



*Reprint under section 7 of the Regulations Act 1936 of the Hop Marketing Regulations 1939 (S.R. 1939/96, reprinted S.R. 1962/41), as amended by the following enactments:*

- Marketing Amendment Act 1939, s. 2
- 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 (*Revoked by regulation 3 of S.R. 1971/171*)
- Amendment No. 5, S.R. 1954/88 (*Revoked by regulation 3 of S.R. 1976/13*)
- Amendment No. 6, S.R. 1955/212
- Amendment No. 7, S.R. 1956/21 (*Spent*)
- Amendment No. 8, S.R. 1956/51 (*Spent*)
- Amendment No. 9, S.R. 1962/101
- Amendment, *Gaz.*, 1962, p. 1590
- Finance Act 1962, s. 8
- Decimal Currency Act 1964, s. 7
- Amendment No. 10, S.R. 1967/171 (*Revoked by regulation 3 of S.R. 1971/171*)
- Amendment No. 11, S.R. 1969/200
- Amendment No. 12, S.R. 1971/171
- Ministry of Agriculture and Fisheries Amendment Act 1972, s. 3 (6)
- Amendment No. 13, S.R. 1976/13

## 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.

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#### ANALYSIS

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#### REGULATIONS

**1. Title and commencement**—(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 and Fisheries]:

“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 and Fisheries was substituted for a reference to the Minister of Agriculture (as substituted for a reference to the Minister of Marketing by s. 3 (3) of the Marketing Amendment Act 1953) by s. 3 (6) (a) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

**2. Hop Marketing Committee established**—There is hereby established a Committee, to be known as the Hop Marketing Committee, which shall consist of 6 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. Appointment of members of Committee**—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. Government representative on Committee**—(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 Ministry of Agriculture and Fisheries] 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 Ministry of Agriculture and Fisheries was substituted for a reference to the Department of Agriculture (as substituted for a reference to the Marketing Department by s. 2 (4) of the Marketing Amendment Act 1953) by s. 3 (6) (b) of the Ministry of Agriculture and Fisheries Amendment Act 1972. 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. Appointment of first members of Committee**—(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. Casual vacancy**—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 3 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 s. 62 (1) of the repealed Counties Act 1920.

**7. Filling casual vacancy**—(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. First meeting of Committee**—(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. Chairman and quorum of Committee meetings**—(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 4 members shall form a quorum.

**10. Powers of Committee not to be affected by vacancy or invalidity in membership**—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. Committee to be in charge of procedures, etc.**—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. Copy of minutes for Minister**—The Committee shall cause a copy of the minutes of every meeting of the Committee to be furnished to the Minister.

**13. Secretary of Committee**—(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.

**13A. Fees and travelling allowances**—There shall be paid to members of the Committee, from the funds administered by the Committee, remuneration by way of fees, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly, and the Committee shall be a statutory Board within the meaning of that Act.]

This regulation was inserted by regulation 2 of S.R. 1971/171.

**14. Functions of Committee**—(1) 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].

[(2) In the exercise of its functions the Committee may consult with the New Zealand Brewers' Association and, subject to the approval of the Minister, enter into any contract or agreement with the Association relating to the production, purchase, or disposal of hops.]

In subclause (1) the words in square brackets were added by regulation 3 of S.R. 1955/212.

Subclause (2) was added by regulation 2 of S.R. 1962/101.

**15. Powers of Committee to enter into arrangements, contracts, or agreements**—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 [enter into such contracts or agreements,] 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;
- (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];
- [(f) For promoting, in such manner as it thinks fit, the sale of hops produced in New Zealand or the improvement of the quality of any such hops;
- (g) For the grading of hops;
- (h) For the registration of producers and of land used for the growing of hops;
- (i) For the allocation of production quotas; and
- (j) For the establishment of a body representing the joint interests of producers and purchasers or any class of purchasers.]

The words in the first set of square brackets were inserted by regulation 3 (2) of S.R. 1962/101.

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

Paras. (f)–(j) were added by regulation 3 (1) of S.R. 1962/101.

For unauthorised expenditure by the Committee up to an aggregate of \$200 in any year, see s. 8 of the Finance Act 1962.

#### **16. Committee deemed agent of producer for marketing hops—(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.

**116A. Consideration for services of Committee—**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 **[[1.5 cents in respect of any 1 kg 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 “2s. in respect of any 1 cwt of hops” (as substituted by regulation 2 of S.R. 1954/88) by regulation 2 of S.R. 1976/13.

