

Serial Number 1939/164.



**THE PRIMARY INDUSTRIES EMERGENCY REGULATIONS 1939.**

GALWAY, Governor-General.

**ORDER IN COUNCIL.**

At the Government House at Wellington, this 14th day of  
September, 1939.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, 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 Primary Industries Emergency Regulations 1939.

2. In these regulations, unless inconsistent with the context,—

“Controller” means the Primary Industries Controller appointed under these regulations; and includes any person for the time being authorized to exercise or perform any of the powers or functions of the Controller :

“Cool store” means any premises in which any primary product is deposited for the purpose of being chilled, cooled, or frozen, or for the purpose of being stored at a temperature below atmospheric temperature :

“Dairy-produce” means dairy-produce as defined by the Dairy Industry Act, 1908 :

“Minister” means the Minister of Agriculture; and includes any person for the time being authorized to exercise or perform any of the Minister’s powers or functions :

“Person” includes a corporation sole, and also a body of persons whether corporate or unincorporate :

“Primary product” means dairy-produce, wool, agricultural seeds, phormium fibre, vegetables of all kinds, tomatoes, meat and stock as defined by the Slaughtering and Inspection Act, 1908, and fruit as defined by the Orchard-tax Act, 1927; and includes any by-product of the dairy-produce and meat-production industries; and also includes fertilizers, lime, manure, and feeding stuffs for stock :

3. (1) These regulations shall be administered by the Minister of Agriculture.

(2) The Minister may from time to time exercise or perform any of the powers or functions of the Controller, either in his own name or in the name of the Controller.

4. (1) The Minister may from time to time appoint a Controller, to be known as the Primary Industries Controller.

(2) The Controller shall hold office during the pleasure of the Minister.

(3) The Controller shall be subject in all things to the control of the Minister, and shall act in accordance with all directions, general or special, given to him by the Minister.

5. (1) The Minister and the Controller may from time to time, either generally or in respect of any particular area or in respect of any particular class of activity, delegate to any person any of his powers and functions, including the power of delegation conferred by this regulation.

(2) Subject to the next succeeding clause, every person to whom any powers or functions are delegated by the Minister or by the Controller may, without confirmation by the Minister or Controller, exercise or perform them in the same manner and with the same effect as the Minister or Controller could himself have exercised or performed them.

(3) Every such person shall be subject in all things to the control of the Minister and also of the Controller, and shall act in accordance with all directions, general or special, given to him by the Minister or by the Controller.

(4) Any delegation under this regulation may be made to a specified person or class of persons or to the holder or holders for the time being of a specified office or class of offices, whether in the Government service or otherwise.

6. The general functions of the Controller shall be to direct, control, or prohibit, and regulate in such manner as he thinks fit, the production, processing, manufacturing, packing, freezing, chilling, storage, and utilization of any primary product, to require the production, processing, or manufacture for the purposes of utilization of any specified primary product, and to do such other things as are incidental to the regulation of the supply of primary products essential to the life of the community.

7. In the exercise of the powers conferred by these regulations the Controller may act in collaboration with any Controller appointed pursuant to the Supply Control Emergency Regulations 1939, or with any other person or body of persons.

8. The Controller may from time to time regulate, restrict, and control the sale or disposal of any primary product and the purchase, acquisition, or installation of any plant, machinery, appliance, or equipment for use in connection with the production, processing, manufacturing, freezing, chilling, cooling, or storage of any primary product.

9. The owner or occupier of any premises used for the production, processing, manufacturing, chilling, freezing, cooling, storage, or supply of any primary product shall furnish such statistics and information relating to such premises or to any primary product for the time being deposited therein as the Controller may from time to time require.

10. In the exercise of the powers and functions conferred upon him by these regulations the Controller or any Grader, Inspector, or other person authorized in that behalf by the Controller shall have the right of entry into any premises used for the production, processing, manufacture, freezing, cooling, chilling, storage, or supply of any primary product, and may inspect and examine any primary product for the time being conveyed or deposited therein, and the premises, buildings, plant, and equipment thereof, and the books and records kept by the owner or occupier of the premises with respect to any such primary product.

11. No person shall erect any premises or reconstruct or adapt any existing premises with intention that they shall be used as a cool store except with the prior consent of the Controller.

12. (1) The Minister, and every person appointed for that purpose by the Minister, shall have the power of holding judicial inquiries conferred on the Minister of Industries and Commerce by section 13 of the Board of Trade Act, 1919, as amended by section 6 of the Board of Trade Amendment Act, 1923, and all powers incidental thereto; and the provisions of sections 14 to 25 of the Board of Trade Act, 1919, and all other relevant provisions of that Act shall, with the necessary modifications, apply accordingly.

(2) Nothing in the foregoing provisions of this regulation shall be construed to affect the powers of the Minister of Industries and Commerce.

13. The Minister or the Controller may from time to time grant complete or partial exemptions from compliance with the provisions of these regulations or with any direction, restriction, requirement, or condition given or imposed under these regulations.

14. (1) Every person who applies to the Minister or to the Controller for any license, permit, consent, or exemption under these regulations shall furnish such information and particulars as the Minister or the Controller may from time to time require.

(2) The Minister or Controller, in his discretion, may refuse any such application, or may grant the application wholly or partly, and either unconditionally or upon or subject to such conditions as he thinks fit.

(3) Any license, permit, consent, or exemption may be at any time revoked by the Minister or Controller, and any such conditions may from time to time be varied, revoked, or added to by the Minister or Controller as he thinks fit.

15. (1) Any notice, direction, license, permit, or other instrument given, granted, or made by the Minister or by the Controller shall be sufficiently authenticated if it is signed by the Minister or Controller or by any person on behalf of and by direction of the Minister or Controller, as the case may be.

(2) Every instrument purporting to be signed by or on behalf of the Minister or the Controller shall, in the absence of proof to the contrary, be deemed to have been duly signed by or on behalf of and by direction of the Minister or Controller, as the case may be.

16. (1) The Minister or the Controller may give public notice of the exercise of any of his powers under these regulations or of any direction, restriction, or requirement given or imposed by him under these regulations, and all persons shall be bound thereby.

(2) For the purposes of these regulations, except where otherwise specially provided, the term "public notice" means a notice published in the *Gazette* or in a newspaper circulating in the locality in which the matter of the notice arises or to which it relates.

(3) The Minister or the Controller may, without public notice, give notice to any person of any such direction, restriction, or requirement, and every person to whom the notice is given shall be bound thereby.

(4) Except where otherwise specially provided, any notice required to be given to any person for the purposes of these regulations may be given by causing it to be delivered to that person, or to be left at his usual or last-known place of abode or business or at the address specified by him in any application or other document received from him by the Minister or by the Controller, or to be posted in a letter addressed to him at that place of abode or business or at that address.

(5) If any such notice is sent to any person by registered letter it shall be deemed to have been delivered to him when it would have been delivered in the ordinary course of post, and in proving the delivery it shall be sufficient to prove that the letter was properly addressed and posted.

(6) Every public notice or notice under these regulations shall take effect when it is published or given, or at such later time as may be specified in that behalf in the notice.

(7) Any notice given under these regulations may be at any time varied or revoked by a subsequent notice.

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

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Issued under the authority of the Regulations Act, 1936.

Date of publication in *Gazette*: 15th day of September, 1939.

These regulations are administered by the Department of Agriculture.

(Notice No. Ag. 3685.)