

Serial Number 1952/31



THE WOOL COMMISSION REGULATIONS 1952

FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 10th day of
March 1952

Present:

THE RIGHT HON. S. G. HOLLAND PRESIDING IN COUNCIL.

PURSUANT to the Wool Commission Act 1951, His Excellency the
Governor-General, acting by and with the advice and consent of the
Executive Council, hereby makes the following regulations.

REGULATIONS

Preliminary

1. (1) These regulations may be cited as the Wool Commission
Regulations 1952.

(2) These regulations shall come into force on the Monday next
following the date of their notification in the *Gazette*.

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

“The Act” means the Wool Commission Act 1951:

“Approved wool exporter” means a wool exporter whose name
appears on the list of approved wool exporters compiled for
the purposes of these regulations:

“Approved woolscourer” means a woolscourer whose name
appears on the list of approved woolscourers compiled for
the purposes of these regulations:

“Auction sale” means an auction sale of wool approved by the
Commission:

“Broker” means any person who in the ordinary course of
business regularly sells wool or sheepskins at auction sales
approved by the Commission:

“Certificate” means a certificate of charge or a certificate issued
by an approved wool exporter under regulation 24 hereof:

“Certificate of charge” means a certificate of charge issued
under these regulations:

“Charge” means the charge on wool imposed by section 21 of
the Act:

- “ Commission ” means the New Zealand Wool Commission established under the Act :
- “ Manufacturer ” means a person who subjects wool to a process other than washing, scouring, carbonizing, slipping, or fellmongering ; and “ manufacture ” and “ manufactured ” have corresponding meanings :
- “ Permit ” means a permit issued by the Commission :
- “ Person ” includes a corporation sole and also a body of persons whether incorporated or not :
- “ Wool ” means sheep’s wool or lambs’ wool produced in New Zealand, whether greasy, washed, scoured, carbonized, slipped, or fellmongered, or wool on the skin ; but does not include manufactured wool (including wool tops), wool noils, dags or dag wool, or wool waste :
- “ Wool Board levy ” means the levy imposed by section 12 of the Wool Industry Act 1944 :
- “ Wool exporter ” means a person by whom or on whose behalf any wool is exported from New Zealand.

3. Any approval or notice to be given, certificate or permit to be issued, discretion to be exercised, or thing or matter to be done by the Commission under these regulations shall be sufficient for all the purposes of these regulations if given, issued, exercised, or done by the Chairman or any member of the Commission or any officer or servant or agent of the Commission duly authorized in that behalf by the Commission.

4. For the purposes of these regulations wool shall be deemed to be exported when it is placed on board any ship for export from New Zealand ; and the terms “ export ” and “ exported ” shall be construed accordingly.

5. (1) The regulations specified in the Schedule hereto are hereby revoked.

(2) All applications, certificates, charges, declarations, notices, permits, returns, and generally all acts of authority, and all other documents, matters, acts, and things which originated or had effect under the regulations hereby revoked, and are of continuing effect at the commencement of these regulations, shall enure for the purposes of these regulations as if they had originated under the corresponding provisions of these regulations, and accordingly shall, where necessary, be deemed to have so originated.

(3) All matters and proceedings commenced under the regulations hereby revoked, and pending or in progress at the commencement of these regulations, may be continued and completed under these regulations.

Brokers, Manufacturers, and Woollscourers to Notify Place of Business

6. Every person who carries on business as a broker within the meaning of these regulations or as a manufacturer or as a woollscourer shall, within twenty-eight days after the commencement of these regulations or within twenty-eight days after the commencement of his business (whichever is the later), unless he has already done so under the regulations hereby revoked, give to the Commission notice of the address of his business and of the name under which it is carried on.

Lists of Approved Wool Exporters and Approved Woolscourers

7. (1) The Commission shall compile and keep in its office a list of approved wool exporters and a list of approved woolscourers for the purposes of these regulations.

(2) There shall be entered on the list of approved wool exporters the name of every wool exporter who in the ordinary course of business regularly exports wool which has been purchased from a broker.

(3) There shall be entered on the list of approved woolscourers the name of every woolscourer who gives or has given to the Commission the notice required by regulation 6 hereof.

(4) The Commission may from time to time amend any list kept under this regulation—

(a) By adding thereto the name of any wool exporter or woolscourer whose name is not already entered thereon :

(b) By removing therefrom, either temporarily for such period as the Commission may determine or permanently, the name of any wool exporter or woolscourer—

(i) If that wool exporter or woolscourer has been convicted of an offence against these regulations ; or

(ii) If the Commission is of opinion, on such grounds as the Commission in its discretion deems sufficient, that the name of that wool exporter or woolscourer ought to be so removed from the appropriate list by reason of his failure to carry out to the reasonable satisfaction of the Commission the obligations imposed on him by or under these regulations.

(5) Forthwith after compiling the list of approved wool exporters or making any amendment to that list pursuant to subclause (4) hereof, the Commission shall deliver or cause to be delivered to the Comptroller of Customs a copy of the list or of the amendment thereof.

(6) Where the name of any wool exporter or woolscourer is removed from any list kept pursuant to this regulation the Commission shall, forthwith after the removal, give to the wool exporter or woolscourer concerned notice of the removal.

