

Serial Number 1950/156

**THE COMMERCIAL GARDENS REGISTRATION
REGULATIONS 1950**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 20th day of
September, 1950

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Commercial Gardens Registration Act, 1943, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

PRELIMINARY

1. (1) These regulations may be cited as the Commercial Gardens Registration Regulations 1950.

(2) These regulations shall come into force on the 1st day of October, 1950.

2. (1) In these regulations, unless the context otherwise requires,—
“The Act” means the Commercial Gardens Registration Act, 1943 :

“Registrar” means an officer of the Department of Agriculture for the time being stationed at the registration office for any district and appointed by the Director-General of Agriculture to be the Registrar of Commercial Gardens for that district :

“Registration district” or “district” means a commercial gardens registration district constituted under these regulations :

“Registration office” means the registration office appointed under these regulations for any district.

(2) Terms defined in the Act shall, when used in these regulations, have the meanings respectively assigned thereto in the Act.

REGISTRATION DISTRICTS

3. (1) For the purposes of the registration of commercial gardens, New Zealand is hereby divided into seventeen registration districts having the names set out in the first column of the Schedule hereto.

(2) Each registration district shall comprise the counties referred to in the second column of the said Schedule opposite the name of the registration district as set out in the first column of that Schedule.

(3) Each registration district shall include all boroughs and town districts enclosed by or contiguous to any county included in the district.

(4) The registration office for each registration district shall be the office of the Department of Agriculture in the borough or city named in the first column of the said Schedule.

REGISTERS

4. (1) The Registrar for each registration district shall keep in the registration office for that district a Register of Commercial Gardens for the district.

(2) The register may be kept bookwise or in card form, or in such other manner as may be deemed convenient, and an application for registration may be incorporated with and form part of the register.

(3) Entries in the register may be arranged in order of localities and in sub-order of names of occupiers arranged alphabetically or in such other order as may be deemed convenient, and may from time to time be rearranged in different order.

(4) The Registrar shall enter in the register such particulars in relation to every commercial garden in his district as the Director-General of Agriculture from time to time prescribes.

(5) No person shall be entitled to inspect or search the register except by permission of the Registrar for the district, which permission it shall be in the discretion of the Registrar to grant or withhold.

APPLICATION FOR REGISTRATION

5. Every application for registration of a commercial garden pursuant to section 3 (2) of the Act shall be made by the occupier thereof addressed in writing to the Registrar of the district within which the occupier's garden is situated, and shall be in a form provided for the purpose by the Director-General of Agriculture, and shall be accompanied by the prescribed fee.

EVIDENCE OF REGISTRATION

6. (1) A receipt in a form provided for the purpose by the Director-General of Agriculture for the payment of the appropriate registration fee for a commercial garden for any registration year purporting to be issued by or on behalf of any Registrar shall be *prima facie* evidence of the registration of the commercial garden occupied by the person named in the receipt for the registration year stated therein, and it shall not be necessary to issue to the occupier a certificate of registration.

(2) Where an application for registration of a commercial garden is not accompanied by the appropriate registration fee, or is accompanied by part only of that fee, the commercial garden described in the application shall be deemed not to be registered until the appropriate fee or the balance of the fee payable, as the case may be, is duly paid.

NOTIFICATION OF CHANGE OF OCCUPIER

7. (1) Where any person becomes the occupier of a registered commercial garden during any registration year, he shall forthwith give notice of that fact to the Registrar of the district within which that garden is situated.

(2) Upon receipt of any notice given pursuant to this regulation and upon verification thereof to his satisfaction, the Registrar shall record in his register the name of the new occupier in the place of that of the former occupier.

CANCELLATION OF REGISTRATION

8. A Registrar may, by entry in his register to that effect, cancel the registration of any commercial garden on proof to his satisfaction that the occupier has permanently ceased to use the land comprised therein as a commercial garden.

AREA OF COMMERCIAL GARDENS

9. If any question arises as to the area of any commercial garden, the Director-General of Agriculture, or an officer duly authorized by the Director-General in that behalf, shall determine the area thereof, and that determination shall be final for the purposes of the Act and these regulations.

REVOCATION

10. The Commercial Gardens Registration Regulations 1943* are hereby revoked.

SCHEDULE

Reg. 3]

COMMERCIAL GARDENS REGISTRATION DISTRICTS

Name of District and Registration Office.	Description of District.
Kaikohe	The counties of Mongonui, Whangaroa, Bay of Islands, Hokianga, Whangarei, and Hobson.
Auckland	The counties of Eden, Otamatea, Rodney, Waitemata, Great Barrier Island, and Manukau.
Pukekohe	The county of Franklin.
Hamilton	The counties of Coromandel, Thames, Hauraki Plains, Raglan, Waikato, Ohinemuri, Piako, Waipa, Matamata, Kawhia, Otorohanga, Waitomo, Ohura, Taumarunui, Kaitieke, and Taupo.
Tauranga	The counties of Tauranga, Rotorua, Whakatane, and Opotiki.
Gisborne	The counties of Matakaoa, Waiapu, Uawa, Waikohu, Cook, and Wairoa.
Hastings	The counties of Hawke's Bay, Waipawa, Waipukurau, and Patangata.
New Plymouth	The counties of Clifton, Taranaki, Inglewood, Whangamomona, Egmont, Stratford, Eltham, Waimate West, Hawera, Patea, Waitotara, Wanganui, Waimarino, and Rangitikei.
Palmerston North	The counties of Kiwitea, Pohangina, Dannevirke, Weber, Oroua, Woodville, Manawatu, Horowhenua, Kairanga, Pahiatua, and Akitio.
Masterton	The counties of Eketahuna, Mauriceville, Castlepoint, Masterton, Wairarapa South, and Featherston.
Wellington	The counties of Hutt and Makara.
Nelson	The counties of Collingwood, Takaka, Waimea, Buller, Murchison, Inangahua, Grey, and Westland.
Blenheim	The counties of Marlborough, Awatere, and Sounds.
Christchurch	The counties of Kaikoura, Amuri, Cheviot, Waipara, Tawera, Kowai, Ashley, Oxford, Rangiora, Eyre, Selwyn, Malvern, Paparua, Waimairi, Heathcote, Mount Herbert, Akaroa, Wairewa, Halswell, Springs, Ellesmere, Ashburton, and Chatham Islands.
Timaru	The counties of Mackenzie, Geraldine, Levels, Waimate, and Waitaki.
Dunedin	The counties of Lake, Vincent, Maniototo, Tuapeka, Waihemo, Waikouaiti, Taieri, Peninsula, Bruce, and Clutha.
Invercargill	The counties of Fiord, Wallace, Southland, and Stewart Island.

T. J. SHERRARD,
Clerk of the Executive Council.

* Statutory Regulations 1943, Serial number 1943/67, page 142.

EXPLANATORY NOTE

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

These regulations consolidate, with some amendments, the existing regulations governing the registration of commercial gardens. Attention is called to the following alterations:—

1. Instead of registration being effected in Wellington provision is made for registration in other centres by dividing New Zealand into seventeen commercial gardens registration districts (regulation 3).

2. Where a change takes place during a registration year in the occupation of a registered commercial garden, or where an occupier permanently ceases to use land as a commercial garden, the appropriate register may be suitably amended and kept up to date (regulations 7 and 8).

3. Where a question arises as to the area of a commercial garden, the Director-General of Agriculture or his nominee may determine the area, and that determination shall be final (regulation 9).

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 21st day of September, 1950.

These regulations are administered in the Department of Agriculture.

(Notice No. Ag. 4914.)