

1962/41

Reprint under section 7 of the Regulations Act 1936 of the Hop Marketing Regulations 1939 (S.R. 1939/96), as amended by the following amendments:

- Amendment No. 1, S.R. 1941/80
- Amendment No. 2, S.R. 1941/178 (*Revoked by regulation 3 of S.R. 1950/77*)
- Amendment No. 3, S.R. 1945/60 (*Revoked by regulation 3 of S.R. 1950/77*)
- Amendment No. 4, S.R. 1950/77
- Amendment No. 5, S.R. 1954/88
- Amendment No. 6, S.R. 1955/212
- Amendment No. 7, S.R. 1956/21
- Amendment No. 8, S.R. 1956/51

THE HOP MARKETING REGULATIONS 1939 (REPRINT)

GALWAY, Governor-General

By his Deputy,

MICHAEL MYERS

ORDER IN COUNCIL

At the Government House at Wellington this 26th day of July 1939

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to [the Marketing Act 1936], and the Agriculture (Emergency Powers) Act 1934, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

The reference to the Marketing Act 1936 has been substituted for a reference to the Primary Products Marketing Act 1936 pursuant to s. 2 of the Marketing Amendment Act 1939.

REGULATIONS

1. (1) These regulations may be cited as the Hop Marketing Regulations 1939.

(2) These regulations shall come into force on the day following notification in the *Gazette* of the making hereof.

- (3) In these regulations, unless inconsistent with the context,—
 “Committee” means the Hop Marketing Committee established by these regulations:
 “Hops” means hops of the hop plant which are grown and produced within New Zealand:
 “Minister” means [the Minister of Agriculture]:
 “Producer” means the occupier of any land used for the growing of hop plants and the production of hops for sale:
 “Sale” includes a contract for sale, agreement to sell, and offer for sale:
 “Purchase” includes a contract for purchase, agreement to purchase, and offer to purchase:
 “Sale” and “purchase” include barter and exchange, and “to sell” and “to purchase” have corresponding meanings.

In subclause (3) in the definition of the term “Minister” the reference to the Minister of Agriculture was substituted for a reference to the Minister of Marketing by s. 3 (3) of the Marketing Amendment Act 1953.

2. There is hereby established a Committee, to be known as the Hop Marketing Committee, which shall consist of six persons to be appointed by the Minister as follows:

- (a) One person as the representative of the New Zealand Government:
- (b) Five persons to be appointed by the Minister as representatives of producers on election in manner provided in the Schedule hereto.

3. Every appointment by the Minister of a member of the Committee shall be made by notification under the hand of the Minister published in the *Gazette*, and shall take effect on the date of notification, or such later date as may be stated therein.

4. (1) Every person appointed as a Government representative under regulation 2 hereof shall hold office during the pleasure of the Minister.

(2) If any person appointed as Government representative as aforesaid is unable to attend any meeting of the Committee, he may by writing under his hand authorise any person who is for the time being an officer of [the Department of Agriculture] to attend such meeting in his stead, and such person shall for all the purposes of that meeting be deemed to be the Government representative on the Committee.

In subclause (2) the reference to the Department of Agriculture was substituted for a reference to the Marketing Department by s. 2 (4) of the Marketing Amendment Act 1953. The words originally appearing in this subclause were “the Internal Marketing Division of the Primary Products Marketing Department”; but the name of the Primary Products Marketing Department was altered to “the Marketing Department” by s. 3 (1) of the Marketing Amendment Act 1939, and that Department was abolished by s. 2 of the Marketing Amendment Act 1953.

5. (1) The first members of the Committee, other than the Government representative, may, notwithstanding the provisions of paragraph (b) of regulation 2 hereof, be appointed by the Minister to hold office until the 30th day of September 1939.

(2) Except as provided in the last preceding subclause of this regulation, every person appointed as a representative of producers shall hold office for a term of one year, but may from time to time be reappointed in manner prescribed by paragraph (b) of regulation 2 hereof.

(3) Notwithstanding anything in the foregoing provisions of this regulation every person appointed as a representative of producers shall continue to hold office until his successor comes into office.

6. If any member of the Committee—

(a) Dies; or

(b) Resigns his office by writing under his hand delivered to the Chairman of the Committee; or

(c) Becomes incapable of being or remaining a member of the Committee on any ground on which if he were a Councillor of a County Council he would be incapable of being or remaining a Councillor by virtue of [paragraphs (b) to (e) of section 39 of the Counties Act 1956]; or

(d) Is absent without leave from three consecutive meetings of the Committee,—

he shall thereupon cease to be a member, and the vacancy thereby created shall be deemed to be a casual vacancy.

