



THE FERTILIZER CONTROL ORDER 1944

IN pursuance and exercise of the powers conferred on him by the Primary Industries Emergency Regulations 1939,* the Minister of Agriculture hereby makes the following Order.

ORDER

1. This Order may be cited as the Fertilizer Control Order 1944, and shall come into force on the 3rd day of July, 1944.

PRELIMINARY

2. (1) In this Order, unless the context otherwise requires,—

“ The said regulations ” means the Primary Industries Emergency Regulations 1939* :

“ Controller ” means the Primary Industries Controller appointed under the said regulations :

“ Fertilizer ” means an organic fertilizer or a phosphatic fertilizer, as hereinafter defined :

“ Organic fertilizer ” means any organic by-product of any abattoir or of any meat-freezing or boiling-down works which is used or is intended to be used as a fertilizer, and includes the organic content of preparations consisting of blood and bone, dried blood, or bone-dust (whether in combination with other substances or not) :

“ Phosphatic fertilizer ” means any fertilizer that contains not less than 5 per cent. by weight of phosphate, but does not include any organic fertilizer, as hereinbefore defined :

“ Sale ” includes barter and every other disposition for valuable consideration ; and “ sell ” has a corresponding meaning.

(2) If any question as to the proper classification of any fertilizer arises in connection with the administration of this Order it shall be determined by the Controller.

3. (1) The Fertilizer Control Order 1943†, the Fertilizer Control Order 1943, Amendment No. 1‡, and the Fertilizer Control Order 1943, Amendment No. 2§, are hereby revoked.

* Statutory Regulations 1939, Serial number 1939/164, page 728.

† Statutory Regulations 1943, Serial number 1943/118, page 259.

‡ Statutory Regulations 1944, Serial number 1944/12, page 47.

§ Statutory Regulations 1944, Serial number 1944/45, page 137.

(2) The revocation of the said Orders shall not affect the liability of any person for any offence in relation thereto committed before the commencement of this Order.

4. (1) The several quantities of phosphatic fertilizer specified in this Order are specified as for superphosphate.

(2) Where any phosphatic fertilizer other than superphosphate is supplied to any person pursuant to this Order the quantity of that fertilizer that he is entitled to acquire under this Order shall be computed in accordance with the table of equivalent weights set out in the First Schedule hereto.

5. (1) For the purposes of this Order 1 ton of organic fertilizer shall be deemed to be the equivalent of 1 ton of superphosphate.

(2) Where any person is entitled in accordance with this Order to be supplied with any phosphatic fertilizer he may, subject to the terms of a permit that may be issued to the vendor by the Controller or by a person acting with the authority of the Controller, be supplied in lieu thereof with an equivalent quantity of organic fertilizer calculated in accordance with the table in the First Schedule hereto and with subclause (1) of this clause.

APPLICATION OF THIS ORDER

6. This Order, in so far as it relates to the sale or purchase of fertilizers, applies with respect to the sale and purchase of organic or phosphatic fertilizers at any time after the coming into force of this Order and before the 1st July, 1945.

RESTRICTIONS ON THE MIXING FOR PURPOSES OF SALE OF ORGANIC AND PHOSPHATIC FERTILIZERS

7. No person engaged in the manufacture of fertilizers, or engaged in the business of selling fertilizers, shall, for the purposes of his business, mix any organic fertilizer with any phosphatic fertilizer, except pursuant to a permit issued by the Controller or by a person acting with the authority of the Controller :

Provided that nothing in the foregoing provisions of this clause shall apply with respect to the mixture of any fertilizers, for the purposes of his business, by any retailer who in the course of his business customarily sells not more than 56 lb. of fertilizer in any one transaction.

RESTRICTIONS ON SALES OF ORGANIC OR MIXED FERTILIZERS BY MANUFACTURERS

8. (1) Any person engaged in the manufacture of organic fertilizers may sell any such fertilizer (whether mixed with a phosphatic fertilizer or not)—

- (a) Directly to the occupier of a market garden for the purposes of that garden ; or
- (b) To any other person engaged in the business of selling fertilizers if he is satisfied, on production by the purchaser of a statement in writing signed by him, that the fertilizer is required by him for sale for use exclusively in a market garden or in market gardens.

(2) Except as provided in the last preceding subclause, no person engaged in the manufacture of any organic fertilizer shall sell any such fertilizer (whether mixed with a phosphatic fertilizer or not) except pursuant to a permit issued by the Controller or by a person acting with the authority of the Controller.