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

**18. Annual report to Minister**—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. Audit of accounts**—The accounts of the Committee shall be subject to audit in the same manner in all respects as if the money of the Committee were public money 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. Offences**—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. Offences deemed to enure under Marketing Act 1936**—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. Reward for services to hop industry**—The Committee may, by resolution, authorise the expenditure of sums not exceeding [[\$20]] for the purpose of rewarding persons for services rendered to the hop industry.

The sum of \$20 was substituted for £10 by s. 7 of the Decimal Currency Act 1964.

The Committee may in any financial year expend for purposes not authorised by these regulations or any Act any sum not exceeding in the aggregate \$200. See s. 8 of the Finance Act 1962.

**23. Copy of report and balance sheet to be delivered to every producer**—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. Extraordinary general meetings of producers**—(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. Grading of hops subject to arbitration**—Any producer dissatisfied with the grading of his hops **【other than a grading of Brewers' Quality】** may, within 14 days after receipt of his grading sheet, have the matter referred to arbitration. The reference shall be to 2 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.

The words in double square brackets were inserted by regulation 4 of S.R. 1962/101.

**26. Right of rejection of hops by Committee**—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.】

Regulations 22–26 were added by regulation 5 of S.R. 1955/212.

**27–40.** *Added by regulation 5 of S.R. 1955/212 and revoked by regulation 5 (1) of S.R. 1962/101 on 1 October 1962, see Gazette, 1962, p. 1590.*

## Reg. 2

## 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



SCHEDULE—*continued*

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 September in that year]. Every such producer is included in the term “producer qualified to vote” as used in this Schedule.

The words in square brackets were substituted for the words “the month of August in that year” by regulation 2 (a) of S.R. 1969/200.

(3) Nevertheless, if any holding of land used for the growing of hop plants and the production of hops for sale is occupied by 2 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 Ministry of Agriculture and Fisheries], 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 Ministry of Agriculture and Fisheries was substituted for a reference to the Department of Agriculture (as substituted for a reference to the Marketing Department by s. 2 (4) of the Marketing Amendment Act 1953) by s. 3 (6) (b) of the Ministry of Agriculture and Fisheries Amendment Act 1972. 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.

## SCHEDULE—continued

(9) Where one of 2 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*]”.

(11) The said roll shall be deposited in the Head Office of [the Ministry of Agriculture and Fisheries] 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 7 days from the said third Wednesday.

The reference to the Ministry of Agriculture and Fisheries was substituted for a reference to the Department of Agriculture (as substituted for a reference to the Marketing Department by s. 2 (4) of the Marketing Amendment Act 1953) by s. 3 (6) (b) of the Ministry of Agriculture and Fisheries Amendment Act 1972. 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 7 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 7 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 pro-

SCHEDULE—*continued*

ducers 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 **September** in such subsequent year.

The word "September" was substituted for the word "August" by regulation 2 (b) of S.R. 1969/200.

(19) No producer shall be entitled to nominate more than 5 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** **fourth** Wednesday in the month of September in such subsequent year.

SCHEDULE—*continued*

The words in single square brackets were substituted for the words “the fourth Wednesday in the month of August” by regulation 6 of S.R. 1955/212, and the word “fourth” was substituted for the word “first” by regulation 2 (c) of S.R. 1969/200.

(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 5; 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.

*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 2 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 **[\$40]**.

The sum of \$40 was substituted for £20 by s. 7 of the Decimal Currency Act 1964.

*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.

SCHEDULE—*continued*

(34) Subject to the provisions of the last 3 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 Agriculture and Fisheries] for appointment as producers' representatives on the Hop Marketing Committee pursuant to regulation 2 (b) of the Hop Marketing Regulations 1939.

The reference to the Minister of Agriculture and Fisheries has been substituted for a reference to the Minister of Agriculture (as substituted for a reference to the Minister of Marketing by s. 3 (3) of the Marketing Amendment Act 1953) by s. 3 (6) (a) of the Ministry of Agriculture and Fisheries Amendment Act 1972.

## 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.*]

SCHEDULE—continued

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 5 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 5 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.

Form No. 3

DECLARATION OF SCRUTINEER

I, [Full name], scrutineer for [Full name], a candidate at the present election for the office of producers' representatives 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.

SCHEDULE—*continued*

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

.....  
Returning Officer.

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

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*Certified for the purposes of section 7 of the Regulations Act 1936,  
this 4th day of May 1976.*

P. I. WILKINSON, *Attorney-General.*

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Issued under the authority of the Regulations Act 1936.

Date of notification of principal regulations in *Gazette*: 27 July 1939.

These regulations are administered in the Ministry of Agriculture and Fisheries.