

Serial Number 1948/198



THE FERTILIZER CONTROL REGULATIONS 1948

B. C. FREYBERG, Governor-General

By his Deputy,

H. F. O'LEARY

ORDER IN COUNCIL

At the Government House at Wellington, this 15th day of
December, 1948

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Fertilizers Act, 1927, 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. These regulations may be cited as the Fertilizer Control Regulations 1948.
2. These regulations shall come into force on the 1st day of January, 1949.
3. (1) In these regulations, unless the context otherwise requires,—
 - “Acquisition” includes acquisition of fertilizer by purchase, barter, or gift; and “acquire” has a corresponding meaning;
 - “Director-General” means the Director-General of the Department of Agriculture;
 - “Discharged serviceman” has the meaning assigned thereto by the Rehabilitation Act, 1941;
 - “Fertilizer” means organic fertilizer or phosphatic fertilizer as hereinafter defined, or a mixture containing both;
 - “Manufacture” means the manufacture of fertilizer by way of business and includes packing for sale, and also mixing substances, whether mechanically or by hand, to form a fertilizer of more than one component; and “manufactured” and “manufacturer” have corresponding meanings

“Organic fertilizer” means any substance used for enriching the soil and in a state suitable and intended for application to the land and which contains, whether in combination with other substances or not, blood and bone, dried blood, bonedust, or any organic by-product of an abattoir, meat-freezing works, or boiling-down works; but does not include lime or stable manure or any crude refuse which has not been dried or so treated that decomposition will be arrested until applied to the land:

“Phosphatic fertilizer” means any substance used for enriching the soil and in a state suitable and intended for application to the land which contains phosphoric acid in appreciable amount, but does not include any organic fertilizer as hereinbefore defined:

“Phosphoric acid” means phosphoric anhydride (P_2O_5):

“Retailer” means any person who in the ordinary course of his business sells fertilizer by retail in small quantities:

“Supply” includes supply of fertilizer by way of sale, barter, or gift; and “supplier” has a corresponding meaning:

“Vendor” means any person, not being a retailer, who, either on his own account or on behalf of any person, sells in the ordinary course of his business any fertilizer.

(2) If any question as to the proper classification of any fertilizer arises in connection with the administration of these regulations, it shall be determined by the Director-General.

(3) It is hereby declared that these regulations are in substitution for the Fertilizer Control Order 1947 and the Fertilizer Control Order 1947, Amendment No. 2, and the said Orders are therefore consequentially revoked.

4. Where it is necessary for the purposes of these regulations to compute quantity of any phosphatic fertilizer other than superphosphate, that quantity shall be computed in relation to the equivalent quantity of superphosphate in accordance with the table of equivalent weights set out in the First Schedule hereto.

5. These regulations, in so far as they relate to the supply and acquisition of fertilizers, apply only to supply and acquisition at any time during the period between the commencement of these regulations and the 1st day of July, 1949.

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

6. (1) No manufacturer or vendor shall mix any organic fertilizer with any phosphatic fertilizer except pursuant to a permit issued by the Director-General or by a person acting with the authority of the Director-General.

(2) Any permit issued pursuant to clause (1) of this regulation may contain such conditions as to proportions of components or otherwise as the Director-General or person issuing the permit shall think fit.

(3) Nothing in the foregoing provisions of this regulation shall apply with respect to the mixing of any fertilizers by any retailer licensed under Regulation 13 of these regulations.

GENERAL PROVISIONS AS TO SUPPLY, ACQUISITION, AND USE OF
FERTILIZERS

7. (1) No person shall supply and no person shall acquire any fertilizer otherwise than in accordance with the provisions of these regulations.

(2) No person shall use or permit the use of any fertilizer acquired by him pursuant to these regulations on any land or for any purpose other than that land or that purpose for which the fertilizer was supplied to him.

(3) If the owner or occupier of any land for use upon which he has acquired any fertilizer pursuant to these regulations agrees to sell, lease, or part with possession of the whole or any part of that land before he has used the fertilizer thereon, he shall nevertheless use on the land which is the subject of that agreement, or supply to the purchaser, lessee, or person going into possession for that use, such portion of the fertilizer and upon such terms as may be agreed upon between himself and the purchaser, lessee, or other person as aforesaid, or, failing agreement, such portion of the fertilizer and upon such terms as may be directed by the Director-General or by a person acting with the authority of the Director-General.

(4) Notwithstanding anything to the contrary in the foregoing provisions of this regulation, it shall be lawful, if the prior written consent of the Director-General has been obtained, for any person who has acquired any fertilizer pursuant to these regulations to supply the fertilizer to any discharged serviceman and for the discharged serviceman to use the fertilizer on any land occupied by him.