(3) No person who acquires any fertilizer from a manufacturer pursuant to paragraph (b) of subclause (1) of this clause shall, except pursuant to a permit issued by the Controller or by a person acting with the authority of the Controller, dispose of that fertilizer otherwise than by sale for use exclusively in a market garden or in market gardens.

GENERAL PROVISIONS AS TO SALE, PURCHASE, AND USE OF FERTILIZERS

9. (1) No person shall sell any phosphatic or organic fertilizer for use by the purchaser otherwise than in accordance with the provisions of this Order.

(2) No person shall purchase or otherwise acquire any phosphatic or organic fertilizer, for use by him, otherwise than in accordance with the provisions of this Order.

(3) No person shall use any phosphatic or organic fertilizer acquired by him pursuant to this Order otherwise than on the land and for the purpose for which the fertilizer was supplied to him.

SUPPLY OF FERTILIZER FOR TOP-DRESSING

10. (1) The owner or occupier of any land may, during the period to which this Order relates, acquire for the purpose of top-dressing that land a quantity of phosphatic fertilizer (calculated in accordance with the First Schedule hereto) equal to the quantity of phosphatic fertilizer that he or any predecessor in title was authorized to acquire in respect of the same land pursuant to the Fertilizer Control Order 1943.*

(2) In addition to the quantity of phosphatic fertilizer that he is entitled to acquire under the last preceding subclause, the owner or occupier of any land used for the purposes of a dairy-farm may acquire, during the period to which this Order relates, an extra supply of phosphatic fertilizer for the purpose of top-dressing that land, not exceeding 1 cwt. of superphosphate or the equivalent weight of any other phosphatic fertilizer for each milking-cow depastured on the land during the 1944-45 dairy season.

(3) Any person who is entitled to a supply of phosphatic fertilizer in accordance with subclause (1) or subclause (2) of this clause may, in lieu thereof, be supplied, in accordance with subclause (2) of clause 5 hereof, with an equivalent quantity of organic fertilizer.

SUPPLIES OF FERTILIZERS FOR CROPS AND OTHER SPECIFIED PURPOSES

11. (1) Any person engaged in farming operations or in the business of producing for sale any crops (including fruit, vegetables, or plants) may, at any time during the period to which this Order relates, acquire for the purposes or any of the purposes referred to in the Second

* Statutory Regulations 1943, Serial number 1943/118, page 259.

Schedule hereto an amount of any phosphatic fertilizer, not exceeding in any case the appropriate amount specified in the Second Schedule hereto and computed in accordance with the First Schedule hereto.

(2) Any person who is entitled to a supply of phosphatic fertilizer in accordance with this clause may, in lieu thereof, be supplied, in accordance with subclause (2) of clause 5 hereof, with an equivalent quantity of organic fertilizer.

12. Notwithstanding anything in the foregoing provisions of this Order, the restrictions imposed thereby in respect of organic fertilizers shall not apply with respect to any organic fertilizer required for the purposes of a market garden, and supplied to the occupier on production to the vendor of an order containing a declaration signed by the occupier to the effect that the quantity of organic fertilizer mentioned in the order is required and will be used by the occupier during the period ending on the 1st day of July, 1945, for the purposes of the market garden referred to in the order.

PROCEDURE FOR OBTAINING SUPPLIES OF FERTILIZERS UNDER THIS ORDER

13. Every person who is entitled in accordance with the foregoing provisions of this Order to acquire supplies of fertilizer for top-dressing purposes, or for any of the purposes mentioned in the Second Schedule hereto, shall, on demand by the vendor, furnish such particulars as will enable the vendor to determine the amount of any fertilizer which the purchaser is entitled to acquire under this Order.

14. (1) No vendor shall supply any fertilizer to any person for use in accordance with the foregoing provisions of this Order unless he is satisfied on reasonable grounds that the particulars furnished by the purchaser are correct and that the purchaser is entitled to acquire the fertilizer to which his order relates :

Provided that nothing in this clause shall apply with respect to the sale of any fertilizer by any vendor to any purchaser if the total quantity of all fertilizers supplied by the vendor to that purchaser during the period to which this Order relates does not exceed 186 lb.