In paragraph (c), paragraphs (b) to (e) of s. 39 of the Counties Act 1956, being the corresponding enactments in force at the date of this reprint, have been substituted for paragraphs (c) to (f) of subs. (1) of s. 62 of the repealed Counties Act 1920.

7. (1) Every casual vacancy shall be filled by the appointment by the Minister of some fit person to the Committee for the residue of the term for which the member whose office has become vacant was appointed.

(2) In the case of an appointment to fill a casual vacancy in the office of a producers' representative on the Committee such appointment shall be made on the recommendation of the Committee.

8. (1) The first meeting of the Committee shall be held at a time and place to be appointed in that behalf by the Minister, and notified by him to the members of the Committee.

(2) At the first meeting the Committee shall appoint one of its members to be the Chairman of the Committee.

(3) Except as provided in subclause (1) of this regulation, meetings of the Committee shall be held at such times and places as the Committee shall from time to time appoint.

(4) The Minister may at any time appoint and notify a place and time for holding a meeting of the Committee.

9. (1) The Chairman shall preside at every meeting of the Committee at which he is present. In the absence of the Chairman from any meeting of the Committee the members present shall select one of their number to be the Chairman of that meeting.

(2) At all meetings of the Committee four members shall form a quorum.

10. The powers of the Committee shall not be affected by any vacancy in the membership thereof, nor shall the proceedings of the Committee be invalidated by reason only of the subsequent discovery that some defect existed in the appointment of any member or that any person acting as a member was not validly a member thereof.

11. Subject to the foregoing provisions of these regulations, the Committee may make such arrangements as it thinks fit for the holding of Committee meetings, the procedure thereat, and generally for the conduct of its business and the exercise of its functions.

12. The Committee shall cause a copy of the minutes of every meeting of the Committee to be furnished to the Minister.

13. (1) The Committee shall appoint some fit person to act as Secretary of the Committee, and it shall be the duty of the Secretary to keep all the necessary records and books of account and to perform all incidental clerical duties connected with the operations of the Committee.

(2) The Committee may appoint such other officers as it deems necessary for the efficient carrying out of its powers and functions under these regulations.

(3) Any officer of the Committee appointed pursuant to this regulation shall be paid such remuneration as the Committee in its discretion decides.

[(4) The Committee may permit any person to attend at any of its meetings in an advisory capacity, but any such person shall have no voting rights. The expenses of any such person whose attendance at a meeting is requested pursuant to a resolution of the Committee shall be paid on the same basis and at the same rate as the expenses of a member of the Committee.]

Subclause (4) was added by regulation 2 of S.R. 1955/212.

14. The functions of the Committee shall be to regulate and control in such manner as it thinks fit (but subject to the prior approval of the Minister on all matters of marketing policy as communicated to it from time to time) the marketing of hops in New Zealand and overseas [and to determine and recommend to the Minister, after consultation with the New Zealand Brewers' Association, the quantity of bulk hops required to be imported for brewing purposes should the quantity of hops produced in New Zealand be insufficient to meet the requirements of brewers in New Zealand. In the event of disagreement between the Committee and the New Zealand Brewers' Association the matter in dispute shall be decided by the Minister].

The words in square brackets were added by regulation 3 of S.R. 1955/212.

15. Without limiting the generality of the powers and functions conferred on the Committee by the last preceding regulation, the Committee shall, with the prior approval of the Minister on all matters of marketing policy, have authority to make such arrangements and give such directions as are necessary or required in respect of the following matters:

- (a) For the handling, pooling, and storage of all hops delivered to the Committee;
 - (b) For the shipment of hops beyond New Zealand on such terms and in such quantities as may be approved by the Minister;
 - (c) For the insurance against loss of any hops either in New Zealand or in transit from New Zealand, and until disposed of; and
 - (d) For the sale and disposal of hops on such terms as it thinks advisable;
- [(e) For the making of forward contracts for the sale of hops either in New Zealand or overseas].

Paragraph (e) was added by regulation 4 of S.R. 1955/212.

16. (1) The Committee shall in the exercise of its powers and functions be deemed to be the agent of every producer for the marketing of hops, and the mutual rights, obligations, and liabilities of the Committee and the several producers shall be determined in accordance with the law governing the relations between principal and agent.

(2) Nothing contained in subclause (1) of this regulation shall be deemed to limit the power of the Committee to exercise, without the authority of the owner of any hops, any power with respect to such hops that may, expressly or by implication, be conferred on the Committee by or by virtue of these regulations.

(3) The members of the Committee shall not be personally liable for any act or default of the Committee done or omitted to be done in good faith in the course of the operations of the Committee.

[16A. In consideration of its services to the producer the Committee may deduct from the proceeds of any sale of hops which are sold by or through the agency of the Committee, and apply for the purpose of carrying out its functions, such portion of the proceeds of such sale as the Minister may from time to time determine, being not in any case more than [[2s. in respect of any 1 cwt of hops]].]

