

1969/242

Reprint under section 7 of the Regulations Act 1936 of the Tobacco Growing Industry Regulations 1945 (S.R. 1945/70), as amended by the following enactments:

- Amendment No. 1, S.R. 1946/197
- Amendment No. 2, S.R. 1947/209 (*Spent*)
- Amendment No. 3, S.R. 1949/32
- Amendment No. 4, S.R. 1949/175
- Amendment No. 5, S.R. 1950/140 (*Revoked by regulation 2 (2) of S.R. 1961/144*)
- Amendment No. 6, S.R. 1950/199
- Fees and Travelling Allowances Act 1951, s. 10 (2)
- Amendment No. 7, S.R. 1952/107
- Amendment No. 8, S.R. 1954/186 (*Revoked by regulation 2 (2) of S.R. 1957/142*)
- Amendment No. 9, S.R. 1956/9
- Amendment No. 10, S.R. 1957/142 (*Revoked by regulation 3 (3) of S.R. 1961/144*)
- Amendment No. 11, S.R. 1958/17 (*Revoked by regulation 5 (2) of S.R. 1964/191*)
- Amendment No. 12, S.R. 1958/163 (*Revoked by regulation 3 (2) of S.R. 1964/191*)
- Amendment No. 13, S.R. 1961/144
- Amendment No. 14, S.R. 1963/32 (*Revoked by regulation 3 (2) of S.R. 1964/191*)
- Amendment No. 15, S.R. 1963/121
- Amendment No. 16, S.R. 1964/191
- Amendment No. 17, S.R. 1966/10
- Amendment No. 18, S.R. 1968/202

THE TOBACCO GROWING INDUSTRY REGULATIONS 1945 (REPRINT)

C. L. N. NEWALL, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 6th day of June 1945

Present:

THE HON. W. NASH PRESIDING IN COUNCIL

PURSUANT to the Tobacco Growing Industry Act 1935, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and for the purpose of consolidating and amending certain enactments heretofore in force, doth hereby make the following regulations.

REGULATIONS

PART I—PRELIMINARY

1. These regulations may be cited as the Tobacco Growing Industry Regulations 1945.

2. These regulations shall come into force on the day next following the notification in the *Gazette* of the making hereof.

3. The respective regulations referred to in the table subjoined to this regulation are revoked.

Table of Revoked Regulations

Date of Order in Council	Short Title	Published in <i>Gazette</i>	
		Year	Page
14 July 1936 ..	The Tobacco Growing Regulations 1936	1936	1395
		Published in Statutory Regulations	
		Serial Number	Page
13 October 1937 ..	The Tobacco Board Fund Regulations 1937	264/1937	949
11 September 1940	The Tobacco Growing Industry Regulations 1936, Amendment No. 1	1940/235	752
22 April 1942 ..	The Tobacco Board Fund Regulations 1937, Amendment No. 1	1942/116	266
4 August 1943 ..	The Tobacco Growing Industry Regulations 1936, Amendment No. 2	1943/130	285

4. All licences, warrants, and generally all acts of authority, and all applications and other documents, matters, acts, and things, and all periods of time, which originated or had effect under the regulations hereby revoked and are of continuing effect at the time of coming into force of these regulations, shall enure for the purposes of these regulations as if they had originated under these regulations, and shall, where necessary, be deemed to have so originated.

PART II—LICENCES AND WARRANTS

5. Every application for a licence authorising the growing of tobacco, or a warrant to sell raw tobacco, or a warrant to purchase raw tobacco, shall be made to the Board in writing, signed by or on behalf of the applicant, in or to the effect of such one of the forms numbered 1, 3, and 5 in the First Schedule hereto as the case requires.

6. A licence authorising the growing of tobacco, a warrant to sell raw tobacco, and a warrant to purchase raw tobacco shall be in such one of the forms numbered respectively 2, 4, and 6 in the said First Schedule hereto as the case requires, and shall be sufficient if signed by the Secretary of the Board.

7. Every licence and warrant shall be deemed to remain at all times the property of the Board, and forthwith upon the expiry thereof the licensee or person to whom the warrant was issued shall deliver the same to the Board or prove to the Board by statutory declaration or other evidence to the Board's satisfaction that the licence or warrant has been lost or destroyed.

8. No person shall assign or attempt or purport to assign a licence or warrant or the benefit of any licence or warrant, and it shall be the duty of any person acquiring land on which any tobacco has been grown under the authority of a licence and seeking to continue the growing of such tobacco to apply for a licence for that purpose under these regulations.

9. There shall be payable for a licence or warrant the following fees, namely,—

For a licence authorising the growing of tobacco, [25c]:

For a warrant to sell raw tobacco, [25c]:

For a warrant to purchase raw tobacco, [40c for every thousand pounds] or part of a thousand pounds of tobacco the purchase of which is authorised by the warrant.

The references to 25c were substituted for references to 2s. 6d. by s. 7 of the Decimal Currency Act 1964.

The words in the third set of square brackets (as now amended by s. 7 of the Decimal Currency Act 1964) were substituted for the words "2s. for every thousand pounds" (as amended by regulation 2 of S.R. 1950/140) by regulation 2 (1) of S.R. 1961/144.

