

Serial Number 1949/32

**THE TOBACCO GROWING INDUSTRY REGULATIONS 1945,
AMENDMENT NO. 3**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 16th day of
March, 1949

Present :

THE RIGHT HON. P. FRASER 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, doth hereby make the following regulations.

REGULATIONS

1. These regulations may be cited as the Tobacco-growing Industry Regulations 1945, Amendment No. 3, and shall be read together with and deemed part of the Tobacco-growing Industry Regulations 1945* (hereinafter referred to as the principal regulations).

2. The principal regulations are hereby amended as follows :—

(a) By adding to Regulation 27 the following paragraph :—

“(f) In the making of contributions towards the cost of flood protection or other works intended to benefit land situated in tobacco-growing districts.”

(b) By inserting, after Regulation 54, the following new regulation :—

“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 per cent. 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 per cent. or more than 50 per cent. 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.

* Statutory Regulations 1945, Serial number 1945/70, page 162.
Amendment No. 1 : Statutory Regulations 1946, Serial number 1946/197, page 561.
Amendment No. 2 : Statutory Regulations 1947, Serial number 1947/209, page 701.

“(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.”

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 17th day of March, 1949.

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