

Serial Number 1938/25.



THE BOARD OF TRADE (ONION) REGULATIONS 1938.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 24th day of
February, 1938.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL 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.

REGULATION 1.—PRELIMINARY.

(1) These regulations are arranged as follows :—

REGULATION 1.—Preliminary.

REGULATION 2.—Definitions.

REGULATION 3.—Grading of Onions.

REGULATION 4.—Complaints Committee.

REGULATION 5.—Sale of Onions.

REGULATION 6.—Wholesale Prices and Charges.

REGULATION 7.—Advisory Committee.

REGULATION 8.—Application for Registration of Onion-growers and Wholesale Onion Merchants.

REGULATION 9.—Evidence of Registration.

REGULATION 10.—Returns.

REGULATION 11.—Offences.

(2) These regulations may be cited as the Board of Trade (Onion) Regulations 1938.

(3) These regulations shall come into force on the day following notification in the *Gazette* of the making thereof.*

(4) These regulations shall not apply to sales or purchases of onions by retail.

* See end note.

(5) The Board of Trade (Onion) Regulations 1937,* and the Board of Trade (Onion) Regulations 1937, Amendment No. 1,† are revoked.

(6) All certificates, and generally all acts of authority and all other documents, matters, acts, and things which originated under the regulations hereby revoked and are of continuing effect at the time of the coming into force of these regulations shall enure for the purpose of these regulations as fully and effectually as if they had originated under the corresponding provisions of these regulations and shall where necessary be deemed to have so originated.

REGULATION 2.—DEFINITIONS.

In these regulations, unless inconsistent with the context,—

“ Director-General ” means the Director-General of Agriculture :

“ District ” means any district as defined in the First Schedule hereto :

“ Graded onions ” means onions that have been examined and assigned to one of the two grades hereinafter specified :

“ Onions ” includes all edible species of onion, but does not include onions preserved in pickle or otherwise manufactured :

“ Onion-grower ” means a person by whom or on whose behalf any land is used for the growing of onion-plants and the production of onions for sale :

“ Sacks ” includes bags of any capacity :

“ Sale ” includes a contract for sale, agreement to sell, and offer for sale ; “ purchase ” includes a contract for purchase, agreement to purchase, and offer to purchase ; “ sale ” and “ purchase ” include barter and exchange ; and “ to sell ” and “ to purchase ” have corresponding meanings :

“ Sale by retail ” means a sale other than a sale made by wholesale, and includes a sale made to any person for any purpose other than resale :

“ Sale by wholesale ” means a sale made to any person for the purpose of resale :

“ Ungraded onions ” means onions that have not been examined and graded which are put into sacks marked as hereinafter prescribed :

“ Wholesale onion merchant ” means any person, partnership, or company engaged in the business of buying onions wholesale for the purpose of resale.

REGULATION 3.—GRADING OF ONIONS.

(1) All onions that are graded shall be graded into one of the two grades following—that is to say, f.a.q. grade and pickler grade.

(2) F.a.q. grade onions shall be well shaped, dry, well cured, reasonably free from doubles and thick-necked onions, not sprouted nor having any root-growth, free from seed-stems, and shall, subject to clause (4) of this regulation, be practically free from dirt, leaves, or other foreign matter, but shall not include any pickler-grade onions.

(3) Pickler-grade onions shall include all onions otherwise of f.a.q. grade, but of a size which is less than 1 inch in diameter measured at the greatest dimension of the onion at right angles to a straight line from stem to root.

* Statutory Regulations 1936-7, Serial number 137/1937, page 499.

† Statutory Regulations 1936-7, Serial number 160/1937, page 595.

(4) Any consignment of f.a.q. grade onions or of pickler-grade onions respectively that is intended for sale may contain dirt, leaves, or other foreign matter or sprouted onions not exceeding 2 per cent. by weight of such consignment.

(5) Every onion-grower shall examine and classify, or cause to be examined and classified, for grade in accordance with these regulations all onions intended to be sold by him as graded onions under these regulations.

(6) Immediately any onions have been examined and classified for grade the onion-grower shall pack them or cause them to be packed into sacks.

(7) Immediately any onion-grower packs, or causes to be packed, any ungraded onions in a sack he shall mark the sack or cause the sack to be marked with the letter "X."