10. Together with every application for a licence or warrant the applicant shall deposit the appropriate fee payable for such licence or warrant, and if the Board refuses to issue the licence or warrant the amount deposited shall be returned to the applicant by remittance sent to him by post at the address stated in the application.

PART III—CONDITIONS IN LICENCES AND WARRANTS

11. Every warrant to purchase raw tobacco shall, unless previously revoked under the Tobacco Growing Industry Act 1935, continue in force until the 30th day of September following the issue thereof.

12. Every licence authorising the growing of tobacco shall be subject to the condition that the holder thereof shall from time to time furnish in writing to the Board, and in such form as the Board specifies, such information as the Board may require relating to the weight and description of raw tobacco held by the holder of the licence and as to whether such tobacco is held subject to a contract of sale or held with the intention of being subsequently sold.

13. (1) There may be attached to any licence authorising the growing of tobacco the condition that if the Tobacco Board is of opinion that certain diseases are reasonably likely to be inimical to the growing of tobacco, and if the Board is of opinion that certain measures are reasonably necessary to be taken with the crop of the licensee for the control of those diseases, and if the Board by notice in writing to the licensee requires him to take those measures, then the licensee shall forthwith take the said measures accordingly.

[(2) Without limiting the foregoing provisions of this regulation, every licence authorising the growing of tobacco shall be subject to a condition that the licensee shall, not later than the 31st day of May in every year during which the licence is in force, destroy all tobacco plants (including stalks and roots) which have been growing before that date on any land cultivated by him for the production of the tobacco plants.

(3) Destruction of the tobacco plants shall be effected by burning or by total burial by means of ploughing or other effective means.]

Subclauses (2) and (3) were added by regulation 2 of S.R. 1963/121.

14. The issue of a warrant to sell raw tobacco shall be subject to the condition that a monthly return will be supplied to the Secretary of the Board not later than 7 days after the close of each calendar month, showing the names and addresses of the persons or firms to whom raw tobacco has been sold during the month and the quantity sold to each, and also the quantity still unsold in terms of the warrant.

15. The issue of a warrant to sell raw tobacco shall also be subject to the condition of payment by the holder named therein in respect of all tobacco sold under the warrant of the charges by way of levy from time to time imposed under section 19 of the Act, such levy to be collected by the purchaser of the tobacco on behalf of the Board.

16. The issue of a warrant to purchase raw tobacco shall be subject to the following conditions, namely:

- (a) That a monthly return shall be supplied to the Secretary of the Board not later than 7 days after the end of each calendar month showing the names and addresses of the persons or firms from whom tobacco has been purchased during the month, and the quantity purchased from each, and the quantity still to be purchased in terms of the warrant:
- (b) That the holder of the warrant shall from time to time furnish in writing to the Board, and in such form as the Board specifies, such information as the Board may require relating to contracts entered into with growers and the amount of raw tobacco thereunder of which he has taken delivery and has yet to take delivery respectively:
- (c) That the holder of the warrant shall not under the authority thereof in any season purchase raw tobacco which in his opinion was grown in a previous season unless he is satisfied either that the Board had knowledge of the existence and quantity of such held-over tobacco or that the grower thereof did not receive compensation in the last previous season under Part VII of these regulations:
- (d) That if any raw tobacco is offered for sale to the holder of the warrant and he refuses pursuant to the requirements of the last preceding condition (c) to purchase such tobacco, he shall forthwith notify to the Board in writing particulars of the offer and of the person by whom it was made and the tobacco to which it related.

17. The issue of a warrant to purchase raw tobacco shall also be subject to the condition that the charges by way of levy from time to time imposed under section 19 of the Act shall in respect of all tobacco purchased under the warrant be collected from the grower of the tobacco and paid to the Board.

18. (1) There may be attached to any warrant authorising a person to purchase raw tobacco the condition that the person to whom the warrant is granted shall not manufacture or cause or permit to be manufactured any tobacco to which the warrant relates or any tobacco purchased under any warrant previously issued unless the whole of the raw tobacco, whether grown in New Zealand or elsewhere, delivered, for use in the manufacture of tobacco or cigarettes by the person to whom the warrant is granted, to the factory in a bonded tobacco factory licensed under the Tobacco Act 1908, during any period of 12 months computed from the 31st day of July in any year if the warrant be granted in that period, contains in the aggregate at least the proportionate weight of tobacco grown in New Zealand fixed by the Minister of Industries and Commerce before any warrant is granted in that period and so fixed for the purpose of being inserted in warrants to be granted in that period to which the condition hereby authorised is attached.

(2) The condition attached to any warrant under subclause (1) of this regulation fixing the proportionate weight of tobacco grown in New Zealand to be contained in the aggregate weight of raw tobacco delivered to the factory in a bonded tobacco factory during any period may be withdrawn or modified as the said Minister may direct.

