

## Serial Number 209/1937.



**THE ORCHARD REGISTRATION REGULATIONS, 1937.**

Enacting authority : His Excellency the Governor-General in Council.  
 Act pursuant to which the regulations were made : The Orchard and  
 Garden Diseases Act, 1928.

Date on which the regulations were made : 4th day of August, 1937.

Date of notification in *Gazette* : 12th day of August, 1937.

REGULATIONS.

REGULATION 1.—PRELIMINARY.

(1) These regulations may be cited as the Orchard Registration Regulations, 1937.

(2) These regulations shall come into force on the 1st day of October, 1937.

(3) In these regulations, unless inconsistent with the context,—

“ The said Act ” means the Orchard and Garden Diseases Act, 1928 :

“ Director ” means the Director of the Horticulture Division of the Department of Agriculture :

“ Fruit-tree ” means any variety of apple, pear, quince, peach, nectarine, apricot, plum, cherry, lemon, orange (sweet), orange (sour), poorman orange, grapefruit, mandarin or other citrous fruit-tree, grape vine (indoor), or grape vine (outdoor) :

“ Occupier ” means the occupier within the meaning of the Rating Act, 1925 :

“ Orchard ” means any land used for the growing of fruit-trees and the production of fruit for sale, and includes any such land notwithstanding that the fruit-trees thereon may not have come into bearing.

(4) The Orchard Registration Regulations, 1929,\* are revoked.

(5) Every certificate of registration issued under the regulations hereby revoked shall expire on the date of the coming into force of these regulations.

REGULATION 2.—APPLICATIONS FOR REGISTRATION.

(1) Every person who on the date of the coming into force of these regulations is the occupier of an orchard shall forthwith apply for registration of such orchard in manner hereinafter provided.

\* *Gazette*, 12th December, 1929, Vol. III, page 3220.

(2) Every occupier who after the date of the coming into force of these regulations proposes to establish an orchard shall forthwith on the establishment thereof apply for registration of such orchard in manner hereinafter provided.

(3) Every occupier of an orchard the certificate of registration issued in respect of which expires pursuant to these regulations shall forthwith on the expiry of such certificate apply for re-registration of such orchard in manner hereinafter provided.

(4) Every application for registration or re-registration of an orchard shall be made in writing to the Director on a form of application obtained for that purpose, which form shall be in or to the effect of Form No. 1 set out in the Schedule hereto, and shall contain the information indicated in the said form and shall be signed by the applicant.

(5) The Director on receipt of any application for registration or re-registration may, by notice in writing posted to the applicant at the address set out in his application, require the applicant to furnish further or better particulars of any of the matters information as to which is required by the said Form No. 1.

(6) Every applicant shall forthwith comply to the reasonable satisfaction of the Director with the requirements of any such notice as aforesaid, and until he so complies he shall not be deemed to have applied for registration or re-registration of the orchard concerned within the meaning of these regulations.

(7) Forms of application for registration of an orchard may be obtained free of charge from the Director or from any District Office or Orchard Instructor of the Department of Agriculture.

#### REGULATION 3.—CERTIFICATE OF REGISTRATION.

(1) On the registration or re-registration of any orchard there shall be issued without charge to the occupier of such orchard a certificate of registration in or to the effect of Form No. 2 set out in the Schedule hereto.

(2) Every certificate of registration issued under this regulation shall expire on the next ensuing expiry date as hereinafter defined.

(3) For the purposes of this regulation the term "expiry date" means the 30th day of September in the year 1942, in the year 1947, and in every fifth year thereafter respectively.

(4) At any time during the currency of any certificate of registration the Director may if he thinks fit and shall, if required for the purposes of any legal proceedings, issue to such occupier a further certificate of registration in respect of such orchard.

#### REGULATION 4.—THE REGISTER.

(1) For the purpose of the registration of orchards a Register of Orchards shall be kept by the Director at his office in Wellington.

(2) The register may be kept bookwise or in card form or in such other manner as may be deemed convenient, and an application for registration in regular form may be incorporated with and form part of the register.

(3) The entries in the register may be arranged in order of localities and in suborder of names of occupiers, arranged alphabetically, or in such other order as may be deemed convenient, and may from time to time be rearranged in different order.

(4) The particulars to be entered in the register shall be those set out in Form No. 1 in the Schedule hereto.

(5) The Director may from time to time direct any entry in the register to be amended, corrected, cancelled, or deleted upon such documentary or other evidence as he shall deem sufficient.

(6) No person shall be entitled to inspect or search the register except by permission of the Director, which permission it shall be in the discretion of the Director to grant or withhold.

