

Serial Number 1946/115



THE FERTILIZER CONTROL ORDER 1946

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.

O R D E R

1. This Order may be cited as the Fertilizer Control Order 1946, and shall come into force on the Monday next following the date of its notification in the *Gazette*.

P R E L I M I N A R Y

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 Phosphatic Fertilizer Control Order 1945† and the Phosphatic Fertilizer Control Order 1945, Amendment No. 1‡ are hereby revoked.

(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.

* Statutory Regulations 1939, Serial number 1939/164, page 723.

† Statutory Regulations 1945, Serial number 1945/82, page 105.

‡ Statutory Regulations 1946, Serial number 1946/10, page 23.

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.

APPLICATION OF THIS ORDER

5. This Order, in so far as it relates to the sale or purchase of fertilizers, applies with respect to the sale and purchase of fertilizers at any time after the coming into force of this Order and before the 1st July, 1947.

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

6. 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 licensed under clause 13 of this Order.

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

7. (1) No person shall sell any phosphatic fertilizer (whether mixed with an organic fertilizer or not) 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 fertilizer (whether mixed with an organic fertilizer or not), 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.

(4) If the owner or occupier of any land in respect of which he has obtained any fertilizer pursuant to this Order agrees to sell any part of that land before he has used the fertilizer he shall use on the part of the land which he has agreed to sell, or deliver to the purchaser for that use, such portion of the fertilizer as may be agreed upon between himself and the purchaser or, failing agreement, as may be directed by the Controller or by a person acting with the authority of the Controller.

(5) Notwithstanding anything to the contrary in the foregoing provisions of this clause, it shall be lawful if the prior written consent of the Controller has been obtained for any person who has acquired any fertilizer pursuant to this Order to supply the fertilizer to any discharged serviceman within the meaning of Part I of the Rehabilitation Act, 1941, and for the discharged serviceman to use the fertilizer on any land occupied by him.

SUPPLY OF ORGANIC FERTILIZER

8. (1) Any person who occupies any land for the purpose of a market-garden, nursery, vineyard, or orchard or for the production of vegetable-seeds shall be entitled to acquire for use on that land such quantity of organic fertilizer as in the opinion of the Controller may be deemed to be his normal requirements.

(2) Except with the prior consent of the Controller, no person shall, during the period to which this Order relates, supply any organic fertilizer for use on any land other than land used as market-gardens, nurseries, vineyards, or orchards or for the production of vegetable-seeds unless he is satisfied that all persons occupying land for any such purpose whom he supplied with organic fertilizer in the year ended on the 30th day of June, 1946, have obtained or will be able to obtain their normal requirements of organic fertilizer for the period to which this Order relates :

Provided that nothing in this subclause shall be deemed to prohibit the retail sale by any person licensed under clause 13 hereof of organic fertilizers in quantities of not more than 56 lb. at any one time.

SUPPLY OF FERTILIZER FOR TOP-DRESSING

9. (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 one and one-fifth times the quantity of phosphatic fertilizer that he or any predecessor in title was authorized to acquire in respect of the same land pursuant to clause 8 of the Phosphatic Fertilizer Control Order 1945.*

(2) If any person who is entitled to acquire phosphatic fertilizer in accordance with subclause (1) of this clause obtains, during the period to which this Order relates, any organic fertilizer (whether mixed with a phosphatic fertilizer or not) for the purpose of top-dressing, the quantity of phosphatic fertilizer which he is entitled to acquire as aforesaid shall be reduced by a quantity equivalent to 1 cwt. of superphosphate for each hundredweight of organic fertilizer so obtained.

SUPPLIES OF FERTILIZERS FOR CROPS AND OTHER SPECIFIED PURPOSES

10. (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 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) If any person who is entitled to acquire phosphatic fertilizer in accordance with subclause (1) of this clause obtains during the period to which this Order relates, any organic fertilizer (whether mixed with a phosphatic fertilizer or not) for any purpose specified in the Second Schedule hereto, other than market-gardens, nurseries, vineyards, orchards, and the production of vegetable-seeds, the quantity of phosphatic fertilizer which he is entitled to acquire as aforesaid shall be reduced by a quantity equivalent to 1 cwt. of superphosphate for each hundredweight of organic fertilizer so obtained.

* Statutory Regulations 1945, Serial number 1945/82, page 105.

PROCEDURE FOR OBTAINING SUPPLIES OF FERTILIZERS UNDER THIS ORDER

11. 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.

12. (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

13. (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.

(4) No retailer licensed under this clause shall sell, and no person shall purchase or otherwise acquire from any such retailer, any fertilizer acquired by the retailer pursuant to the license in a quantity of more than 56 lb. at any one time.

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

14. (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 other Order relating to the control of the supply of fertilizers (whether that other Order is still in force or not) 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 13 hereof.

CONTROLLER MAY REDUCE ALLOCATIONS IN EXCESS OF REQUIREMENTS

15. (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	12
Compounded slag	1	4
Heskett slag	1	12
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).
Carrots	Cwt. 2·0
Cereals—	
(1) Wheat grown in South Island	1·25
(2) Wheat grown in North Island	2·0
(3) Maize	3·0
(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	3·0
Production of vegetable-seeds	1·50
For sowing with grass seed or lucerne seed on cultivated land	1·50

Dated at Wellington, this 17th day of July, 1946.

B. ROBERTS,
Minister of Agriculture.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 18th day of July, 1946.

These regulations are administered in the Department of Agriculture.

(Notice No. Ag. 4309.)