(3) No manufacturer, whether or not he is the holder of a warrant referred to in subclause (1) hereof, shall use raw tobacco in the manufacture of tobacco or cigarettes unless the total weight of raw tobacco delivered to the factory in a bonded tobacco factory during any period referred to in the said subclause contains in the aggregate not less than the proportionate weight of tobacco grown in New Zealand as fixed in accordance with subclause (1) or subclause (2) of this regulation.

The references to a bonded tobacco factory licensed under the Tobacco Act 1908 are now references to a tobacco-manufacturing warehouse licensed under Part VI of the Customs Act 1966.

19. The issue of a warrant to purchase raw tobacco shall be subject to the condition that the holder thereof shall at all reasonable times produce to any officer of the Industries and Commerce, Tourist and Publicity Department requiring production thereof all books and records of the holder relating to his stocks of tobacco and to the acquisition, use, and disposal of tobacco and shall permit such officer to inspect the same and to make copies thereof or of any entries therein.

The reference to the Industries and Commerce, Tourist and Publicity Department is now a reference to the Department of Industries and Commerce.

20. Every condition to which by these regulations a licence or warrant or the issue thereof is declared to be subject shall be so subject, notwithstanding that the condition be not written in the actual licence or warrant issued.

PART IV—OBLIGATIONS OF HOLDERS OF WARRANTS

21. The charges by way of levy from time to time imposed under section 19 of the Act on raw tobacco grown or to be grown in New Zealand that is sold by or on behalf of the grower, or is manufactured by or on behalf of any manufacturer who has not purchased it, shall be collected by the holder of a warrant to purchase on behalf of the Board, and shall be paid by the holder of that warrant to the Board at such times and at such places as the Board may prescribe.

22. The holder of a warrant to sell raw tobacco shall produce such warrant to the purchaser or his authorised agent at the time of making a sale for endorsement thereon by the purchaser or his authorised agent of the quantity so sold.

23. Every person who purchases raw tobacco or conducts a purchase of raw tobacco on behalf of any other person shall at the time of purchase or delivery endorse on the warrant to sell raw tobacco produced to him particulars setting out the date of purchase and the quantity of raw tobacco purchased, and verify such particulars by appending his own signature thereto together with the name of the principal (if any) for whom he is acting.

PART V—ALLOWANCES TO MEMBERS OF BOARD

24-26. *Revoked by s. 10 (2) of the Fees and Travelling Allowances Act 1951.*

PART VI—THE TOBACCO BOARD FUND

27. In addition to the purposes to which the moneys received by the Board are to be applied in accordance with section 20 of the Tobacco Growing Industry Act 1935, the Board may apply such moneys as follows:

- (a) In the establishment and maintenance of research stations, or the making of grants for research into the growing, curing, preparation, packing, grading, and manufacture of tobacco:
- (b) In the establishment and maintenance of packing, grading, and storage sheds for tobacco:
- (c) In the granting of subsidies to encourage, foster, and develop the tobacco growing and manufacturing industries, including the export of leaf either raw or in any stage of preparation or manufacture:
- (d) In the purchase of tobacco, whether for subsequent sale or otherwise:
- (e) In the making of grants, whether by way of loan or otherwise to growers, packers, and manufacturers of tobacco, and to any person or association of persons, to encourage, foster, and develop the growing, preparation, manufacture, and marketing of tobacco:
- [(f) In the making of contributions towards the cost of flood protection or other works intended to benefit land situated in tobacco-growing districts.]

Para. (f) was added by regulation 2 (a) of S.R. 1949/32.

[28. All money of the Board in the Reserve Fund, and all money from time to time standing to the credit of the Board in its bank account established pursuant to section 20 of the said Act and not immediately required for expenditure or for application to any prescribed purpose may be invested in the manner following:

- (a) On deposit with the Post Office Savings Bank or with the bank for the time being approved by the Minister of Finance for the purpose of the said section 20:
- (b) In New Zealand Government Securities:
- (c) In bonds, debentures, or other securities of local bodies.]

This regulation was substituted for the original regulation 28 by regulation 2 of S.R. 1956/9.

PART VII—TOBACCO GROWERS INSURANCE

29. In this Part of these regulations, unless inconsistent with the context,—

“Board” means the Tobacco Board:

“Contract grower” and “grower” in respect of any claim or intended claim under these regulations mean a person who is both (a) the holder of an unrevoked licence authorising him to grow the tobacco which is the subject of such claim, and (b) a party to a notified contract:

“Panel assessor” means a member of the panel of assessors set up under these regulations:

“Notified contract” means a written, dated, and stamped contract made between a grower and a manufacturer providing for the sale of raw tobacco from the grower to the manufacturer and notified to the Board by one of the parties thereto:

“Secretary” means the Secretary of the Board.

A definition of the term “contract quantity” was omitted by regulation 3 (1) of S.R. 1950/199.

Notification of Contracts

30. No notification of a contract shall be effective for the purpose of a claim for a loss which occurred prior to the date of notification.

31. If any notified contract is modified by an instrument or instruments dated and in writing such instrument or instruments shall be notified in like manner as aforesaid.

32. If a notified contract is modified otherwise than by instrument dated and in writing and notified as aforesaid, such contract shall, notwithstanding notification, and whether in its original form or as modified, have no force or effect for the purpose of grounding a claim under these regulations.