REGULATION 4.—COMPLAINTS COMMITTEE.

(1) For the purposes of this regulation "the Complaints Committee" means a committee now or from time to time hereafter for the time being appointed by the New Zealand Grain, Seeds, and Produce Merchants' Federation for the purpose of hearing complaints in respect of produce sold by members of such federation.

(2) If in respect of any sale of graded onions for delivery in the district in which such onions were grown, or if in respect of any contract or agency for the sale of graded onions for delivery in the district in which such onions were grown, any dispute or difference arises between seller and buyer or (as the case may be) between principal and agent as to whether such onions have been correctly graded, either party to the dispute or difference may require the onions to be regraded by the Complaints Committee, and the decision of the Committee as to the grade of such onions shall be final and binding on all parties.

(3) If on such regrading the decision of the Complaints Committee is that any onions the subject of any such dispute or difference aforesaid are not graded so as to conform with the standard of quality appropriate to that one of the grades hereinbefore prescribed allotted to such onions by the grower thereof, such onions may, at the option of the owner, either—

- (a) Be sold in the district in which such onions were grown, but not elsewhere, according to their quality and condition at the time of regrading and free of the restrictions as to prices and charges imposed by Regulation 6 hereof; or
- (b) Be resorted so as to conform with one or other of the grades hereinbefore prescribed.

REGULATION 5.—SALE OF ONIONS.

(1) In this regulation the term "Grader" means a grader now or from time to time hereafter for the time being appointed by the New Zealand Grain, Seeds, and Produce Merchants' Federation or by the Minister of Agriculture.

(2) No person shall after the coming into force of these regulations sell by wholesale or purchase by wholesale any onions grown in New Zealand otherwise than as permitted by these regulations:

Provided that these regulations shall not apply to sales and purchases effected in the months of January and December in any year.

(3) Except as otherwise expressly provided by these regulations, no person shall sell or purchase by tender or private treaty or contract any onions grown in New Zealand which have not been graded, or any onions which are not of one of the two grades specified in Regulation 3 hereof:

Provided that any onions whether graded or ungraded may be sold by public auction.

(4) No person shall offer, or cause to be offered or consign to be offered, for sale by public auction at any place in any district any ungraded onions grown at any place in New Zealand outside that district except with the prior written permission of the Director-General.

(5) No person shall consign for sale at any place in either No. 1 or No. 2 district any graded onions grown in No. 3 district unless such onions are accompanied by a certificate of confirmation of grade issued pursuant to this regulation.

(6) Every person desiring to consign for sale at any place in either No. 1 or No. 2 district any graded onions grown in No. 3 district shall cause such onions to be re-examined by a grader for the purpose of ascertaining whether the onions conform with the standard of quality appropriate to that one of the grades hereinbefore prescribed allotted to such onions by the grower thereof.

(7) If on such examination the Grader is of the opinion that the onions comprised in the consignment are of the standard of quality appropriate to the grade allotted thereto by the grower thereof, he shall issue to the consignor a certificate dated and signed by the Grader of confirmation of the grade of such onions.

(8) If on such examination the Grader is of the opinion that the onions comprised in any consignment are not of the standard of quality appropriate to the grade allotted thereto by the grower thereof, he shall give notice in writing to the owner to that effect, and the onions may thereupon at the option of the owner either—

- (a) Be sold according to their quality and condition in the district in which the onions were grown but not elsewhere; or
- (b) Be resorted so as to conform with one or other of the grades hereinbefore prescribed and resubmitted for further examination before being consigned for sale at any place outside the district in which the onions were grown.

(9) Any person desiring to sell, whether as owner or as consignee, at any place in either No. 1 or No. 2 district, any graded onions grown in No. 3 district in respect of which a certificate of confirmation has been issued, if he is of opinion that such onions have deteriorated in quality by reason of storage or other cause, may apply to the Director-General for permission to sell such onions according to their quality and condition; and the Director-General, if satisfied as to such deterioration, may grant such permission accordingly, and thereupon such person may sell such onions according to their quality

and condition, notwithstanding that they may at the time of sale not be of one of the grades specified in Regulation 3 hereof and free from the restriction as to prices and charges imposed by Regulation 6 hereof.

