



**THE APPLE AND PEAR MARKETING REGULATIONS 1975,
AMENDMENT NO. 1**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 24th day of March 1986

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 47 of the Apple and Pear Marketing Act 1971, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Apple and Pear Marketing Regulations 1975, Amendment No. 1, and shall be read together with and deemed part of the Apple and Pear Marketing Regulations 1975* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

2. Interpretation—(1) Regulation 2 (1) of the principal regulations is hereby amended by omitting from the definition of the term “fruit” the words “or pears or both”, and substituting the words “and pears or either of them; but does not include fruit of any plant of the species *Pyrus pyrifolia*,

or of any plant that is a hybrid of that species with the species *Pyrus ussuriensis*".

(2) The principal regulations are hereby consequentially amended—

(a) By omitting—

(i) The words "apples or pears or both" wherever they appear; and

(ii) The words "apples or pears", wherever they appear not followed by the words "or both",—
and substituting, in each case, the word "fruit"; and

(b) By omitting from regulation 5 (5) the words "apples and pears", and substituting the word "fruit"; and

(c) By omitting from the heading before regulation 10 the words "*Apples and Pears*", and substituting the word "*Fruit*".

(3) Regulation 2 of the principal regulations is hereby amended by adding the following subclause:

"(3) Nothing in these regulations shall so be interpreted as to have an effect in relation to the question of whether or not fruit of any plant of the species *Pyrus pyrifolia*, or of any plant that is a hybrid of that species with the species *Pyrus ussuriensis*, are pears".

3. Certain produce not required to be purchased by Board—The principal regulations are hereby amended by inserting, after regulation 2, the following heading and regulation:

"Exceptions from Compulsory Purchase by Board"

"2A. (1) The Board shall not be required to purchase any fruit of any plant of the species *Pyrus pyrifolia*, or of any plant that is a hybrid of that species with the species *Pyrus ussuriensis*.

"(2) The price paid by the Board for any fruit of any plant of the species *Pyrus pyrifolia*, or of any plant that is a hybrid of that species with the species *Pyrus ussuriensis*, it purchases shall be a price agreed by the Board and the vendor."

4. Permitted sales of certain produce—The principal regulations are hereby amended by inserting, after regulation 5, the following regulation:

"5A. Any person may sell any fruit of any plant of the species *Pyrus pyrifolia*, or of any plant that is a hybrid of that species with the species *Pyrus ussuriensis*, to any other person in any quantity."

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations amend the Apple and Pear Marketing Regulations 1975 so that the provisions of the Apple and Pear Marketing Act 1971 requiring the purchase of pears by the New Zealand Apple and Pear Marketing Board and forbidding certain sales of pears, and the regulations themselves, no longer apply to the asian pear (sometimes referred to as the nashi). The Board may purchase asian pears from any willing vendor if it wishes; but the price paid will be determined by normal commercial considerations rather than by the price fixing mechanisms that apply to apples and pears generally.

The amendments do not affect the general question of whether or not the asian pear is a "pear" within the meaning of the Act.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 26 March 1986.

These regulations are administered in the Ministry of Agriculture and Fisheries.