SUPPLY, ACQUISITION, USE, AND DISTRIBUTION OF ORGANIC
FERTILIZER

8. (1) No person shall supply any organic fertilizer for use on any land other than land used or intended to be used as a market garden, nursery, vineyard, or orchard, or for the production of vegetable seeds, except pursuant to a permit issued by the Director-General or by a person acting with the authority of the Director-General and subject to such conditions as may be prescribed in such permit.

(2) 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—

- (a) A quantity of organic fertilizer equal to the quantity of organic fertilizer that he or any previous occupier was authorized to acquire under the Orders for which these regulations are in substitution in respect of the same land during the period of twelve months ended on the 30th day of June, 1948; or
- (b) If no authority for the supply and acquisition of organic fertilizer for use on that land during the said period was given, then such quantity of organic fertilizer as the Director-General or a person acting with the authority of the Director-General deems sufficient for the occupier's reasonable requirements for the period to which these regulations relate.

(3) In any case where the quantity of organic fertilizer made available by manufacturers in the ordinary course of business for distribution in any locality is in the opinion of the Director-General insufficient to supply the requirements of occupiers of land in that locality used as market gardens, nurseries, vineyards, or orchards, or

for the production of vegetable seeds, the Director-General or a person acting with the authority of the Director-General may, by notice in writing given to any manufacturer of organic fertilizer, direct him to supply to the person designated in the notice such specified quantity of organic fertilizer as is at the time of the notice, or shall be thereafter during any period specified therein, in the possession of that manufacturer so as to make good such deficiency in whole or in part; and the manufacturer to whom such notice is given shall forthwith supply that organic fertilizer in accordance with the terms of the notice.

SUPPLY AND ACQUISITION OF PHOSPHATIC FERTILIZER
FOR TOP-DRESSING

9. (1) The occupier of any land may, during the period to which these regulations apply, acquire for the purpose of top-dressing that land a quantity of phosphatic fertilizer (calculated in accordance with the table of equivalent weights in the First Schedule hereto) equal to the quantity of phosphatic fertilizer that he or any previous occupier was authorized to acquire under the Orders for which these regulations are in substitution in respect of the same land during the period of twelve months ended on the 30th day of June, 1948.

(2) If any person who is entitled to acquire phosphatic fertilizer in accordance with clause (1) of this regulation acquires during the period to which these regulations apply any organic fertilizer supplied pursuant to clause (1) of Regulation 8 hereof for the purpose of top-dressing, the quantity of phosphatic fertilizer which he is entitled to acquire under this regulation shall be reduced by a quantity calculated at the rate of 1 cwt. of superphosphate (or the equivalent weight of other phosphatic fertilizer computed in accordance with the said table of equivalent weights) for each hundredweight of organic fertilizer so acquired.

(3) Nothing in this regulation shall be deemed to derogate from the provisions of Regulations 16, 17, 18, and 19 hereof relating to Fertilizer Committees.

SUPPLY AND ACQUISITION OF PHOSPHATIC FERTILIZER 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, during the period to which these regulations apply, acquire for use on any of the crops or for any of the purposes specified in the first column of the table in the Second Schedule hereto phosphatic fertilizer not exceeding in quantity an amount computed on an acreage basis in accordance with the second column of the said table and in accordance with the table of equivalent weights in the First Schedule hereto.

(2) If any person who is entitled to acquire phosphatic fertilizer in accordance with clause (1) of this regulation acquires during the period to which these regulations apply any organic fertilizer supplied pursuant to clause (1) of Regulation 8 hereof for use on any of the crops or for any of the purposes specified in the first column of the table in the Second Schedule hereto other than for the purposes of a market garden, nursery, vineyard, orchard, or the production of vegetable seeds, the quantity of phosphatic fertilizer which he is

entitled to acquire under this regulation shall be reduced by a quantity calculated at the rate of 1 cwt. of superphosphate (or the equivalent weight of other phosphatic fertilizer computed in accordance with the said table of equivalent weights) for each hundredweight of organic fertilizer so acquired.

PROCEDURE FOR OBTAINING SUPPLIES OF FERTILIZERS

11. Every person who is entitled in accordance with the foregoing provisions of these regulations to acquire fertilizer for top-dressing purposes, or for any of the crops or purposes specified in the Second Schedule hereto, shall, on demand by the supplier, furnish such particulars as will enable the supplier to determine the amount of any fertilizer which the said person is entitled to acquire under these regulations.

