

1975/203



THE AGRICULTURAL CHEMICALS REGULATIONS 1968,  
AMENDMENT NO. 4

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 4th day of August 1975

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 Regulations 1968, Amendment No. 4, and shall be read together with and deemed part of the Agricultural Chemicals Regulations 1968\* (hereinafter referred to as the principal regulations).

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

**2. Appeals under section 21 of Act**—The principal regulations are hereby amended by inserting, after regulation 3, the following heading and regulations:

*“Appeals*

**“3A. Reasons for decision**—Every notification of a decision of the Board against which there is a right of appeal under section 21 of the Act shall specify the reason for the decision.

**“3B. Appointment of assessors**—Of the assessors referred to in section 21 (2) of the Act 1 shall be appointed by the Board, by resolution duly passed, and the other shall be appointed in writing by the appellant as hereinafter provided.

\*S.R. 1968/201

Amendment No. 1: S.R. 1971/38

Amendment No. 2: S.R. 1972/122

Amendment No. 3: S.R. 1973/148

**“3c. Notice of appeal**—Every notice of appeal shall be in the form set out in the Sixth Schedule hereto and shall specify therein the name of the person whom the appellants appoints to act as assessor on his behalf at the hearing of the appeal, and shall have endorsed thereon the assessor’s written consent to act.

**“3d. Appellant to be notified of names of Magistrate and Board’s assessor**—Within a period of 21 days after receipt of any such notice of appeal, the secretary to the Board shall inform the appellant of the name of the Magistrate before whom the appeal will be heard and of the assessor appointed by the Board, and shall at the same time forward to the Magistrate a copy of the Board’s decision and the notice of the appeal therefrom, together with a notice of the appointment of an assessor by the Board.

**“3e. Time and place of hearing**—The Magistrate shall fix a convenient time and place for the hearing of the appeal, such time to be not more than 42 days after the date of the receipt by the Board of the notice of appeal referred to in regulation 3c of these regulations.

**“3f. Notice of hearing**—The Magistrate shall cause at least 7 days’ previous notice of the said time and place to be given to each assessor, the Board, and the appellant.

**“3g. Substitution of Magistrate**—If by reason of death, sickness, or any other cause the Magistrate named as provided by regulation 3d hereof is unable to discharge the duties laid down in these regulations, any other Magistrate may discharge those duties in the place of the Magistrate so named, and, if no other Magistrate is available, the assessors may from time to time adjourn the hearing of the appeal for such period not exceeding 14 days and to such place as they think fit.

**“3h. Substitution of assessor**—If by reason of death, sickness, or any other cause any assessor appointed as aforesaid is not present at the time and place fixed for the hearing of the appeal, then the Board or the appellant, as the case may be, shall either at the time of hearing or previously thereto make a fresh appointment of an assessor and give notice in writing forthwith to the Magistrate and to the other party, and the Magistrate may adjourn the hearing of the appeal for such period, not exceeding 14 days, as he thinks fit.

**“3i. Procedure**—In matters not expressly provided for in the Act or by these regulations the procedure of the Appeal Authority shall be such as the Magistrate may determine.

**“3j. Adjournment**—The Appeal Authority may from time to time adjourn the hearing or consideration or determination of the appeal as it thinks fit.

**“3k. Parties may be represented**—At the hearing of the appeal the appellant may himself appear or may be represented by some other person on his behalf, and the Board may be represented by any member thereof or other person appointed by the Board.

**“3l. Determination of appeal**—If the appellant or his representative fails to appear at the hearing, the Appeal Authority may determine the appeal in his absence on such evidence as is available. If he appears, the evidence shall be taken in his presence or in the presence of his representative or both.

“3m. **Notice of determination**—The determination made in respect of any appeal shall be in writing signed by the Magistrate and the assessors, and a copy of the determination shall be given to the appellant and to the Board, and the Board shall forthwith give effect to the determination. No determination shall be invalid by reason of the omission or refusal of any assessor to sign it.”

3. **Form of notice of appeal**—The principal regulations are hereby further amended by adding the Sixth Schedule set out in the Schedule to these regulations.

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Reg. 3

SCHEDULE  
NEW SIXTH SCHEDULE TO PRINCIPAL  
REGULATIONS

Reg. 3c

“SIXTH SCHEDULE  
NOTICE OF APPEAL

The Secretary,  
Agricultural Chemicals Board,  
Ministry of Agriculture and Fisheries,  
Wellington.

TAKE notice that I, ..... of ....., hereby appeal, under section 21 of the Agricultural Chemicals Act 1959, against the decision of the Agricultural Chemicals Board that [*Here state decision or part of decision appealed against*].

The following are the grounds of the appeal: [*Here insert fully the grounds of the appeal*].

And I hereby appoint [*Full name*], of [*Full postal address and occupation*], to act as assessor on my behalf at the hearing of the appeal.

Dated at ..... this ..... day of ..... 19.....

*Signature of Appellant:* .....

I hereby consent to act as an assessor in this appeal.

*Signature of Assessor for Appellant:* .....

A. C. McLEOD,  
Acting for Clerk of the Executive Council.

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EXPLANATORY NOTE

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

These regulations prescribe the procedure for appeals against decisions of the Agricultural Chemicals Board.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 7 August 1975.

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