33. No modification made [in any season between the 24th day of December in any year and the [[31st day of March]] in the next succeeding year (both days inclusive)] in a notified contract shall have

any force or effect for the purposes of these regulations so far as it purports to alter the quantity of leaf or the area to be grown as provided for in the notified contract.

The words in single square brackets were substituted for the words "on or after the 1st day of January in any season" by regulation 4 (a) of S.R. 1946/197.

The words in double square brackets were substituted for the words "10th day of April" by regulation 2 of S.R. 1952/107.

34. If the Secretary is satisfied that any notified contract is no longer in force, whether by reason of rescission or of final discharge by all parties thereto of all obligations thereunder or otherwise, he shall make a record to that effect, and such contract shall cease to be a notified contract for the purposes of these regulations.

Panel of Assessors

35. The Board shall from time to time appoint and cause to be notified in the *Gazette* as a panel of assessors not less than 16 persons, of whom not less than 4 shall be persons resident in each of the 4 wards enumerated in the Second Schedule hereto respectively.

36. No person shall be appointed as a panel assessor who is a member of the Board, and if any person after appointment becomes a member of the Board he shall, so long as he continues to be a member, be incapable of acting as a panel assessor.

37. Every person appointed to be a panel assessor shall be either a grower or a person who has had practical experience as a grower.

Claims and Inspection

38. Every contract grower who, by reason of total destruction caused directly by hail, frost, or flood, and occurring on or after the [24th day of December] in any season and after the plants are planted out and before harvesting, suffers the loss of growing tobacco in respect of which a notified contract is in force shall be entitled to claim compensation for such loss to the extent hereinafter provided.

The words in square brackets were substituted for the words "1st day of January" by regulation 4 (b) of S.R. 1946/197.

39. A contract grower who considers that he has suffered such loss as entitles him to claim under these regulations shall, not more than 2 days after the loss occurs, give to the manufacturer with whom his notified contract is made notice of such loss and of the cause thereof and require that the crop be inspected.

40. An inspection of the crop shall be made—

- (a) In the case of loss by hail, not later than the seventh day after loss:
- (b) In the case of loss by frost, not later than the fourteenth day after loss:
- (c) And in the case of loss by flood, not later than the fourteenth day after the flood-waters have run off, notwithstanding the continued presence of waters capable of natural removal only by soakage or evaporation.

41. The inspection shall be made jointly by—

- (a) The contract grower or a person nominated by him to act on his behalf; and
- (b) A field officer employed by the manufacturer or other person appointed by the manufacturer for the purpose; and
- (c) A panel assessor . . . appointed by the contract grower and the manufacturer, or, if they cannot agree upon one, then a panel assessor appointed by the Board or by a member of the Board authorised by the Board in that behalf:

Provided that no person shall act as panel assessor in respect of a crop the notified contract relating to which is made with a manufacturer with whom that person has entered into any notified contract for the time being in force.

In para. (c) the words “resident in the ward where the crop is situated” were omitted by regulation 2 of S.R. 1966/10.

42. The persons inspecting the crop shall ascertain what leaf has been totally destroyed as claimed by the grower, and the cause of destruction, and estimate the amount that such leaf would have weighed if without the occurrence of the loss complained of it had been harvested, cured, and graded, and shall forthwith report in writing to the Board their findings on the matters aforesaid in the form numbered 7 in the said First Schedule hereto:

Provided that if they do not all agree in their findings any two of them who agree and the other of them or (as the case may require) each of them shall separately report in writing to the Board as aforesaid.

43. Forthwith after inspection the contract grower shall deliver in writing to the Board his claim for compensation in the form numbered 8 in the said First Schedule hereto.

Assessment of Claims

44. Forthwith at the close of a season after receipt of all returns showing that holders of warrants to purchase raw tobacco have acquired all tobacco to be purchased by them under notified contracts relating to that season, the Board shall review all claims received by it in respect of losses incurred in that season and the report of inspections thereon and assess the amounts of losses.

45. (1) The Board may in reviewing claims and reports of inspections accept such of differing findings or parts thereof as it thinks fit, and if it thinks that erroneous findings have been reached may disallow a claim or part of a claim.

[(2) The Board may disallow any claim to the extent that the amount of the leaf lost exceeds the amount that the grower could, in the opinion of the Board, reasonably expect to harvest and cure between the date when the loss occurred and the next following 31st day of March.]

Subclause (2) was added by regulation 3 of S.R. 1952/107.

46. (1) The Board shall not allow the claim of any contract grower for loss through flood if in the opinion of the Board such loss was due to negligence on the part of the grower.

[(2) Where loss occurs through flood the Board may disallow a claim or reduce the amount of compensation payable if, in the opinion of the Board and the assessor making the inspection of the crop, the land upon which the tobacco was growing is so situated as to be particularly subject to flooding of any kind.]

Subclause (2) was added by regulation 4 of S.R. 1952/107.