This regulation was inserted by regulation 4 of S.R. 1941/80.

The words in double square brackets were substituted for the words "½d. in respect of any 1 lb of hops" by regulation 2 of S.R. 1954/88.

17. No producer shall sell and no person shall purchase from a producer any hops except through the agency of the Committee.

18. The Committee shall, not later than the last day of August in every year, furnish to the Minister a report on its proceedings and operations during the year ended on the 31st day of July immediately preceding. Such report shall contain, in such form as the Minister from time to time approves or directs, a balance sheet and a profit and loss account duly audited by the Audit Office, together with such other statement of accounts as may be necessary to show fully the financial results of the operations of the Committee for the year.

19. The accounts of the Committee shall be subject to audit in the same manner in all respects as if the moneys of the Committee were public moneys within the meaning of [the Public Revenues Act 1953].

The Public Revenues Act 1953, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed Public Revenues Act 1926.

20. Every person is guilty of an offence against these regulations who—
(a) Sells or purchases any hops in breach of these regulations; or
(b) Commits any other breach of these regulations.

21. For the purposes of the last preceding regulation these regulations shall be deemed to enure under [the Marketing Act 1936].

The reference to the Marketing Act 1936 has been substituted for a reference to the Primary Products Marketing Act 1936 pursuant to s. 2 of the Marketing Amendment Act 1939.

[22. The Committee may, by resolution, authorise the expenditure of sums not exceeding £10 for the purpose of rewarding persons for services rendered to the hop industry.

23. The Committee shall cause a copy of its report and balance sheet to be delivered to every producer and shall subsequently arrange a general meeting of producers before the holding of the election for the producers' representatives on the Committee.

24. (1) Extraordinary general meetings of producers may be arranged by the Committee if deemed necessary or at the request of 20 producers.

(2) Seven days' notice, either in writing addressed to each producer or by advertisement in the local newspaper or papers, shall be given of all meetings of producers.

(3) A quorum at any such meeting shall consist of 25 producers personally present.

25. Any producer dissatisfied with the grading of his hops may, within 14 days after receipt of his grading sheet have the matter referred to arbitration. The reference shall be to two arbitrators, one appointed by the producer and the other by the Committee, and any such arbitration shall be conducted in manner provided by and subject to the provisions of the Arbitration Act 1908, and the producer's hops shall be graded as determined by the arbitration:

Provided that in any event the producer shall pay the cost of his arbitrator and the Committee shall pay the cost of its arbitrator, and the cost of the umpire (if any) shall be paid equally by the producer and the Committee.

26. The Committee or its brokers or selling agents shall have the right to reject any hops delivered by any producer to it or them that are insufficiently dried or are not in a marketable condition at the time of delivery or which have been falsely packed or, alternatively, the Committee or its brokers or selling agents may do or cause to have done to any such hops anything that may be necessary or proper to be done to put the hops into a marketable condition, and all the cost of so doing shall be charged to and paid by the producer delivering the hops or may be deducted out of any money payable or to become payable to the producer.

27. (1) Subject to the provisions of these regulations, all the hops delivered by producers to the Committee in any season shall be pooled in manner hereinafter provided in two pools (in these regulations referred to as the First Pool and the Second Pool respectively) for the benefit and on account of all the producers whose hops or part of whose hops are in any one season in the respective pools.

(2) The hops in any pool shall be sold for the benefit and on account of all the producers whose hops or any part thereof are in that pool irrespective of the producer who grew the hops, and the Committee shall have power to make payments from time to time to the respective producers on account of the hops sold either by the Committee or its brokers or selling agents from the respective pools:

Provided that any such payments shall be made separately in respect of the hops in each pool in each season and any payments made in respect of the hops in one pool shall be at the same rate per pound, but the rate of payment for the hops in one pool may be at a different rate from the rate of payment for the hops in the other pool.

(3) Each producer shall receive payment, at the appropriate rate applicable to the hops, in proportion to the quantity of the hops delivered by him as aforesaid in a season and accepted for sale.

28. Subject to the provisions of these regulations, the First Pool shall comprise not more than 950,000 lb weight of first grade hops grown in each season by those producers for the time being owning or entitled to First Pool rights.

29. The Second Pool shall comprise the balance of the hops above the quantity comprised in the First Pool fit for sale and grown and delivered in each season by producers.

