

747

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,
1st September, 1882.

Hon. Mr. Dick.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

TEA EXAMINATION.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Tea subject to examination on importation.</p> <p>4. Tea subject to chemical analysis.</p> <p>5. Tea unfit for human consumption to be forfeited.</p> <p>6. Exhausted tea, or tea mixed with other substances may be detained, and shall not be delivered.</p>	<p>7. Importer or owner of condemned tea to pay all expenses incident to the analysis.</p> <p>8. Importer or owner of condemned tea to have name published if found guilty of having more than twice imported tea which was subsequently condemned.</p> <p>9. Commissioner may make regulations.</p> <p>10. Nothing in this Act to interfere with remedies under "The Adulteration Prevention Act, 1880."</p> <p>11. This Act to be read with "The Customs Laws Consolidation Act, 1882."</p>
---	---

A BILL INTITULED

AN ACT to provide for the Examination of Imported Tea.

Title.

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

5 1. The Short Title of this Act is "The Tea Examination Act, 1882."

Short Title.

2. In this Act, if not inconsistent with the context,—

Interpretation.

"Analytical chemist" means any analytical chemist who may be appointed by the Governor to make examination of tea for the purposes of this Act:

10

"Commissioner" means the Commissioner of Trade and Customs appointed under "The Customs Laws Consolidation Act, 1882."

15

"Tea" to which the term "exhausted" is applied means and includes any tea which has, in the opinion of an analytical chemist, been deprived of its proper quality, strength, or virtue by steeping, infusion, decoction, or other means:

20

3. All tea imported into New Zealand shall be subject to be detained for examination by any officer of Customs.

Tea subject to examination importation.

25

4. For the purpose of such examination, samples of all tea so imported may, when deemed necessary, be taken without payment by any such officer, and he may cause the same to be further examined by an analytical chemist.

Tea subject to chemical analysis.

30

5. If upon examination of such samples the analytical chemist shall certify that the tea is unfit for human consumption, the whole of the packages bearing the same brand or marks as the packages of tea from which such samples were taken shall be deemed to be goods prohibited to be imported, and shall be forfeited:

Tea unfit for human consumption to be forfeited.

35

Provided, however, that the importer or owner of such tea shall be entitled to take legal proceedings against Her Majesty the Queen for the purpose of determining the liability to forfeiture of such tea, and every such legal proceeding may be taken in the like manner and subject to the same terms and conditions in all respects as claims or demands may be enforced against the Crown under "The Crown Suits Act, 1881."

Importer or owner may take proceedings to test liability to forfeiture.

Exhausted tea, or tea mixed with other substances may be detained, and shall not be delivered.

6. If upon such examination as aforesaid the samples of tea shall be found to be exhausted tea, or to be mixed with other substances, deleterious or otherwise, or with exhausted tea, and it is so proved to the satisfaction of the Commissioner, he may order that the whole of the packages of tea bearing the same brand or marks as the packages of tea from which the samples were taken shall be detained in any bonding warehouse or examination shed; and such tea shall not be delivered, either for home consumption or for exportation, unless upon such terms and conditions as he shall think fit. 5

Importer or owner of condemned tea to pay all expenses incident to the analysis.

7. The importer or owner of any tea ordered to be detained as aforesaid, or which may be forfeited under the provisions of this Act, shall pay all fees and other expenses incident to the analysis of such tea; and all such fees and expenses shall be regarded as and shall be a debt due to the Crown, and recoverable as such. 10

Importer or owner of condemned tea to have name published if found guilty of having more than twice imported tea which was subsequently condemned.

8. If any person, either as owner or importer, be found to have more than twice imported tea which was subsequently found to be unfit for human consumption, or exhausted, or mixed with other substances, or with exhausted tea, the Commissioner may cause such person's name and place of abode *with the cause of publication* to be published at the expense of such person in some newspaper circulating in the district in which he has his usual place of business, and such expense shall be recoverable as a debt due to the Crown. 15 20

Commissioner may make regulations.

9. The Commissioner may from time to time make, vary, or rescind any regulation for the more effectual carrying out of the objects of this Act, and may from time to time in like manner prescribe fees to be paid in respect of the analysis of tea by any analytical chemist; and every such regulation shall be gazetted. 25

Nothing in this Act to interfere with remedies under "The Adulteration Prevention Act, 1880." This Act to be read with "The Customs Laws Consolidation Act, 1882."

10. Nothing in this Act shall be held to affect the power of proceeding, or to take away any remedy against any offender, under the provisions of "The Adulteration Prevention Act, 1880." 30

11. This Act shall be read and construed with "The Customs Laws Consolidation Act, 1882," the provisions of which Act shall in all cases not herein expressly provided for, and so far as the same are not superseded by and are inconsistent with the express provisions of this Act, be duly observed, applied, and put in execution as fully and effectually as if the same were repeated and re-enacted in this Act.