47. The Board shall not allow the claim of any contract grower if the weight of leaf sold by him and the weight of leaf held over by him for subsequent sale are together greater than or equal to his contract quantity computed as hereinafter provided, and shall not allow the claim of any contract grower in respect of a weight of leaf greater than the amount by which his contract quantity exceeds the aggregate of the weight of leaf sold by him and the weight of leaf held over by him for subsequent sale.

[48. For the purposes of these regulations the term "contract quantity", in the case of a contract to grow flue cured leaf, means—

- (a) The number of pounds of flue cured leaf expressed in the notified contract as the amount of leaf which the area planted is estimated to produce; or
- (b) The number of pounds of flue cured leaf which the grower could, with the kiln capacity available to him, reasonably expect to cure efficiently in a season; or
- (c) The number of pounds of flue cured leaf which, in the opinion of the Board, would, but for the occurrence of the loss complained of, have been sold under the contract,—

whichever amount is the least.

[49. For the purposes of these regulations the term "contract quantity", in the case of a contract to grow air dried leaf, means—

- (a) The number of pounds of air dried leaf expressed in the notified contract as the amount of leaf which the area planted is estimated to produce; or
- (b) The number of pounds of air dried leaf which in the opinion of the persons inspecting the crop would be produced from the area actually planted and properly tended but not exceeding in any case a weight exceeding **[[1,250 lb. an acre]]**,—

whichever amount is the less.

In para. (b) the words in double square brackets were substituted for the words "1,000 lb an acre" by regulation 2 of S.R. 1964/191.

50. *Revoked by regulation 3 (1) of S.R. 1964/191.*

51. Where any persons inspect a crop for the purposes of making a report in respect of a claim for compensation under these regulations, they shall furnish to the Board a report containing the following information:

- (a) The measurements of any kiln or kilns used by the grower:
- (b) *Revoked by regulation 4 (1) of S.R. 1964/191:*

[[c) The estimated capacity of all kilns used by the grower:]]

- (d) The weight of leaf which in their opinion the grower could reasonably expect to cure efficiently in a season in any kiln or kilns used by the grower.]

In regulation 51, para (c) was substituted for the original para. (c) (as amended by regulation 2 (3) (b) of S.R. 1958/163) by regulation 4 (2) of S.R. 1964/191.

Regulations 48-51 were substituted for the original regulations 48-51 (regulation 49 having been amended by regulation 4 (c) of S.R. 1946/197, regulation 3 (1) (b) of S.R. 1947/209, and regulation 5 (1) of S.R. 1949/175; and regulation 51 having been amended by regulation 6 of S.R. 1949/175) by regulation 2 of S.R. 1950/199.

52. If in the opinion of the Board a grower has not planted out and properly tended the full area stated in his notified contract [or if in the opinion of the Board the quantity stated in a notified contract exceeds the quantity the grower could have reasonably expected to produce from the area planted out] the Board may make a proportionate reduction in his contract quantity for the purposes of the claim.

The words in square brackets were inserted by regulation 4 (d) of S.R. 1946/197.

[53. Where the quantity of leaf for which compensation is to be allowed has been determined as aforesaid, the Board shall assess compensation according to the following rates:

Date of Loss	Compensation Per Pound of Leaf
Not later in the season than 15 January	10 ^c
Between 16 and 31 January (both days inclusive)	10 ⁵ / ₈
Between 1 February and 1 March (both days inclusive)	12 ¹ / ₂
Between 2 and 31 March (both days inclusive)	13 ¹ / ₃
Between 1 and 10 April (both days inclusive)	8 ¹ / ₃]

This regulation was substituted for the former regulation 53 (as substituted by regulation 3 (1) of S.R. 1961/144, and as previously substituted by regulation 7 of S.R. 1949/175, regulation 2 (1) of S.R. 1954/186, and regulation 2 (1) of S.R. 1957/142, and as amended by regulation 4 (e) of S.R. 1946/197) by regulation 3 (1) of S.R. 1966/10.

Regulation 3 (2) of S.R. 1966/10 provides as follows:

3. (2) Compensation at the rates specified in regulation 53 of the principal regulations (as substituted by subclause (1) of this regulation) may be paid in respect of the season beginning in the year 1965 and ending in the year 1966 and in respect of subsequent seasons.

The amounts of compensation shown in decimal currency have been substituted for the amounts in the former currency pursuant to s. 7 of the Decimal Currency Act 1964.

54. If any question arises of the sufficiency or date of any document or as to the regularity of any inspection or as to any matter of fact or other matter arising out of a claim or as to the application of these regulations to any claim, the Board, acting in an administrative and not in a judicial capacity, may decide the same, and its decision shall be final, and the Board may at its discretion waive in a particular case any of the requirements of these regulations.

[54A. (1) Notwithstanding the foregoing provisions of these regulations, where a claim is made thereunder for compensation in respect of the loss of growing tobacco amounting to 50 percent or more than 50 per-

cent of the contract quantity of the claimant, the Board may review the claim forthwith, and if the Board is of the opinion that the loss incurred was 50 percent or more than 50 percent of that contract quantity it may assess compensation therefor as hereinbefore provided.