30. (1) The hops in each pool shall in each season be sold and marketed separately and the proceeds therefrom paid and distributed separately as hereafter provided, and in each season all the hops in the First Pool shall be sold before any of the hops in the Second Pool are sold:

Provided that the Committee shall have power, in its absolute discretion, for the purpose of completing any contract or order, to transfer any quantity of hops from the Second Pool to the First Pool if a similar quantity of hops of the same grade is transferred from the First Pool to the Second Pool to take the place of the quantity transferred to the First Pool. Any such transfer shall not affect the rights of producers in the respective pools or entitle a producer whose hops are transferred from the Second Pool to the First Pool to any claim or benefit in or under the First Pool other than a claim or benefit which a producer had or might have had before any such transfer.

(2) The requirements of the New Zealand market in each season shall be satisfied from hops in the First Pool before any hops in that pool are made available for sale outside New Zealand.

(3) Except in the case of inability otherwise to supply any order, no hops from any Second Pool shall be sold till all the First Pool hops of any previous season or seasons are sold.

31. (1) After deducting from the respective gross proceeds of the sale of the hops in each pool all expenses of handling and selling the hops in each pool and a proportion from each pool of the general expenses of managing and conducting the business of the Committee and any other outgoings of the Committee for the current year ending on the 31st day of July in each year, any such proportion being based on the gross amount realised for the hops sold in each respective pool, the net proceeds of the hops of each grade in each pool delivered and sold and paid for up to that date (all payments to producers on account being first deducted) shall be divided immediately after that date between the respective producers entitled to the benefits of the respective pools.

(2) The division of any such proceeds of each pool shall be made separately in respect of each pool and of each grade in each pool, and each producer shall take his proportion of the net proceeds of the hops in each grade in each or any pool sold and paid for to that date according to the quantity of each grade delivered by him for sale and placed and included in the respective pools as aforesaid.

32. (1) Each producer shall have the right to supply to the Committee and have included in the First Pool during each and every season the number of pounds weight or quantity of first grade salable hops grown by him of which he is registered as the owner in the books of the Committee on the 1st day of November in every year. Any such right to supply and have included in the First Pool is referred to in these regulations as First Pool rights.

(2) Each producer shall register with the Committee on or before **[[the 1st day of March 1956]]** and specify the land on which he is producing hops, as the person entitled to the proceeds of the sale of any hops produced from that land and thereafter in each succeeding season every new producer shall on or before the 1st day of December in that year similarly register with the Committee.

In subclause (2) the words in double square brackets were substituted for the words "the 1st day of January 1956" by regulation 2 of S.R. 1956/21.

33. The Committee shall open and keep a register of First Pool rights with the full names and addresses of the owners thereof and the number of pounds weight or quantity of hops each producer is from time to time entitled to have included in any such First Pool, and the full legal description of any land to which the First Pool rights attach.

34. Every producer who registers with the Committee pursuant to subclause (2) of regulation 32 hereof on or before **[[the 1st day of March 1956]]** shall be allocated by the Committee First Pool rights (to be operative as from the 1st day of November 1955) based on the average yearly pounds weight of the hops sold by him through the Committee over **[[the five seasons from 1950 to 1954 inclusive,]]** and, in any case where a producer has not been engaged over the whole of that period in producing hops, the Committee may, in its discretion, allocate First Pool rights to that producer on the basis of the average production over a less period or on such other basis as it considers just and reasonable in the circumstances.

The words in the first set of double square brackets were substituted for the words "the 1st day of January 1956" by regulation 3 of S.R. 1956/21.

The words in the second set of double square brackets were substituted for the words "the last five seasons" by regulation 2 of S.R. 1956/51.

35. In the event of any producer or producers entitled to deliver and have included in the First Pool failing to deliver salable hops in any season up to the total of his or their First Pool rights for that season, the First Pool for that season shall be reduced by the total quantity short delivered by that producer or producers.

36. (1) Notwithstanding anything contained in these regulations, no producer who at any time after the date of the commencement of these regulations ceases to be a hop grower for a period of 24 months shall have any right thereafter to the inclusion in the First Pool of any hops and shall thereupon forfeit his First Pool rights (if any), and all hops thereafter grown by that producer shall thereafter be included and placed in the Second Pool and shall be dealt with accordingly:

Provided that no producer shall be deemed to have ceased for a period of 24 months to be a hop grower and to have forfeited his First Pool rights unless a resolution of the Committee to that effect is passed at a meeting of the Committee of which due notice has been given and of which meeting the producer concerned is notified in writing at least 14 days prior to the date of the meeting.

(2) Before the passing of any such resolution the producer shall be entitled to be heard.

(3) The Committee, in dealing with any such resolution, may consider any evidence they think fit or may rely on their own personal knowledge and shall be the sole judges of whether or not a producer has ceased to be a hop grower for 24 months and to have forfeited his First Pool rights accordingly.

(4) Any First Pool rights forfeited as aforesaid may be allotted by the Committee amongst such other producers as the Committee thinks fit.