REGULATION 6.—WHOLESALE PRICES AND CHARGES.

(1) Subject to the provisions of clause (3) of Regulation 4 hereof and clause (9) of Regulation 5 hereof, no person shall sell or purchase by tender or private contract or treaty any f.a.q. grade onions to which these regulations apply at prices below four pounds (£4) per ton of 2,240 pounds (sacks extra), free on board or free on rail at the port or the railway-station, whichever is nearest to the place at which such onions were grown.

(2) Subject to the provisions of clause (3) of Regulation 4 hereof and clause (9) of Regulation 5 hereof and clause (5) of this regulation, no person shall sell or purchase at public auction any f.a.q. grade onions to which these regulations apply at a price below the price set out in clause (1) of this regulation, together with all transport costs and charges ex the port or the railway-station, whichever is nearest to the place at which the graded onions were grown, together also with marine-insurance premiums (if any) and grading-fees, but excepting the charges prescribed by paragraph (a) of clause (6) of this regulation.

(3) Subject to the provisions of the next succeeding clause of this regulation, no person who is not a member of the New Zealand Grain, Seeds, and Produce Merchants' Federation, or of some other body approved by the Minister of Agriculture carrying on business in any district shall sell any graded onions grown in that district to any person for delivery outside that district, and no person who is not a member of the said federation or other approved body carrying on business as aforesaid shall buy any such onions on behalf of any person for delivery outside the district in which the onions were grown.

(4) Nothing in clause (3) of this regulation shall apply to a sale of graded onions by any onion-grower personally and not through an agent or to a sale of graded onions by public auction.

(5) No onion-grower shall sell any f.a.q. grade onions grown in any district to any person for delivery outside that district at a price less than the price prescribed by clause (1) of this regulation increased by $7\frac{1}{2}$ per cent. thereof.

(6) No person selling onions on consignment or as agent or acting as agent for an onion-grower in effecting a sale shall make for his services any charge greater than or additional to the following charges, namely:—

- (a) On sale by public auction 10 per cent. of the gross sale price plus 1d. per sack as a handling charge, both of such charges to be payable by the vendor.
- (b) On sale otherwise than by public auction $7\frac{1}{2}$ per cent. of the f.o.r. or f.o.b. price (sacks excluded), such charge to be payable by the purchaser.
- (c) For effecting a sale as a broker A commission of 2s. 6d. per ton, payable by the broker's principal.

REGULATION 7.—ADVISORY COMMITTEE.

(1) The Minister of Agriculture may appoint a Committee, to be known as the New Zealand Onion Marketing Advisory Committee.

(2) The Committee shall consist of :—

- (a) Two Government representatives, one of whom shall be the Chairman.
- (b) Four persons as representatives of the onion-growers of New Zealand, and appointed as follows—
 - (i) Two persons as representatives of the onion-growers of No. 1 and No. 2 districts :
 - (ii) Two persons as representatives of the onion-growers of No. 3 district.
- (c) Three persons as representatives of the merchants of New Zealand engaged in the business of wholesale marketing of onions in New Zealand appointed as follows—
 - (i) One person representing the merchants of No. 1 district :
 - (ii) One person representing the merchants of No. 2 district :
 - (iii) One person representing the merchants of No. 3 district.

(3) The members of the Committee shall hold office during the pleasure of the Minister of Agriculture.

(4) At any meeting of the Committee six members shall form a quorum.

(5) The Committee shall, whenever requested by the Minister of Agriculture so to do, advise the Minister to what extent, if any, the minimum prices prescribed by clause (1) of Regulation 6 hereof shall be varied from time to time, and generally as to any matter referred to a Committee in relation to the production and marketing of onions in New Zealand.

(6) Every member of the Committee, not being an officer of the Public Service, may be paid such fee, not exceeding £1 ls., as may be considered reasonable by the Minister, for each day or part of a day on which he is engaged on the business of the Committee, together with all actual and reasonable locomotive and subsistence expenses incurred by him in respect of his attendance on the business of the Committee.