(2) The Board shall pay forthwith such portion of the compensation assessed by it under this regulation as it thinks fit. Any amount of compensation so assessed by the Board and not paid to the claimant forthwith shall, subject to and in accordance with the provisions of these regulations, be paid to him at the close of the season.

(3) If at the close of any season it is found that the total of the weight of leaf sold by a contract grower during the season, the weight of leaf held over by him for subsequent sale, and the weight of leaf in respect of which compensation has been assessed under the last preceding subclause or otherwise under these regulations is greater than the contract quantity of the grower for that season, the weight by which the said total exceeds the weight of the said contract quantity shall be assessed by the Board. A sum equal to the amount of compensation paid to the contract grower for the loss of a weight of leaf corresponding to the weight of leaf so assessed shall thereupon become owing by the grower to the Board and shall be recoverable accordingly in any Court of competent jurisdiction.

(4) For the purposes of regulation 47 hereof leaf in respect of which compensation has been assessed under this regulation shall be deemed to be leaf sold by the grower.]

This regulation was inserted by regulation 2 (b) of S.R. 1949/32.

Financial Provisions

55. Payment of claims shall be made forthwith upon assessment of compensation as hereinbefore provided, subject, however, to the next succeeding regulation, and before payment is made the Board may require any contract grower receiving payment to give to the Board such discharge and acquittance as it may think necessary.

56. In any case where in the opinion of the Board loss by flood is due to negligence on the part of any person for which an action for damages would lie against such person at the suit of the contract grower, compensation for loss by flood may be paid on condition that the Board be subrogated to the contract grower in respect of such right of action, and the Board may for that purpose as a condition of payment require the contract grower to execute in favour of the Board, and in such form as the Board stipulates,—

- (a) An assignment of such right of action;
- (b) A power of attorney enabling the Board in the name of the grower or otherwise to institute, prosecute, abandon, and enforce any actions or other proceedings; and
- (c) An agreement by the grower to give all reasonable assistance in the prosecution of the proceedings,—

subject to being indemnified by the Board against the costs and expenses of the proceedings.

57. If it be discovered that any sum paid to a contract grower under these regulations was paid to him in consequence of any fraud, misrepresentation, or non-disclosure of facts deemed by the Board to

be material or by reason of any mistake of fact, the Board may by action in any Court of competent jurisdiction recover from the contract grower the sum so paid, together with interest and damages.

58. Nothing in these regulations shall confer on any person a right to payment of a claim otherwise than out of the moneys which the Board from time to time sets apart or may receive by way of grant from the Crown to meet claims approved under these regulations or to payment of more than a *pro rata* sum in case the moneys so available in respect of any season are insufficient to meet payment in full of all claims allowed.

[59. (1) Subject to the provisions of this regulation it shall be lawful for the Board to expend any moneys received by it for all or any of the following purposes:

- (a) In payment of subsistence allowances and locomotion expenses to persons conducting inspections of crops pursuant to these regulations:
- (b) In payment to each panel assessor engaged in the inspection of crops of a fee, in addition to the allowances and expenses authorised by the last preceding paragraph, calculated at the rate of ~~[[£1 an hour]]~~ for each hour spent in any such inspection:
- (c) In payment to contract growers of claims authorised in accordance with these regulations:
- (d) In payment of expenses incurred in the administration of these regulations.

(2) No payment made under paragraph (a) of subclause (1) hereof shall exceed the amount authorised by regulation 25 hereof for payment to members of the Board for subsistence allowances or locomotion expenses, and the provisions of the said regulation 25 shall, with the necessary modifications, apply to payments under the said paragraph (a) as if the persons making the inspection were members of the Board.

(3) No payment under paragraph (a) of subclause (1) hereof shall be made to a grower inspecting his own crop.

(4) Any amount authorised to be expended under this regulation shall be in addition to any amount authorised to be expended under the foregoing provisions of these regulations.

(5) The amounts authorised to be expended by this regulation may be paid in respect of the 1949 tobacco harvest and subsequent tobacco harvests.]

This regulation was substituted for the original regulation 59 by regulation 8 of S.R. 1949/175.

In subclause (1) (b) the words in double square brackets were substituted for the words "80c an hour" (as previously amended by s. 7 of the Decimal Currency Act 1964, regulation 2 of S.R. 1958/17, and regulation 5 (1) of S.R. 1964/191) by regulation 2 of S.R. 1968/202.

As to subclause (2), regulation 25 was revoked by s. 10 (2) of the Fees and Travelling Allowances Act 1951.

Transitory Provision

60. Notwithstanding anything contained in these regulations, the Board may admit a claim for compensation for total destruction of leaf that has occurred in the 1945 season before the coming into force

of these regulations if it is satisfied in all respects of the propriety of the claim on such evidence as in any particular case the Board may think fit to require.

[61. (1) Subject to the provisions of this regulation, the Board may, out of its funds, from time to time pay compensation to growers who have suffered loss as the result of pests or plant diseases which have affected tobacco crops, which constitute a danger to the tobacco-growing industry, and which could not reasonably have been prevented by good husbandry.

(2) Any money which, pursuant to regulation 58 of these regulations, is available for the payment of claims shall not be used for the payment of compensation under this regulation.