37. (1) Notwithstanding anything contained in these regulations, any producer who fails for two successive seasons to deliver first grade salable hops up to the total of his First Pool rights may be called upon by the Committee to show cause why the First Pool rights of which he is the registered holder should not be reduced to such number of pounds weight as the Committee considers to be just and reasonable in view of the quantity he has been supplying and the excess of his First Pool rights forfeited:

Provided that no such right shall be forfeited until due notice has been given to the producer concerned calling upon him to attend before the Committee at a meeting of which at least 14 days prior notice in writing is given to him and then only upon a resolution of the Committee to that effect.

(2) If the producer does not attend at the meeting of which he has been given due notice he shall be deemed to be unable to show cause against the proposed reduction and forfeiture.

(3) If the producer does attend at such meeting, he shall be entitled to be heard and the Committee may consider any evidence they think fit and may rely on their own personal knowledge and shall be the sole judges of whether or not the producer has shown cause or otherwise as regards the proposed reduction and forfeiture.

(4) Any First Pool rights forfeited under this regulation may be allotted by the Committee amongst such other producers as the Committee thinks fit.

38. No producer entitled to First Pool rights shall deliver to the Committee, or any broker or selling agent appointed by the Committee, any hops for inclusion in the First Pool except such hops as were grown and produced by that producer and were not bought or acquired by him from some other producer or person or persons, and, if the Committee (whose decision thereon shall be final) are not satisfied that any such producer's hops were all grown by him, the Committee may exclude the hops delivered by the producer from the First Pool and include them in the Second Pool, and any such hops shall thereupon be dealt with as Second Pool hops, and the producer whose hops are so dealt with shall have no right to any payment out of the proceeds of the First Pool for any such hops.

39. (1) First Pool rights shall attach only to the land in respect of which the producer to whom they are allocated is registered under regulation 33 hereof, and should any producer sell, transfer, or lease any such land or any part thereof he may, with the prior consent of the Committee, transfer the whole or a defined part (to be stated in pounds weight) of his First Pool rights to the purchaser, transferee, or lessee.

(2) The holder of any First Pool rights may surrender all or any of any such rights and any First Pool rights so surrendered may be allotted by the Committee amongst such other producers as the Committee thinks fit.

(3) Upon the expiration of his lease a producer may, with the consent of the Committee, transfer back to the lessor or the lessor's nominee the First Pool rights attaching to that land.

(4) A producer who proposes to grow his hops on land other than that in respect of which he is registered and on which he has hitherto grown them may, with the consent of the Committee, apply to amend the registration of his First Pool rights so as to attach the rights to that other land in place of the land on which he has ceased to grow.

(5) Upon the death of a producer and production to the Committee of the probate of his will or letters of administration in his estate his First Pool rights shall be transmitted to his executors or administrators, as the case may be, and the Committee shall cause to be made in the Register of First Pool Rights an entry recording any such transmission.

(6) First Pool rights shall be capable of being dealt with only in the manner provided in these regulations and the Committee may, in their absolute discretion, refuse wholly or in part to consent to any transfer of or other dealing with any First Pool rights without assigning any reason or reasons for any such decision and the decision of the Committee thereon shall be final and conclusive and no producer shall have any right of appeal to any Court against the refusal of the Committee to consent to any transfer of or other dealing with any such First Pool rights.

40. Upon the consent of the Committee being given to any transfer of any First Pool rights or the passing of a resolution forfeiting, reducing, increasing, allocating, or accepting a surrender of any First Pool rights the Committee shall cause to be made in the Register of First Pool rights an entry recording the transaction.】

Regulations 22-40 were added by regulation 5 of S.R. 1955/212.

SCHEDULE

CONDUCT OF ELECTION FOR PRODUCERS' REPRESENTATIVES

Preliminary

(1) For the purpose of elections or polls under the Hop Marketing Regulations 1939, an officer of the Public Service shall be appointed to be Returning Officer, and the Returning Officer shall make all necessary arrangements for the conduct of every such election or poll, and shall have and perform such powers as are expressly hereinafter conferred on him and any such duties as are hereinafter prescribed.

Voting Qualifications

(2) Subject to the next succeeding clause hereof, every person who on the 8th day of August 1939, is a producer within the meaning of the said regulations shall be entitled to vote at the election held on the second Wednesday in the month of September in that year, and every person who on the 8th day of July in any year thereafter is a producer as aforesaid shall be entitled to vote at the election held on the second Wednesday in the month of August in that year. Every such producer is included in the term "producer qualified to vote" as used in this Schedule.

SCHEDULE—*continued*

(3) Nevertheless, if any holding of land used for the growing of hop plants and the production of hops for sale is occupied by two or more persons jointly or in common one only of such persons shall be entitled to vote as aforesaid, and the decision of the Returning Officer as to the area that comprises a single holding shall be final.