#### REGULATION 5.—EVIDENCE OF REGISTRATION.

(1) Any certificate of registration shall be *prima facie* evidence of registration for the prescribed period of registration of the orchard to which such certificate relates.

(2) A copy certified by the Director of any entry in the register shall be *prima facie* evidence of such entry.

(3) A certificate under the hand of the Director of the absence of an entry in the register shall be *prima facie* evidence of the facts stated in such certificate.

(4) The absence of an entry in the register relating to any orchard shall be *prima facie* evidence that no application has been made for the making of such entry.

#### REGULATION 6.—ALTERATIONS IN RESPECT OF THE OCCUPATION OR POSSESSION OR AREA OF ORCHARDS.

(1) Every occupier who has applied for registration of his orchard in respect of which a certificate of registration has been issued and is in force shall, immediately any increase or decrease takes place in the area of such orchard or in the number of fruit-trees or kinds of fruit-trees planted therein, or immediately such orchard ceases to be so used by the occupier aforesaid or immediately any changes take place in the occupation or possession of such orchard, give the Director notice thereof and of the particulars of such change as the case may require and shall, in the event of any change occurring in the occupation or possession of such orchard, return to the Director the certificate of registration issued in respect thereof, but compliance with the requirements of this clause shall not relieve any person from the duty of complying with clause (3) of this regulation.

(2) No person shall use any land as an orchard in respect of which notice of any increase or decrease in the area thereof or in the number of fruit-trees or kinds of fruit-trees planted therein has not been given to the Director as required by the last preceding clause hereof.

(3) Every person who after the date of the coming into force of these regulations becomes the occupier of any registered orchard shall forthwith give notice thereof to the Director applying to be registered as such occupier.

(4) The Director on receipt of any such notice may by notice in writing posted to the person giving the notice at the address of the registered orchard require that person to furnish particulars of any of the matters information as to which is required by the said Form No. 1.

(5) Every such person shall forthwith comply to the reasonable satisfaction of the Director with the requirements of any notice so given by the Director, and until he so complies he shall not be deemed to have complied with the requirements of clause (3) of this regulation.

(6) Upon receipt of any notice pursuant to this regulation and on verification thereof to his satisfaction the Director shall make such entries in the register as the case may require and shall if need be issue a fresh certificate of registration in respect of such orchard.

#### REGULATION 7.—DUTIES AND PENALTIES.

(1) Every person commits an offence against the said Act who directly or indirectly by himself his servant or agent fails to observe and perform any duty or obligation imposed upon him by these regulations, and shall be liable accordingly.

(2) Every person commits an offence against the said Act who at any time is the occupier as hereinbefore defined of an orchard in respect of which a certificate of registration issued to such occupier is not for the time being in force.

#### SCHEDULE.

[Form No. 1.

##### APPLICATION FOR REGISTRATION OF AN ORCHARD.

The Director of the Horticulture Division, Department of Agriculture, Private Bag, Wellington.

I HEREBY apply, in pursuance of the regulations under the Orchard and Garden Diseases Act, 1928, for the registration of the undermentioned orchard, of which I am the occupier.

Name of applicant : . . . . .

Address : . . . . .

Location of orchard : . . . . .

District : . . . . .

County : . . . . .

Section No. : . . . . .

Block No. : . . . . .

Survey district : . . . . .

The number of each of the undermentioned trees planted in the orchard is as follows :—

Apple : . . . . .	Plum : . . . . .	Grapefruit : . . . . .
Pear : . . . . .	Cherry : . . . . .	Mandarin : . . . . .
Quince : . . . . .	Lemon : . . . . .	Other citrous fruit-trees (state
Peach : . . . . .	Orange (sweet) : . . . . .	kind of fruit-trees) : . . . . .
Nectarine : . . . . .	Orange (sour) : . . . . .	Grape vine (indoor) : . . . . .
Apricot : . . . . .	Pooman orange : . . . . .	Grape vine (outdoor) : . . . . .
Total area of orchard : . . . acres.		

Signature : . . . . .

[Form No. 2.

CERTIFICATE OF REGISTRATION OF AN ORCHARD.

I HEREBY certify that the orchard occupied by . . . . ., of . . . . ., located at . . . . ., in the . . . . . district, . . . . . county, and comprising . . . acres planted with . . . trees, is duly registered as an orchard in terms of the Orchard and Garden Diseases Act, 1928, and the regulations thereunder for the registration period ending the 30th day of September, 19..

Dated at Wellington this . . . . . day of . . . . ., 19..

*Signature* : . . . . .

Director, Horticulture Division.

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Issued under the authority of the Regulations Act, 1936.

These regulations are administered by the Department of Agriculture.

(Ag. No. 3495.)