12. (1) No person shall supply any fertilizer to any other person unless he is satisfied on reasonable grounds that the particulars furnished by that other person pursuant to these regulations are correct and that such other person is entitled to acquire the fertilizer.

(2) Every person who supplies otherwise than by retail pursuant to Regulation 13 hereof any fertilizer shall keep a record of the transaction, which shall be open to inspection by the Director-General or by any person authorized in that behalf by the Director-General.

RETAILERS

13. (1) Any retailer may, on application in writing to the Director-General, be granted a licence to purchase such quantity of fertilizer from such vendor, and subject to such conditions as may be specified in the licence.

(2) It shall be lawful for the vendor named in any such licence, upon its production to him, to sell to the retailer named therein, and in accordance with its terms, the quantity of fertilizer specified in the licence.

(3) Notwithstanding anything to the contrary in these regulations, it shall be lawful for a retailer licensed under this regulation to supply not more than 56 lb. of fertilizer to or for the use of any one person during the period to which these regulations relate.

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 these regulations, any person who has been convicted of the offence of acquiring any fertilizer in breach of the provisions of these regulations or of the Orders for which these regulations are in substitution shall not, during the period to which these regulations apply, be entitled to acquire any fertilizer except with the permission in writing of the Director-General or of a person authorized by the Director-General to grant such permission.

(2) Nothing in this regulation shall apply with respect to the acquisition of fertilizer from a retailer in accordance with Regulation 13 hereof.

REDUCTION OF ALLOCATION IN EXCESS OF REQUIREMENTS

15. (1) Notwithstanding anything in the foregoing provisions of these regulations, if the Director-General or any person acting with the authority of the Director-General 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 the quantity of fertilizer that such owner or occupier is so entitled to acquire to such amount as he deems sufficient to satisfy those reasonable requirements.

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

FERTILIZER COMMITTEES

16. (1) The Minister of Agriculture may at any time appoint for any locality a Fertilizer Committee comprising—

- (a) A representative of the Department of Agriculture ;
- (b) A representative of vendors of fertilizers ; and
- (c) A representative of the users of fertilizer.

(2) The members of any Committee appointed under this regulation shall hold office during the pleasure of the said Minister.

(3) The functions of any Committee appointed under this regulation shall be to hear and determine applications for authority to acquire phosphatic fertilizer for top-dressing under Regulation 17 hereof.

(4) Any determination of any such Committee shall be sufficiently evidenced by writing signed by any member of the Committee purporting to act by direction of the Committee.

17. Any discharged serviceman or any other person who at any time during the period to which these regulations apply becomes the owner or occupier of any land in respect of which he is not entitled to acquire any phosphatic fertilizer under clause (1) of Regulation 9 of these regulations may apply in writing for an allocation of phosphatic fertilizer in respect of that land to the Committee functioning nearest or most conveniently accessible to the place where the fertilizer is intended to be used.

18. No person shall make any application or applications under the last preceding regulation to more than one Committee ; but any Committee may, if it thinks fit, refer any application to any other Committee, and thereupon that second Committee shall deal with the application as if it had been regularly made to the second Committee.

19. (1) The Fertilizer Committee that deals with any application made under Regulation 17 hereof may determine the quantity of phosphatic fertilizer the applicant shall be entitled to acquire for use on the land specified in the application, and the decision of that Committee shall be final.

(2) The written determination of the Committee shall be sufficient authority for the supplier to supply and the applicant to acquire the quantity of phosphatic fertilizer specified therein.

OFFENCES

20. (1) Every person commits an offence against these regulations who acts in contravention of or fails to comply in any respect with any provision of these regulations or with any determination, direction notice, requirement, or condition given, issued, or imposed under these regulations or with the terms and conditions of any licence or permit granted pursuant to these regulations.

(2) Every person who commits an offence against these regulations shall be liable to a fine of £10.

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.
	1	10
Ammoniated super in proportion of 2 super 1 sulphate of ammonia		
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
Gafsa (North African) phosphate	1	12

SECOND SCHEDULE

MAXIMUM QUANTITIES OF PHOSPHATIC FERTILIZERS THAT MAY BE ACQUIRED UNDER REGULATION 10.

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	1·25
(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 lucerne-seed on cultivated land	1·50
For sowing with grass-seed on cultivated land in the North Island	3·0
For sowing with grass-seed on cultivated land in the South Island	2·0

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 16th day of December, 1948.

These regulations are administered in the Department of Agriculture.

(Notice No. Ag. 4581.)