(7) Before any payment is made under the last preceding clause of this regulation the claimant shall furnish a certificate in writing signed by him to the effect that on the occasion or days in respect of which fees or expenses are claimed he was engaged on the business of the Committee, that the claim is correct in all particulars, and that he has not already been paid by, nor will he claim or accept from any other person, Department, trust, or body corporate any travelling allowance or expenses in respect of the same occasion or days, and such certificate shall so far as possible be supported by vouchers for all items of expenses claimed in excess of five shillings.

REGULATION 8.—APPLICATION FOR REGISTRATION OF ONION-GROWERS AND WHOLESALE ONION MERCHANTS.

(1) Every person who at any time during the period from the 1st day of February until the 30th day of November in any year grows any onions which he is offering or intends to offer for sale shall, within fourteen days after the 1st day of February in any year or within fourteen days after any later date during such period on which he commences to grow such onions, apply in manner herein prescribed for registration as an onion-grower.

(2) Every application for registration as an onion-grower shall be made in writing to the Director-General in the Form numbered 1 in the Second Schedule hereto.

(3) Every person, partnership, or company who or which at any time during the period from the 1st day of February until the 30th day of November in any year is engaged in the business of the wholesale marketing of onions in New Zealand shall, within fourteen days after the 1st day of February in any year or within fourteen days after any later date during such period on which he or it commences to be engaged in the said business, apply in manner herein prescribed for registration as a wholesale onion merchant.

(4) Every application for registration as a wholesale onion merchant shall be made in writing to the Director-General in the Form numbered 2 in the Second Schedule hereto.

(5) Forms of application for registration as an onion-grower or as a wholesale onion merchant may be obtained free of charge from the Director-General or from any District Office or Fields Superintendent of the Department of Agriculture.

REGULATION 9.—EVIDENCE OF REGISTRATION.

(1) On the registration of any onion-grower there shall be issued to such onion-grower a certificate of registration in the Form numbered 3 in the Second Schedule hereto.

(2) On the registration of any wholesale onion merchant there shall be issued to such wholesale onion merchant a certificate of registration in the Form numbered 4 in the Second Schedule hereto.

(3) Every such certificate of registration shall be *prima facie* evidence of the registration of the onion-grower or wholesale onion merchant to which the same relates.

(4) Every certificate of registration issued under this regulation shall expire on the next expiry date as hereinafter defined.

(5) For the purpose of this regulation the term "expiry date" means the 30th day of November in the year 1938, in the year 1939, and in each and every year thereafter respectively.

(6) A certificate in writing signed by the Director-General to the effect that on the date stated therein according to his records any person named therein was not registered as an onion-grower or as an onion merchant respectively shall be *prima facie* evidence of the fact of such non-registration.

REGULATION 10.—RETURNS.

(1) Every onion-grower shall, not later than the seventh day after the close of each month other than the months of November and December, forward to the Director-General a return signed and dated by him and setting forth—

- (a) The total quantity by weight of all onions sold by him during that month ;
- (b) The total quantity by weight of all onions delivered by him for sale on consignment during that month ;
- (c) The total quantity by weight of all onions harvested and held by him for sale at the close of that month ; and
- (d) The estimated quantity of all onions grown to maturity or approaching maturity but not harvested by him at the close of that month.

(2) Every person other than an onion-grower who, whether as principal or as agent, sells any onions by wholesale shall, not later than the seventh day after the close of each month other than the months of November and December, forward to the Director-General a return signed and dated by him and setting forth—

- (a) The total quantity by weight of all onions purchased by him during that month ;
- (b) The total quantity by weight of all onions delivered to him for sale on consignment during that month ;
- (c) The total quantity by weight of all onions sold by him during that month ; and
- (d) The total quantity by weight of all onions held by him for sale at the close of that month.

REGULATION 11.—OFFENCES.

(1) Every person who sells or purchases otherwise than by public auction any onions which have not been graded or any onions which are not of one of the grades hereinbefore prescribed is guilty of an offence against these regulations.

(2) Every person who, not having a permit in writing from the Director-General so to do, offers or causes to be offered or consigns to be offered for sale by public auction at any place within a prescribed district any ungraded onions which have not been grown at any place within that district is guilty of an offence against these regulations.

(3) Every person who sells or purchases any graded onions at a price below the minimum price prescribed for the particular grade of such onions so sold or purchased is guilty of an offence against these regulations.