(3) No compensation under this regulation shall be paid in respect of any loss suffered by reason of any plant disease for the time being referred to in the First Schedule to the Plant Diseases Regulations 1954†.

(4) No compensation under this regulation shall be paid unless the Board has obtained a report from the Department of Scientific and Industrial Research and has made such inquiries as it thinks fit for the purpose of determining whether or not compensation is properly payable under this regulation.

(5) Any compensation under this regulation shall be of such amount and paid at such times as the Board thinks fit and shall be payable at the absolute discretion of the Board.]

This regulation was added by regulation 4 of S.R. 1961/144.

†S.R. 1954/116

SCHEDULES

FIRST SCHEDULE

[Form No. 1

Tobacco Growing Industry Act 1935

APPLICATION FOR A LICENCE TO GROW TOBACCO

I, [*Name in full*], of [*Address*], hereby make application for a licence to grow tobacco under the provisions of the Tobacco Growing Industry Act 1935, the quantity to be not more thanlb., and the acreage to be not more thanacres.

My stock of leaf on hand and unsold at the date shown hereunder is.....lb.
I enclose herewith the prescribed licence fee of [25c].

Signature:

Date:

The sum of 25c was substituted for 2s. 6d. by s. 7 of the Decimal Currency Act 1964.

[Form No. 2

Licence No.
Wellington,

TOBACCO BOARD

LICENCE TO GROW TOBACCO
(Not transferable)

This licence, issued under the Tobacco Growing Industry Act 1935, entitles, of, to grow tobacco in accordance with the provisions of that Act.

This licence shall take effect as from, and shall continue in force until 31st July 19....., unless previously revoked.

The quantity grown shall not be more thanlb., and the acreage grown shall not be more than acres.

This licence is issued subject to the following condition(s), namely:

That the holder of this licence shall from time to time furnish in writing to the Board, and in such form as the Board specifies, such information as the Board may require relating to the weight and description of raw tobacco held by the holder of the licence and as to whether such tobacco is held subject to a contract of sale or held with the intention of being subsequently sold.

[Here insert any other conditions:]

.....
Secretary, Tobacco Board.

[Form No. 3

Tobacco Growing Industry Act 1935

APPLICATION FOR A WARRANT TO SELL RAW TOBACCO

I, [Name in full], of [Address], hereby make application to sell raw tobacco under the provisions of the Tobacco Growing Industry Act 1935, the quantity to be not more than lb. Of this quantity lb. is for manufacture in New Zealand, and lb. for export.

I enclose herewith the prescribed warrant fee of [25c].

Signature:
Date:

The sum of 25c was substituted for 2s. 6d. by s. 7 of the Decimal Currency Act 1964.

[Form No. 4

Warrant No.
Wellington,

TOBACCO BOARD

WARRANT TO SELL RAW TOBACCO
(Not transferable)

This warrant, issued under the provisions of the Tobacco Growing Industry Act 1935, entitles, of, to sell lb. of raw tobacco grown or to be grown in New Zealand.

This warrant shall take effect as from, and shall continue in force until, unless previously revoked.

This warrant is issued on the condition that a monthly return will be supplied to the Secretary of the Board not later than 7 days after the close of each calendar month showing the names and addresses of the persons or firms to whom tobacco has been sold during the month and the quantity sold to each, and also the quantity still unsold in terms of the warrant. This warrant is issued conditionally also on payment by the holder named herein of a levy of per pound on all tobacco sold under this warrant, such levy to be collected by the purchaser of the tobacco on behalf of the Board.

.....
Secretary, Tobacco Board.

[Form No. 5

Tobacco Growing Industry Act 1935

APPLICATION FOR A WARRANT TO PURCHASE RAW TOBACCO

I, [Name in full], of [Address], hereby make application on behalf of [Name of firm] for a warrant to purchase raw tobacco under the provisions of the Tobacco Growing Industry Act 1935, the quantity to be not more than lb. Of this quantity lb. is for manufacture in New Zealand, and lb. for export.

I enclose herewith the prescribed warrant fee of calculated at the rate of [10c] per 1,000 lb.

Signature:.....
Date:

The sum of 10c was substituted for 1s. by s. 7 of the Decimal Currency Act 1964.

[Form No. 6

Warrant No.....
Wellington,.....

TOBACCO BOARD

WARRANT TO PURCHASE RAW TOBACCO

(Not transferable)

THIS warrant, issued under the provisions of the Tobacco Growing Industry Act 1935, entitles of to purchase lb. of raw tobacco grown or to be grown in New Zealand.

This warrant shall take effect as from, and shall continue in force until, unless previously revoked.