(4) Any producer being a corporate body may, by writing under its corporate seal delivered to the Returning Officer, appoint some person whose name shall be entered on the roll as voter on behalf of such corporate body.

(5) At every election each producer shall be entitled to exercise one vote, save that a person whose name is entered on the roll as an occupier and also as voter on behalf of a corporate body may exercise one vote in each capacity.

Rolls

(6) As soon as may be after the 8th day of August 1939, or after the 8th day of July in any subsequent year, the Returning Officer shall prepare a roll of producers qualified to vote.

(7) Such roll shall be compiled from the nominal list of producers in the possession of [the Department of Agriculture], but the Returning Officer shall exclude from the roll the name of any person appearing in the said list whom he has reason to believe nevertheless is not a producer qualified to vote at the next succeeding election, and shall add to the roll the name of any person not appearing in the said list whom he has reason to believe is a producer qualified to vote.

The reference to the Department of Agriculture was substituted for a reference to the Marketing Department by s. 2 (4) of the Marketing Amendment Act 1953. The words originally appearing in this clause were "the Internal Marketing Division of the Primary Products Marketing Department"; but the name of the Primary Products Marketing Department was altered to "the Marketing Department" by s. 3 (1) of the Marketing Amendment Act 1939, and that Department was abolished by s. 2 of the Marketing Amendment Act 1953.

(8) Such roll shall contain, in alphabetical order, the surnames of the producers entered therein, exclusive of corporate bodies, together with the forenames and addresses of such producers so far as known to the Returning Officer, and the names so entered shall be numbered consecutively.

(9) Where one of two or more persons is entitled to vote in respect of the occupation, whether joint or in common, of any land used for the growing of hop plants and the production of hops for sale, the Returning Officer shall enter on the roll the name of such one of the said persons as he shall think fit, but at any time before the closing of the roll, on application in writing addressed to the Returning Officer and signed either by the person whose name is so entered or by a majority of the persons appearing to occupy the said land, the name of some other one of the said persons may be entered on the roll in lieu of the name first entered.

(10) Where the name of any person entitled to vote by virtue of the provisions of clause (5) hereof is entered on the roll, such entry shall be followed by the words "appointed by [Name of corporate body]".

SCHEDULE—*continued*

(11) The said roll shall be deposited in the Head Office of [the Department of Agriculture] and in such other place or places as the Returning Officer may appoint and notify in the *Gazette* not later than the third Wednesday in the month of August 1939, in respect of the election held on the second Wednesday in the month of September in that year, and not later than the third Wednesday in the month of July in any year thereafter, and shall thereupon be open to public inspection during ordinary office hours for a period of seven days from the said third Wednesday.

The reference to the Department of Agriculture was substituted for a reference to the Marketing Department by s. 2 (4) of the Marketing Amendment Act 1953. The words originally appearing in this clause were "the Internal Marketing Division of the Primary Products Marketing Department"; but the name of the Primary Products Marketing Department was altered to "the Marketing Department" by s. 3 (1) of the Marketing Amendment Act 1939, and that Department was abolished by s. 2 of the Marketing Amendment Act 1953.

(12) Any person may during the said period of seven days lodge with the Returning Officer an objection in writing under his hand to any entry on any roll on either of the following grounds:

- (a) That any person whose name is on such roll or, as the case may be, the corporate body on behalf of whom the name of any person is on the roll, is not a producer qualified to vote:
- (b) That any person whose name is not on such roll is a producer qualified to vote or, as the case may be, is appointed by a corporate body being a producer qualified to vote.

(13) The Returning Officer shall, without the necessity of calling upon or hearing any objector or person affected by the objection, decide the matter of such objection and make such amendment of the roll as may be necessary in consequence of his decision.

(14) At the expiration of the said period of seven days the roll shall be closed, and no further amendment thereof shall be made.

Nominations

(15) No person shall be eligible for election as a producers' representative unless he has been nominated in writing by one or more producers whose name or names appear on the roll compiled pursuant to clauses (6) to (14), both inclusive hereof, for the purposes of the election and unless by writing in the prescribed form or by letter or telegram to the Returning Officer he has accepted nomination.

(16) The form of nomination shall be in or to the effect of the form numbered 1 in the Appendix hereto.

(17) Nothing in clauses (15) and (16) shall prevent the Returning Officer from accepting any nomination paper made out in such form as, in his opinion, is sufficient to identify the candidate and at least one nominator.

(18) The last hour and day for receiving nominations in respect of the election held in the year 1939 shall be noon on the second Wednesday in the month of September in that year, and in respect of the election held in any year thereafter shall be noon on the second Wednesday in the month of August in such subsequent year.

