

Serial Number 1939/277.



**THE BOARD OF TRADE (WHEAT AND FLOUR)  
REGULATIONS 1938, AMENDMENT NO. 2.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 20th day of  
December, 1939.

Present :

THE HON. W. NASH PRESIDING IN COUNCIL.

PURSUANT to the provisions of section 26 of the Board of Trade Act, 1919, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and on the recommendation of the Minister of Industries and Commerce, and deeming the provisions hereinafter contained to be necessary in the public interest for divers of the purposes set out in the said section, doth hereby make the following regulations for the purposes of the said Act.

REGULATIONS.

1. These regulations may be cited as the Board of Trade (Wheat and Flour) Regulations 1938, Amendment No. 2.

2. These regulations shall be read together with and form part of the Board of Trade (Wheat and Flour) Regulations, 1938,\* as amended by the Board of Trade (Wheat and Flour) Regulations 1938, Amendment No. 1† (hereinafter called the principal regulations).

3. Regulation 1 of the principal regulations is further amended by adding to paragraph (a) of clause (3) thereof the following additional definition :—

“ ‘The 1939–40 scheme’ means the wheat-marketing scheme and the flour-marketing scheme established in respect of operations for the season 1939–40 by these regulations as amended, and, as the context may require, includes the said wheat-marketing scheme and the said flour-marketing scheme respectively and both of them collectively.”

\* Statutory Regulations 1938, Serial number 1938/26, page 131.

† Statutory Regulations 1938, Serial number 1938/181, page 764.

4. Regulation 1 of the principal regulations is further amended by deleting the definition of "Wheat" there given, and substituting the following words:—

" 'Wheat' means wheat of any kind or quality grown in New Zealand or elsewhere during the season 1939-40 or in any season previous to the season 1939-40."

5. The principal regulations are amended by inserting, after Regulation 4A thereof, the following additional regulation:—

"REGULATION 4B.—COMPLETION OF 1938-39 OPERATIONS.

"(1) The Committee shall complete the winding-up of the 1938-39 scheme as expeditiously as circumstances permit, and shall apportion equitably between the 1938-39 scheme and the 1939-40 scheme all expenses of and incidental to each.

"(2) The Committee may in its discretion use the funds of the 1938-39 scheme temporarily for the carrying on of the 1939-40 scheme, including the purposes set out in clause (4) of this regulation, but subject to proper adjustment and repayment as circumstances permit.

"(3) The Committee's decision on any matter of and incidental to adjustment between the 1938-39 scheme and the 1939-40 scheme, whether as to expenses and use of funds as aforesaid or otherwise, shall be final.

"(4) In order to complete the administration and winding-up of the 1938-39 scheme the Committee shall have power in its discretion to take over on behalf of the 1939-40 scheme any surplus of the 1938-39 scheme remaining in the hands of the Committee. Such taking-over shall be at a valuation to be fixed by the Committee after taking into account all relevant circumstances, including cost of storage. Any money in the Committee's hands under the 1939-40 scheme shall be available for the payment of the price of the wheat taken over, and the wheat so taken over shall become part of the stocks of the 1939-40 scheme."

6. Regulation 6 of the principal regulations is amended by revoking the paragraph marked (c) in clause (9) thereof, and substituting the following paragraph:—

"(c) Wheat grown in any season prior to the season 1939-40."

7. The principal regulations are amended by inserting, after Regulation 12A thereof, the following additional regulation:—

"REGULATION 12B.—RETURNS FOR 1939-40 SEASON.

"(1) The Committee may at any time give public notice requiring every grower of wheat to make to the Committee a return showing at a date to be stated in such notice—

"(a) The number of bushels of each variety of wheat grown by him during the season 1939-40:

"(b) The number of bushels of each variety of wheat so grown by him but not yet sold and delivered.

"(2) Every grower of wheat shall duly comply with the requirements of any such notice.

“(3) On or before the 1st day of March, 1940, every manufacturer of wheat-products for human consumption carrying on business in New Zealand shall make to the Committee a return showing—

“(a) His probable requirements of wheat for milling for the period between the 1st day of March, 1940, and the 28th day of February, 1941 :

“(b) His carry-over of stocks of wheat, flour, bran, and pollard as at the 31st day of January, 1940.

“(4) In making all such returns as aforesaid the person by whom the return is to be made shall use such forms as the Committee may from time to time by public notice or by express notice to such person require to be used.

“(5) If any person who has been a grower of wheat during the season 1939-40 dies before the date at which particulars of wheat grown by him are required by the Committee to be stated, or before he has made any return required of him under these regulations, or if any person who is on the 31st day of January, 1940, a manufacturer of wheat-products for human consumption dies before the date on which he is required to make any return under these regulations, or before he has made any such return, then and in every such case the legal personal representative of such person shall make on behalf of such person the respective return aforesaid.”

8. Regulation 15 of the principal regulations is amended by adding thereto the following additional clauses:—

“(8) The balance of the funds of the Committee shall, as soon as may be after the close of the 1939-40 season, be divided amongst the sellers of wheat to the Committee to the nearest workable fraction in proportion to the quantities of wheat sold by them to the Committee.

“(9) The Committee may at any time make an interim division of any part of its funds on account of the division directed to be made by the last preceding clause hereof.”

C. A. JEFFERY,  
Clerk of the Executive Council.

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Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 21st day of December, 1939.

These regulations are administered by the Department of Industries and Commerce, Tourist and Publicity.