb, silver beet, spinach, squash, sweet corn, tomato.

### SECOND SCHEDULE.

#### FEES PAYABLE ON REGISTRATION OF COMMERCIAL GARDENS.

	£	s.	d.
1. Where the total area does not exceed 1 acre ..	0	5	0
2. Where the total area exceeds 1 acre but does not exceed 3 acres .. .. .	0	10	0
3. Where the total area exceeds 3 acres but does not exceed 7 acres .. .. .	1	0	0
4. Where the total area exceeds 7 acres but does not exceed 15 acres .. .. .	1	10	0
5. Where the total area exceeds 15 acres .. .. .	2	0	0