SCHEDULE—*continued*

(19) No producer shall be entitled to nominate more than five persons as candidates for election.

(20) If the number of persons duly nominated as producers' representatives does not exceed the number of vacant positions on the Committee to be filled, the person or persons so nominated shall be deemed to have been duly elected, and shall be declared elected by the Returning Officer by notice under his hand published in the *Gazette*.

Polls

(21) If the number of persons duly nominated as producers' representatives exceeds the number of vacant positions on the Committee to be filled, the Returning Officer shall cause voting papers to be printed in the form numbered 2 in the Appendix hereto.

(22) The Returning Officer shall forward by post, addressed to each voter at the address appearing on the roll, a voting paper in the said form numbered 2 bearing on its face the consecutive number appearing on the roll against the name of the voter to whom the voting paper is forwarded, together with an envelope addressed to the Returning Officer and bearing on its face the same consecutive number.

(23) On proof to his satisfaction, by statutory declaration or otherwise, that a voter has not received his voting paper in due course of post, or that any voting paper received by a voter was accidentally destroyed before being used, the Returning Officer may issue a further voting paper to such voter bearing on its face the number aforesaid with an additional distinguishing mark to indicate its issue under this clause, together with an envelope addressed as aforesaid and bearing the same number and distinguishing mark.

(24) Any poll to be taken in the year 1939 shall close at noon on the fourth Wednesday in the month of September in that year, and any poll to be taken in any year thereafter shall close at noon on [the first Wednesday in the month of September] in such subsequent year.

The words in square brackets were substituted for the words "the fourth Wednesday in the month of August" by regulation 6 of S.R. 1955/212.

(25) Voting papers may be delivered to the Returning Officer by hand or sent by post addressed as provided in the said form numbered 2.

(26) No voting paper shall be valid unless it is received by the Returning Officer in the envelope issued with such voting paper as aforesaid.

(27) No voting paper shall be valid—

- (a) If it is not received by the Returning Officer at or before the time fixed for the closing of the poll pursuant to clause (24) hereof; or
- (b) If anything not authorised by this Schedule is written or marked thereon by which the voter can be identified; or
- (c) If the number of candidates for whom the elector has voted exceeds five; or
- (d) If the voting paper does not in the opinion of the Returning Officer indicate the candidates for whom the elector desired to vote.

SCHEDULE—*continued**Scrutineers*

(28) Any candidate for election as a producers' representative on the Hop Marketing Committee may, by writing under his hand addressed to the Returning Officer and delivered to him not less than two clear days before the closing of the poll, appoint a scrutineer for the purpose of the poll.

(29) Every scrutineer for the purposes of the poll shall, before being allowed to act, make and subscribe before the Returning Officer a declaration in the form numbered 3 in the Appendix hereto.

(30) Every scrutineer who directly or indirectly discloses any fact coming to his knowledge at any election in breach of his declaration shall be liable to a fine not exceeding £20.

Result of the Election

(31) Forthwith upon the closing of the poll the Returning Officer shall, in the presence of such scrutineers as are present, compare the numbers on the envelopes with the numbers on the roll, and shall reject any envelope not appearing to him to be issued in connection with the election or not appearing to contain the genuine voting paper of a person enrolled as a voter.

(32) The Returning Officer shall then open the remaining envelopes and reject any voting papers which in his opinion are invalid, and shall then ascertain the number of votes received by each candidate.

(33) Where there is an equality of votes between any candidates, and the addition of a vote would entitle one of such candidates to be declared elected, the Returning Officer shall give a casting vote.

(34) Subject to the provisions of the last three preceding clauses hereof, the candidates required to be elected who have received the greatest number of votes shall be declared elected by the Returning Officer by notice under his hand published in the *Gazette*.

(35) The Returning Officer shall be the sole and absolute judge of the regularity and propriety of all matters connected with any election, and no election shall be called in question on the ground that a voting paper or an addressed envelope was not forwarded to any voter, or that a voting paper from any voter was not received by the Returning Officer, or that a voting paper prepared by the Returning Officer was irregular in form, or that any vote was irregularly cast, or that any voting paper was wrongly accepted or wrongly rejected, or that any other irregularity occurred in connection with any election unless in the opinion of the Returning Officer such irregularity materially affected the result of the election and occurred otherwise than in good faith.

Appointment

(36) The names of the elected candidates shall be submitted to the Minister of Marketing for appointment as producers' representatives on the Hop Marketing Committee pursuant to regulation 2 (b) of the Hop Marketing Regulations 1939.

SCHEDULE—*continued*

APPENDIX

Form No. 1

NOMINATION OF PRODUCERS' REPRESENTATIVES ON THE HOP
MARKETING COMMITTEE

To the Returning Officer,
Hop Marketing Committee Election,
Wellington.

