

Serial Number 1939/173.



THE GRAPE-VINE DISEASES REGULATIONS 1939.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 20th day of September, 1939.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Orchard and Garden Diseases Act, 1928, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

1. These regulations may be cited as the Grape-vine Diseases Regulations 1939.
2. These regulations shall come into force on the seventh day after notification in the *Gazette* of the making hereof.*
3. In these regulations, unless inconsistent with the context,—
 - “The said Act” means the Orchard and Garden Diseases Act, 1928 :
 - “Fungus” means the fungus known as downy mildew of grape (*Plasmopara viticola*) :
 - “Insect” means the insect known as vine-louse or phylloxera (*Phylloxera vastatrix*) :
 - “Inspector” means any Inspector appointed under the said Act :
 - “Prescribed area” means all that portion of the North Island comprising all that area of land lying within the boundaries of the Counties of Tauranga, Matamata, Waipa, Raglan, and all that portion of the North Island lying to the northward of those counties :
 - “Vine” means any vine of the genus *vitis* and any portion thereof except the fruit.
4. The regulations governing the control of downy mildew and phylloxera in vines made on the 17th day of December, 1928,† under the Orchard and Garden Diseases Act, 1908, and enuring under the said Act are revoked.

* See end note.

† *Gazette*, 20th December, 1928, Vol. III, page 3609.

5. All certificates, and generally all acts of authority and all other 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 purposes of these regulations as fully and effectually as if they had originated under the corresponding provisions of these regulations and accordingly shall, where necessary, be deemed to have so originated.

6. No person, whether by himself, his servant, or agent, shall remove any vine or any fungus or any insect from the North Island to any other part of New Zealand.

7. No person, whether by himself, his servant, or agent, shall remove any vine or any fungus or any insect from within the boundaries of the prescribed area.

8. Notwithstanding the provisions of the last preceding regulations, any vine may be removed from within the boundaries of the prescribed area to any other part of the North Island subject to its being accompanied by a certificate signed by an Inspector that such vine has been treated and disinfected as directed by him and to his satisfaction, and it shall be a defence to any proceedings for a breach of the said last preceding regulation with respect to the removal of any vine if the defendant proves that such vine was accompanied by such a certificate.

9. Nothing in the foregoing provisions of these regulations shall be deemed to apply in the case of an Inspector removing or sending any vine or any fungus or any insect from within the boundaries of the prescribed area to any place whether within or outside the North Island for the purpose of the identification of disease, or in the case of the Director of the Horticulture Division of the Department of Agriculture sending any vine which has been treated to his satisfaction beyond the North Island, whether from a place within the prescribed area or not, for the purpose of establishing new varieties in any other part of New Zealand.

10. Every person commits an offence against the said Act, and is liable to a fine not exceeding twenty pounds accordingly, who, directly or indirectly, by himself, his servant, or agent, does or attempts to do any act in contravention of these regulations or fails faithfully to observe and perform any duty or obligation imposed on him thereby.

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 21st day of September, 1939.

These regulations are administered by the Department of Agriculture.

(Notice No. Ag. 3691.)