This warrant is issued subject to the following conditions, namely:

- (a) That a monthly return shall be supplied to the Secretary of the Board not later than 7 days after the end of each calendar month showing the names and addresses of the persons or firms from whom tobacco has been purchased during the month and the quantity purchased from each and the quantity still to be purchased in terms of the warrant.
- (b) That the holder of the warrant shall from time to time furnish in writing to the Board, and in such form as the Board specifies, such information as the Board may require relating to contracts entered into with growers and the amount of raw tobacco thereunder of which he has taken delivery and has yet to take delivery respectively.
- (c) That the holder of the warrant shall not under the authority thereof in any season purchase raw tobacco which in his opinion was grown in a previous season unless he is satisfied either that the Board had knowledge of the existence and quantity of such held-over tobacco or that the grower thereof did not receive compensation in the last previous season under Part VII of the Tobacco Growing Industry Regulations 1945.
- (d) That if any raw tobacco is offered for sale to the holder of the warrant and he refuses pursuant to the requirements of the last preceding condition (c) to purchase such tobacco, he shall forthwith notify to the Board in writing particulars of the offer and of the person by whom it was made and the tobacco to which it related.
- (e) That a levy of per pound on all tobacco purchased under the warrant shall be collected from the growers of tobacco and paid to the Board.
- (f) That the holder of the warrant shall at all reasonable times produce to any officer of the Industries and Commerce, Tourist and Publicity Department requiring production thereof all books and records of the holder relating to his stocks of tobacco and to the acquisition, use, and disposal of tobacco and shall permit such officer to inspect the same and to make copies thereof or of any entries therein.

[Here insert any other conditions:]

.....
Secretary, Tobacco Board.

In para. (f) the reference to the Industries and Commerce, Tourist and Publicity Department is now a reference to the Department of Industries and Commerce.

[Form No. 7

REPORT OF INSPECTION

To the Tobacco Board.

We have inspected the tobacco crop of the undermentioned grower for the purposes of a claim for loss, and report as follows:

- Full name of grower:
- Full postal address of grower:
- Name of contracting manufacturer:
- Contract quantity:
- Contract area:
- Area actually planted out and properly tended:
- Number of kilns used 16 ft by 16 ft:
- Number and size of kilns other than 16 ft by 16 ft:
- Curing-capacity per season of kilns other than 16 ft by 16 ft:
- Cause of loss (hail, frost, or flood):
- Date of inspection:
- Estimated weight of leaf lost:
- Remarks:
- Dated at, this day of, 19.....

(Signatures):, Panel Assessor.
, Grower (or grower's representative).
, Manufacturer's Inspector.

[Form No. 8

GROWER'S CLAIM

To the Tobacco Board.

I HEREBY claim compensation for loss of (a portion of) my tobacco crop at, which was inspected for the purposes of the claim on the day of, 19....., and I agree to accept the decision of the Tobacco Board as final.

Dated this day of, 19..... Signature of Grower:

SECOND SCHEDULE

No. 1 Ward—All that area in the counties of Takaka and Waimea, bounded by the left bank of the Motueka River from its mouth to the Alexander Bridge; thence by a right line running in a westerly direction to the summit of Hoary Head; thence by a right line running in a northerly direction to the middle-point of the mouth of the Takaka River; and thence by the shores of Golden Bay and Tasman Bay to the commencing point, comprising (*inter alia*) the localities known as Marahau, Sandy Bay, Riwaka Valley, Riwaka, Little Sydney Valley, Umukuri, Brooklyn, Brooklyn Valley, Shaggery, and Lower Pangatotara.

No. 2 Ward—All that area in the County of Waimea, bounded from the mouth of the Motueka River to the summit of Hoary Head by No. 1 Ward; thence by a right line to the Peninsula Bridge over the Motueka River at Pokororo; thence by a right line to a point at the head of Setting Sun Valley on the continuation of a right line through Gordon's Knob and Belgrove Post Office; thence by a right line through Mapua Post Office to Tasman Bay; and thence by the shore of Tasman Bay to the commencing point, comprising (*inter alia*) the localities known as Motueka, Pangatotara, Ngatimoti, Orinoco, Rosedale, Neudorf, Upper Moutere, Mapua, Tasman, and Lower Moutere.

No. 3 Ward—All that area in the counties of Waimea, Takaka, and Buller, bounded by right lines from the summit of Hoary Head to Mount Arthur; thence to Mount Olive; thence to Devil's Thumb; thence to Glenhope; thence to Gordon's Knob; thence through Belgrove Post Office to the boundary of No. 2

Ward, and by the boundary of No. 2 Ward to the commencing point, comprising (*inter alia*) the localities known as Pokororo (part), Baton, Stanley Brook, Wangapeka, Sherry, Tadmor, Glenhope (part), Korere, Motupiko, Golden Downs, Tapawera, Dovedale, Thorpe, and Woodstock.

No. 4 Ward—All parts of New Zealand not included in No. 1 Ward, No. 2 Ward, and No. 3 Ward, comprising (*inter alia*) the localities known as Redwood's Valley, Waimea West, Brightwater, Spring Grove, Wakefield, Wai-iti Valley, Eighty-eight Valley, Hope, Appleby, and Richmond.

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

*Certified for the purposes of section 7 of the Regulations Act 1936,
this 21st day of November 1969.*

J. R. MARSHALL, *Attorney-General.*

Issued under the authority of the Regulations Act 1936.

Date of notification of principal regulations in *Gazette*: 14 June 1945.

These regulations are administered in the Department of Industries and Commerce.