

Serial Number **1950/204**

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**THE RASPBERRY MARKETING REGULATIONS 1950**

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B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 22nd day of  
November, 1950

Present :

THE RIGHT HON. S. G. HOLLAND PRESIDING 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.

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REGULATIONS

**1.** These regulations may be cited as the Raspberry Marketing Regulations 1950.

**2.** In these regulations, unless the context otherwise requires:—

“Constituent Committee” means a Raspberry Marketing Committee established under any regulations and declared by the regulations under which it is established to be a Constituent Committee for the purposes of these regulations :

“Council” means the Central Council of Raspberry Growers established by these regulations :

“Minister” means the Minister of Marketing.

**3.** (1) There is hereby established for the purposes of these regulations a Council to be known as the Central Council of Raspberry Growers.

(2) The Council, the members of which shall be appointed by the Minister, shall consist of—

(a) One member who shall be appointed by the Minister as the representative of the Government, and who shall hold office during the pleasure of the Minister.

(b) Representatives of each Constituent Committee for the time being established. The number of representatives of each such Committee shall be not more than two and every such representative shall be nominated by the Constituent Committee of which he is a member.

(3) Any member of a Constituent Committee may be appointed as the representative of the Government and no member who is so appointed shall be debarred from remaining a member of a Constituent Committee.

(4) Any member of the Council may from time to time be reappointed, or may be at any time removed from office by the Minister for disability, insolvency, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister.

4. (1) Every person appointed to the Council as a representative of a Constituent Committee shall be nominated by the Committee to which he is a member within one month after the date on which the annual election of members of the Committee is held and shall be appointed for a term of twelve months from the 1st day of July following his nomination.

(2) Subject to the provisions of this regulation, every appointment of a member of the Council shall be notified in the *Gazette* and shall take effect on the date of notification or on such later date as may be stated in the notification.

5. (1) If any member of the Council—

(a) Dies ; or

(b) Resigns his office ; or

(c) Becomes incapable of being or remaining a member of the Council 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 (d) to (f) of subsection (1) of section 62 of the Counties Act, 1920 ; or

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

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

(2) In the case of a casual vacancy, the vacancy shall be filled by the appointment of some person made in the same manner as the appointment of the vacating member.

(3) The person appointed to fill a casual vacancy shall be appointed for the residue of the term for which the vacating member was appointed.

6. (1) The first meeting of the Council 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 Council.

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

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

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

(2) At all meetings of the Council three members shall form a quorum.

(3) The Chairman at any meeting of the Council may exercise a deliberative and a casting vote.

8. The powers of the Council shall not be affected by any vacancy in the membership thereof, nor shall the proceedings of the Council 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.

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

10. The Council shall cause a copy of the minutes of every meeting of the Council to be furnished to the Minister.

11. (1) The Council shall appoint some fit person to act as Secretary, 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 Council.

(2) The Council 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 Council appointed pursuant to this regulation shall be paid such remuneration as the Council in its discretion decides.

12. The members of the Council shall not be personally liable for any act or default of the Council done or omitted to be done in good faith in the course of the operations of the Council.

13. The functions of the Council shall be—

(a) To co-ordinate the functions of Constituent Committees in relation to the marketing of raspberries :

(b) To carry out research in relation to the growing and marketing of raspberries :

(c) To advise the Minister from time to time of trends and prospects in matters affecting the marketing of raspberries.

(d) To recommend to the Minister steps to be taken for the purpose of safeguarding the interests of the raspberry growing industry.

14. The Council shall have regard to any directions which may be communicated to it from time to time by the Minister in respect of matters affecting the marketing of raspberries.

15. (1) The Council shall, not later than the 1st day of May in each year, furnish to the Minister a report on its proceedings during the year ended on the 31st day of March immediately preceding. Any 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.

(2) The accounts of the Council shall be subject to audit in the same manner in all respects as if the moneys of the Council were public moneys within the meaning of the Public Revenues Act, 1926.

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

(2) The subsistence allowance referred to in regulation 5 of the Travelling Allowance Regulations 1949,\* and the mileage allowance referred to in regulation 13 of those regulations shall be at such rates as the Minister of Finance from time to time approves.

\* Statutory Regulations 1949, Serial number 1949/94, page 387.

17. There shall be payable to the Chairman and to each member of the Council in respect of each day or part of a day spent in attending a meeting of the Council, or in travelling to or from any meeting of the Council, or in travelling upon any business of the Council pursuant to a resolution of the Council, a fee at a rate to be prescribed in that behalf by the Minister of Finance :

Provided that no member shall be entitled to a fee under this regulation if he is entitled to a fee from the Constituent Committee of which he is a member in respect of time spent on any business of the Council.

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

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EXPLANATORY NOTE

*[This note is not part of the regulations but is intended to indicate their general effect.]*

These regulations constitute a Central Council of Raspberry Growers and define the functions of the Council. It is intended that the Council should co-ordinate the functions of Raspberry Marketing Committees set up, or to be set up, for various raspberry growing districts.

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Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 23rd day of November, 1950.

These regulations are administered in the Marketing Department.