

**Serial Number 1946/159**



**THE SECOND-HAND FRUIT-CASE CONTROL NOTICE 1946**

NOTICE is hereby given that, in pursuance of the Supply Control Emergency Regulations 1939 and the Timber Emergency Regulations 1939, I, Alexander Robert Entrican, Timber Controller, hereby require and direct as follows :—

1. This notice may be cited as the Second-hand Fruit-case Control Notice 1946.

2. This notice shall come into force on the 1st day of October, 1946.

3. (1) The Second-hand Fruit-case Control Notice (No. 2) 1943\* is hereby revoked.

(2) The revocation of the said notice shall not affect the liability of any person for any offence in relation thereto committed before the coming into force of this notice.

4. In this notice, unless the context otherwise requires,—

“ Director ” means the Director of the Horticulture Division of the Department of Agriculture as delegate of the Timber Controller for the purposes of this notice :

“ Orchardist ” means a person who is the occupier of an orchard registered under the Orchard Registration Regulations 1937† :

“ Tomato-grower ” means a person carrying on the business of producing tomatoes for sale :

“ Used fruit-case ” means a wooden package which has been used as a container for fruit and which is of any of the types of package described in the First Schedule hereto :

“ Vendor ” means a person whose business includes the sale of fruit or vegetables by wholesale or by retail.

5. No vendor carrying on business in any city, borough, town district, or county referred to in the Second Schedule hereto shall sell or offer for sale or contract to sell or otherwise dispose of any used fruit-case except to a person duly licensed by the Director to acquire used fruit-cases under this notice or—

(a) If the used fruit-case is of any of the types referred to in paragraphs (i) and (ii) of the First Schedule hereto, to an orchardist :

\* Statutory Regulations 1943, Serial number 1943/79, page 166.

† Statutory Regulations 1936-37, Serial number 1937/209, page 777.

(b) If the used fruit-case is of any of the types referred to in paragraph (iii) of the First Schedule hereto, to an orchardist or a tomato-grower.

6. No person shall purchase or offer to purchase or contract to purchase or otherwise acquire any used fruit-case from any vendor in any city, borough, town district, or county referred to in the Second Schedule hereto if the vendor is acting in contravention of clause 5 hereof.

7. (1) Any person may, on application in writing to the Director, be granted a license to acquire and deal in used fruit-cases under this notice.

(2) Every license granted under the notice hereby revoked shall enure for the purpose of this notice as if it had been granted pursuant to this clause.

(3) Every license shall be subject to such conditions as may be fixed by the Director.

(4) No holder of a license shall sell or offer for sale or contract to sell or otherwise dispose of any used fruit-case otherwise than in accordance with the conditions of his license.

8. Except with the precedent consent in writing of the Director, no orchardist or tomato-grower shall sell or offer for sale or contract to sell or otherwise dispose of any used fruit-case acquired by him pursuant to this notice or the notice hereby revoked to any person who is not an orchardist or a tomato-grower.

9. Except with the precedent consent in writing of the Director,—

(a) No orchardist shall use any used fruit-case acquired by him pursuant to this notice or the notice hereby revoked, for any purpose other than the packing or repacking therein of pip-fruit, stone-fruit, or citrus fruit :

(b) No tomato-grower shall use any fruit-case acquired by him pursuant to this notice or the notice hereby revoked, for any purpose other than the packing or repacking therein of tomatoes.

10. Notwithstanding anything to the contrary in the foregoing provisions of this notice, nothing herein contained shall be deemed to prohibit the sale to and purchase or use by a person carrying on the business of producing vegetables for sale of any used fruit-case which, in the opinion of the Director, or a person duly authorized by the Director in that behalf, is unfit for further use as a container for the packing or repacking therein of pip-fruit, stone-fruit, or citrus fruit.

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## SCHEDULES

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### FIRST SCHEDULE

(i) A standard bushel case being of either of the types of package numbered 1 or 2 in the First Schedule to the New-Zealand-grown Fruit Regulations 1940, as replaced by Regulation 6 of the New-Zealand-grown Fruit Regulations 1940, Amendment No. 3.\*

(ii) A standard half-bushel case being of the type of package numbered 5 in the First Schedule to the said regulations.

(iii) A standard case being any one of the types of package numbered 4, 6, 7, or 9 in the First Schedule to the said regulations.

\* Statutory Regulations 1943, Serial number 1943/153, page 345.

## SECOND SCHEDULE

## CITIES

AUCKLAND, Christchurch, Dunedin, Hamilton, Invercargill, Lower Hutt, Nelson, Palmerston North, Wanganui, Wellington.

## BOROUGHS

Birkenhead, Blenheim, Cambridge, Dannevirke, Devonport, Ellerslie, Eltham, Feilding, Foxton, Gisborne, Hastings, Hawera, Inglewood, Kaiapoi, Levin, Lyttelton, Marton, Masterton, Morrinsville, Mount Albert, Mount Eden, Napier, New Lynn, Newmarket, New Plymouth, Northcote, Onehunga, One Tree Hill, Otahuhu, Paeroa, Papatoetoe, Patea, Pahiatua, Petone, Pukekohe, Rangiora, Riccarton, Rotorua, Stratford, Takapuna, Taumarunui, Tauranga, Te Awamutu, Te Kuiti, Te Puke, Upper Hutt, Waihi, Waipukurau, Waitara, Whangarei.

## TOWN DISTRICTS

Johnsonville, Waverley.

## COUNTIES

Halswell, Heathcote, Paparua, Waimairi.

Dated at Wellington, this 13th day of September, 1946.

ALEX. R. ENTRICAN,  
Timber Controller.

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Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 19th day of September, 1946.

These regulations are administered in the office of the Timber Controller, State Forest Service.