I [WE], the undersigned producer (producers), within the meaning of the Hop Marketing Regulations 1939, do hereby nominate [*Full name*], of [*Residence and occupation*], with his consent, as a candidate at the election of members of the Hop Marketing Committee established by the said regulations.

Dated at this day of 19.....

Signed:.....

[*Full names, residences, and occupations
of one or more producers.*]

I, [*Full name*], do hereby consent to the above nomination.

.....
[*Signature, residence, and occupation of
candidate.*]

Form No. 2

VOTING PAPER

Hop Marketing Committee

ELECTION of five producers' representatives to the Committee:

Armstrong, Thomas.

McKenzie, Lewis.

Burton, Gerald.

Shaw, Peter.

Hornsby, William.

Walker, George.

Directions

The voter shall leave uncanceled the names of the candidates for whom he desires to vote, and must strike out the names of all candidates not voted for.

If anything not authorised by the Hop Marketing Regulations 1939 is written or marked hereon by which the voter can be identified, the voting paper is invalid.

If a voter leaves more than five names uncanceled his voting paper is invalid.

A voter is entitled to one vote only.

After indicating the vote in the manner aforesaid, this voting paper is to be transmitted to the Returning Officer, Hop Marketing Committee Election, Wellington, so as to be delivered at his office at or before noon on the day of August 19.....

An addressed official envelope is enclosed for use in transmitting the voting paper. A voting paper not transmitted in the official envelope is invalid.

SCHEDULE—*continued*

Form No. 3

DECLARATION OF SCRUTINEER

I, [Full name], scrutineer for [Full name], a candidate at the present election for the office of producers' representative on the Hop Marketing Committee established by the Hop Marketing Regulations 1939, do hereby solemnly promise and declare that I will not, directly or indirectly, disclose any fact coming to my knowledge at such election.

Signature.....

Scrutineer.

Declared and signed before me this day of
19.....

.....
Returning Officer.

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

THE HOP MARKETING REGULATIONS 1939,
AMENDMENT NO. 4 (REPRINT)

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 24th day of May 1950

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Marketing Act 1936, and the Agriculture (Emergency Powers) Act 1934, 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 Hop Marketing Regulations 1939, Amendment No. 4.

2. These regulations shall be read together with and form part of the Hop Marketing Regulations 1939 (hereinafter called the principal regulations).

3. *Spent.*

4. (1) For every day upon which a member attends a meeting or meetings of the Committee, or is engaged in transacting any business of the Committee pursuant to a resolution of the Committee, he shall be paid an honorarium of £2 2s.

(2) For time spent by a member in travelling to and from any meeting of the Committee, or in travelling upon any business of the Committee pursuant to a resolution of the Committee, he shall be paid an honorarium of £2 2s. per day or part of a day:

Provided that no honorarium shall be paid under this subclause in respect of time for which a member is entitled to an honorarium under subclause (1) of this regulation.

(3) The honoraria payable under this regulation shall be paid in addition to the travelling allowance and travelling expenses provided for in regulation 5 hereof.

(4) In addition to the honoraria payable under the foregoing provision of this regulation the Chairman may be paid from the funds administered by the Committee, such honorarium as the Committee may from time to time recommend and the Minister from time to time approve.

5. (1) The Travelling Allowance Regulations 1949,* shall apply to and be deemed to be incorporated in these regulations so as to relate to the Committee and to such of its members as are not officers of the Public Service.

(2) The subsistence allowance referred to in regulation 5 of the Travelling Allowance Regulations 1949 shall be at the rate of £1 15s. a day:

Provided that where a member is entitled to a subsistence allowance and occupies a hotel room for one night only, an additional amount of 2s. may be paid to that member.

(3) The rate of mileage allowance referred to in regulation 13 of the Travelling Allowance Regulations 1949 shall be calculated in accordance with the following table:

Horsepower of Car	Milage Allowance
Not exceeding $9\frac{1}{2}$	5 $\frac{1}{2}$ d. a mile
Exceeding $9\frac{1}{2}$ but not exceeding $14\frac{1}{2}$	6 $\frac{1}{4}$ d. a mile
Over $14\frac{1}{2}$	7d. a mile

(4) Garage expenses payable to a member pursuant to this regulation shall not exceed 2s. 6d. for every night on which any such expenses are incurred.

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

*S.R. 1949/94

Certified for the purposes of section 7 of the Regulations Act 1936, this 6th day of April 1962.

J. R. HANAN, *Attorney-General.*

Issued under the authority of the Regulations Act 1936.
Date of notification of principal regulations in *Gazette*: 27 July 1939.
Date of notification of Amendment No. 4 in *Gazette*: 25 May 1950.
These regulations are administered in the Department of Agriculture.