(4) Every person who in selling onions on consignment or as agent or in acting as agent for any onion-grower in effecting a sale of onions, makes for his services any charge greater than or additional to the appropriate charge prescribed by these regulations is guilty of an offence against these regulations.

(5) Every person who fails to make, in accordance with these regulations, the returns required by Regulation 10 hereof, or who makes any such return which is false or misleading in any particular, is guilty of an offence against these regulations.

(6) Every person who, with intent to evade the provisions of these regulations, incorrectly grades any onions is guilty of an offence against these regulations.

(7) Every person who, being an onion-grower or a wholesale onion merchant, fails to make an application for registration as an onion-grower or as a wholesale onion merchant pursuant to the provisions of these regulations is guilty of an offence against these regulations.

(8) Every person who at any time after the last respective day hereinbefore prescribed for making application for registration as an onion-grower or as a wholesale onion merchant respectively carries on business as an onion-grower or as a wholesale onion merchant respectively without a certificate of registration having been issued to him is guilty of an offence against these regulations.

(9) Every person who makes any statement which is false or misleading in any material particular in any application for registration pursuant to Regulation 8 hereof is guilty of an offence against these regulations.

(10) Nothing contained in this regulation shall affect or diminish the liability of any person for an act or omission contrary to any provision contained in the preceding regulations hereof.

SCHEDULES.

FIRST SCHEDULE.

No. 1 DISTRICT.

ALL that portion of the North Island lying northward of the following boundary line: Commencing at a point on the west coast of the North Island where the northern boundary of the Clifton County meets the sea-coast: thence in an easterly direction generally along the northern boundaries of Clifton and Whangamomona Counties, the southern boundaries of the Kaitieke County, the southern and eastern boundaries of the Taupo County, the southern boundary of the Whakatane County, and the south-eastern and northern boundaries of the Opotiki County to the sea-coast in the Bay of Plenty.

No. 2 DISTRICT.

All that portion of the North Island not included in the No. 1 District hereinbefore defined.

No. 3 DISTRICT.

The whole of the South Island except the Chatham Islands, Stewart Island, and all other islands adjacent to the South Island south of Cook Strait.

SECOND SCHEDULE.

[Form No. 1.

APPLICATION FOR REGISTRATION AS AN ONION-GROWER.

The Director-General, Department of Agriculture, Private Bag, Wellington.

I HEREBY apply, in pursuance of the regulations under the Board of Trade Act, 1919, for registration as an onion-grower for the registration period ending on the 30th day of November, 19..

Surname :

Forename :

Address of applicant :

Varieties of Onions grown or to be grown by Applicant.	Area planted or to be planted with each Variety.
.....
.....
.....
.....

Total area ..

Date :

Signature :

[Form No. 2.

APPLICATION FOR REGISTRATION AS A WHOLESALE ONION MERCHANT.

The Director-General, Department of Agriculture, Private Bag, Wellington.
I/WE hereby apply in pursuance of the regulations under the Board of Trade Act, 1919, for registration as (a) Wholesale Onion Merchant(s) for the registration period ending on the 30th day of November, 19..

Name(s) :

Forename(s) :

Address of applicant(s) :

Date :

Signature :

[Form No. 3.

CERTIFICATE OF REGISTRATION OF ONION-GROWER.

I HEREBY certify that of, is duly registered as an onion-grower in terms of the Board of Trade Act, 1919, and the Board of Trade (Onion) Regulations 1938, for the registration period ending on the 30th day of November, 19.., and that Registered Number has been duly allocated to him.

Dated at Wellington, this day of, 19..

Signature :

Director-General of Agriculture.

[Form No. 4.

CERTIFICATE OF REGISTRATION OF WHOLESALE ONION MERCHANT.

I HEREBY certify that, of, is duly registered as a wholesale onion merchant in terms of the Board of Trade Act, 1919, and the Board of Trade (Onion) Regulations 1938, for the registration period ending on the 30th day of November, 19.., and that Registered Number has been duly allocated to him.

Dated at Wellington, this day of, 19..

Signature :

Director-General of Agriculture.

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

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette* : 25th day of February, 1938.
These regulations are administered by the Department of Agriculture.