

1971/118



THE AGRICULTURAL CHEMICALS (REGISTRATION OF APPLICATORS) REGULATIONS 1971

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 31st day of May 1971

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Agricultural Chemicals Act 1959, 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 Agricultural Chemicals (Registration of Applicators) Regulations 1971.

(2) These regulations shall come into force on the 4th day of June 1971.

2. Interpretation—In these regulations, unless the context otherwise requires,

“The Act” means the Agricultural Chemicals Act 1959:

Expressions defined in the Act shall have the meanings so defined.

3. Registration certificates—(1) The Board may issue registration certificates of such specified classes as it thinks fit to any person who has satisfied the Board that he has knowledge of and practical experience in those specified classes of ground application of agricultural chemicals for which he is seeking registration.

(2) Subject to subclause (2) of regulation 4 of these regulations, every registration certificate shall expire on the 30th day of June next after the date on which it was issued.

(3) Every application for a registration certificate shall be made in writing to the Registrar on a form approved by the Board for that purpose.

(4) Every such application shall be accompanied by an application fee of \$2.

4. Renewal of registration certificates—(1) Every application for the renewal of a registration certificate shall be made on a form prescribed by the Board, and the application, together with the registration certificate, shall be sent to the Board for endorsement of the renewal on the certificate.

(2) Every registration certificate which has not been renewed shall be deemed to have expired, except in circumstances approved or endorsed by the Board.

5. Issue of examination certificates—The Board may issue an examination certificate to any person who has undertaken a course of study prescribed by the Board and who has passed an examination set by the Board.

6. Register of registration certificates—(1) The Board shall maintain a register of all registration certificates issued pursuant to these regulations.

(2) The register shall contain the following particulars in respect of each certificate:

- (a) The name and address of the person to whom the certificate is issued;
- (b) The class of certificate;
- (c) The serial number and date of issue of the certificate; and
- (d) Such other particulars as the Board may from time to time direct.

(3) Any person, on application to the Registrar, may obtain the particulars specified in paragraphs (a), (b), and (c) of subclause (2) of this regulation.

7. Qualification for certificates—(1) No registration certificate of any class shall be issued to any person unless he—

- (a) Has pursued such course of study, and has passed a written or oral examination on such matters, as are prescribed by the Board pursuant to these regulations for that class of certificate; and
- (b) Has satisfied the Board that he has satisfactory practical experience in the class of work relating to that class of certificate, and is capable of carrying out that work:

Provided that the Board may in such special circumstances as it considers fit waive the requirement that the person shall pursue a prescribed course of study:

Provided also that the Board, on any application made before the 30th day of December 1972, may also, in such special circumstances as it considers fit, waive the requirement that the person shall have passed such written or oral examinations for that class of certificate as is prescribed by the Board.

(2) Every applicant for a registration certificate shall furnish such information as the Board may require, including particulars as to his competency, and of his employment, experience, training and tuition, in the ground application of agricultural chemicals, and evidence of his having been engaged in such work; and the Board may require that the applicant appear before the Board or any committee of the Board for examination as to his experience in, and practical ability to carry out, ground application of agricultural chemicals.

8. Examinations—(1) The Board may from time to time, at such convenient places as it may determine, hold or arrange for the holding of written or oral examinations of candidates for certificates.

(2) The Board shall, in such manner as it thinks fit, give sufficient notice of the dates and places at which written or oral examinations will be held.

(3) Applications for written examinations shall be on forms which shall be approved by the Board, and the application shall be accompanied by such fee as shall be prescribed from time to time by the Board.

9. Examiners—The Board may from time to time appoint suitable persons to be examiners.

10. Cancellation of registration certificates—(1) The Board may cancel any registration certificate, if it is proved to its satisfaction that the holder of the certificate has, since the issue of the certificate, been negligent or inefficient in the ground application of agricultural chemicals.

(2) Before cancelling any registration certificate, the Board shall give notice to the holder of the certificate to show cause why the certificate should not be cancelled, and shall give that person an opportunity to be heard.

(3) If any registration certificate is cancelled by the Board pursuant to this regulation, the person to whom that certificate was issued shall, on receiving a written notice to that effect from the Board, return the certificate to the Board.

(4) Subject to any appeal being made under regulation 11 of these regulations against any decision of the Board made pursuant to subclause (1) of this regulation, any person who—

- (a) Fails to return a registration certificate to the Board within 28 days after receiving a notice under subclause (3) of this regulation; or
- (b) If any such appeal is unsuccessful, fails to return the registration certificate to the Board within 28 days after the decision of the Appeal Authority—

commits an offence, and shall on summary conviction be liable to a fine not exceeding \$50.

11. Appeals—(1) There shall be a right of appeal within 28 days after the date of the decision appealed against from the whole or any part of any decision of the Board pursuant to these regulations, on the grounds that, having regard to the provisions of these regulations and the circumstances of the case, the decision of the Board was not reasonably arrived at.

(2) The provisions of subsections (2) to (6) of section 21 of the Act shall, with the necessary modifications, apply in respect of every appeal under this regulation as if the appeal were made under subsection (1) of that section.

P. J. BROOKS,
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 provide—

- (a) For voluntary registration of ground applicators of agricultural chemicals.
- (b) For the issue of registration certificates of specified classes to those people who have passed an examination conducted by the Agricultural Chemicals Board and who have satisfied the Board that they have satisfactory practical experience in the application of such chemicals.
- (c) That the Board may, in any special circumstances as decided by the Board, on any application made before 30 December 1972, waive the requirement that applicants for registration shall pass the examination, before a registration certificate is issued.
- (d) For cancellation of registration.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 3 June 1971.

These regulations are administered in the Department of Agriculture.