(2) Every vendor who supplies any fertilizer pursuant to the foregoing provisions of this Order shall keep a record of the transaction, which shall be open to inspection by the Controller or by any person authorized in that behalf by the Controller.

SUPPLY OF FERTILIZERS FOR RETAILERS OF SMALL QUANTITIES

15. (1) Any person who in the ordinary course of his business customarily purchases supplies of fertilizer for retail sale in quantities of not more than 56 lb. at any one time may, on application in writing to the Controller, be granted a license to purchase such quantity or quantities of fertilizers as may be specified in the license.

(2) Every such license shall be subject to such conditions as may be fixed by the Controller.

(3) No vendor shall provide any fertilizer for sale by a retailer under this clause unless he is satisfied that the retailer is licensed in accordance with this clause.

RESTRICTIONS ON SUPPLY OF FERTILIZERS TO PERSONS CONVICTED OF OFFENCES IN RELATION TO ACQUISITION OF FERTILIZERS

16. (1) Notwithstanding anything in the foregoing provisions of this Order, any person who has been convicted of the offence of acquiring any fertilizer in breach of the provisions of this Order or of any former Order relating to the control of the supply of fertilizers shall not, during the continuance of this Order, be entitled to acquire any fertilizer to which it applies except with the permission in writing of the Controller or of a person authorized by the Controller to grant such permission.

(2) Nothing in the last preceding subclause shall apply with respect to the purchase of fertilizer from a retailer in accordance with clause 15 hereof.

CONTROLLER MAY REDUCE ALLOCATIONS IN EXCESS OF REQUIREMENTS

17. (1) Notwithstanding anything in the foregoing provisions of this Order, if the Controller or any person acting with the authority of the Controller is satisfied with respect to the owner or occupier of any land that the quantity of fertilizer that he is authorized to acquire for the purposes of that land is in excess of his reasonable requirements he may reduce to such amount as he deems sufficient to satisfy those requirements the quantity of fertilizer that the owner or occupier is entitled to acquire under this Order.

(2) Notice of any reduction made pursuant to this clause may be given to the owner or occupier or may be given to the vendor from whom the owner or occupier usually obtains supplies of fertilizer.

SCHEDULES

FIRST SCHEDULE

TABLE OF EQUIVALENT WEIGHTS OF PHOSPHATIC FERTILIZERS (EXPRESSED IN RELATION TO SUPERPHOSPHATE)

Name of Fertilizer.	Equivalent of 1 Ton of Superphosphate.	
	Tons	Cwt.
Ammoniated super in proportion of 2 super 1 sulphate of ammonia	1	10
Basic super	1	4
Potassic basic super	1	5
Potassic super	1	1
Reverted super	1	4
Serpentine super	1	7
Basic slag	1	0
Compounded slag	1	4
Heskett slag	2	8
Super and lime mixtures—		
(1) 1 super : 1 lime	2	0
(2) 2 super : 1 lime	1	10
(3) 1 super : 2 lime	3	0

SECOND SCHEDULE

MAXIMUM QUANTITIES OF PHOSPHATIC FERTILIZERS THAT MAY BE ACQUIRED FOR CROPS, ETC

Kind of Crop, or other Specified Purpose.	Quantity of Fertilizer per Acre (expressed in Terms of Superphosphate).
	Cwt.
Carrots	2.0
Cereals—	
(1) Wheat grown in South Island	1.0
(2) Wheat grown in North Island	2.0
(3) Maize	2.0
(4) Other cereals (including barley, oats, millet, &c.) ..	0.75
Chou moellier	1.50
Hops	4.0
Linen flax and linseed	1.50
Mangels	3.0
Onions	7.0
Peas, vetches, and beans	0.75
Potatoes—	
(1) Planted September to December (inclusive)	3.0
(2) Planted January to August (inclusive)	10.0
Pumpkins	1.50
Rape and kale	1.50
Tobacco	8.0
Turnips and rape	0.75
Turnips and swedes—	
(1) When ridged	2.50
(2) When sown on flat	1.50
Market gardens	10.0
Nurseries	5.0
Vineyards and orchards	1.75
Production of vegetable seeds	1.50
For sowing with grass seed or lucerne seed on cultivated land	1.50

Dated at Wellington, this 28th day of June, 1944.

B. ROBERTS,
Minister of Agriculture.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 29th day of June, 1944.

These regulations are administered in the Department of Agriculture.

(Notice No. Ag. 4115.)