(7) So long as the name of any wool exporter remains on the list of approved wool exporters kept pursuant to this regulation, but no longer, that wool exporter shall, notwithstanding the provisions of these regulations relating to certificates of charge, be authorized to export greasy wool or slipe wool purchased from a broker upon complying with the requirements of subclause (2) of regulation 24 hereof.

(8) So long as the name of any woolscourer remains on the list of approved woolscourers kept pursuant to this regulation, but no longer, that woolscourer may scour wool for the purposes of these regulations and issue the certificates of charge referred to in subclause (5) of regulation 16 hereof.

Charge on Wool

8. (1) For the purpose of providing for the Wool Board levy, the charge shall be charged in accordance with the Act and these regulations on all wool produced in New Zealand which is sold by a broker, delivered to a manufacturer, or exported as provided in subsection (1) of section 21 of the Act at any time on or after the date of the commencement of these regulations.

(2) The rate of the charge shall be :—

- (a) For each bale, 3s. 6d. :
- (b) For each fadge, 1s. 9d. :
- (c) For each bag or sack, 7d.

9. The person primarily liable for the charge payable on any wool by reason of its sale by a broker, or delivery to a manufacturer, or export shall be the person on whose behalf the wool is so sold, or the person by whom or on whose behalf the wool is so delivered or exported, as the case may be.

10. (1) Where any wool is sold by a broker at auction or otherwise, or delivered to a manufacturer, the broker or the manufacturer, as the case may be, shall, subject to the provisions of subclause (2) hereof, be liable to pay and shall pay to the Commission the charge (if any) payable on that wool, and may—

- (a) Recover from the person primarily liable therefor the amount of the charge payable in respect of that wool; or
- (b) Deduct the amount of that charge from any moneys payable to the person primarily liable for the charge in respect of the sale of that wool.

(2) Where the owner of any wool holds a certificate of charge in respect of that wool and that wool is sold by a broker at auction or otherwise, or is delivered to a manufacturer, it shall not again be charged with the charge in respect of that sale or delivery, nor shall the broker or the manufacturer, as the case may be, be liable to the Commission under subclause (1) hereof in respect of that sale or delivery if the owner of that wool surrenders to the broker or the manufacturer, as the case may be, the certificate of charge held by him in respect of that wool. On the surrender of the certificate of charge as aforesaid the broker or the manufacturer, as the case may be, shall write on the face of the certificate of charge a statement indicating its surrender under this subclause and shall forthwith deliver that certificate to the Commission.

Certificate of Charge

11. (1) On the sale of any wool by a broker, the broker shall, if requested so to do by the purchaser of that wool, complete and sign a certificate of charge in respect of the sale in a form prescribed by the Commission.

(2) Every certificate of charge shall be in triplicate, and the original shall be delivered by the broker to the purchaser of the wool to which the certificate relates, the second copy shall be delivered by the broker to the Commission, and the third copy shall be retained by the broker.

12. Where any firm or company carries on business as a broker, every certificate of charge required by these regulations to be issued by the broker shall be signed on behalf of the firm or company in the name only of such person as is duly authorized in writing by the Commission so to sign certificates of charge.

13. Where the holder of a certificate of charge in respect of any lot of wool sells the whole of the wool comprised in the certificate to any other person in New Zealand he shall, forthwith after the sale, write on the certificate of charge his name and address with his signature and such other particulars as may be indicated in the form, and deliver the certificate to the purchaser.

14. (1) Where the holder of a certificate of charge in respect of any lot of wool proposes to sell to any other person in New Zealand, or to scour, part only of the wool comprised in the certificate of charge, he shall, before effecting the sale or delivery for scouring of the part proposed to be sold or scoured, apply to the person by whom that certificate was issued for the issue of separate certificates of charge in respect of the wool proposed to be sold or scoured and in respect of the balance of the wool comprised in the original certificate, and shall at the same time surrender the original certificate of charge to that person for cancellation.

(2) On the surrender of the original certificate of charge in respect of any lot of wool as aforesaid the person by whom the original certificate was issued shall complete and deliver to the applicant the separate certificates of charge required by him, but shall before delivery write on the face of each new certificate the words " Issued on surrender of certificate of charge numbered", and on the face of the certificate of charge so surrendered the words " Cancelled and replaced by certificates of charge numbered".

(3) Forthwith after delivery of the separate certificates of charge in accordance with the foregoing provisions of this regulation the person by whom the original certificate of charge was issued shall deliver to the Commission the original certificate of charge surrendered and cancelled as aforesaid, together with the second copies of the separate certificates of charge issued in place thereof.

15. (1) Where the whole or any part of the wool comprised in any certificate of charge is destroyed, the holder of the certificate shall forthwith surrender it to the Commission for cancellation.

(2) On the surrender of any certificate under this regulation the Commission shall, upon being satisfied on such documentary evidence as the Commission shall deem sufficient that any part of the wool has not been destroyed, complete and deliver to the holder a certificate of charge in respect of that part of the wool, but shall before delivery write on the face of the certificate of charge the words " Issued on surrender of certificate of charge numbered".

Scouring and Scoured Wools

16. (1) Where the owner of any wool purchased from a broker desires to deliver that wool to an approved woolscourer for scouring, he shall obtain from the broker from whom that wool was purchased a certificate of charge in respect of that wool, and shall on effecting delivery of the wool at the premises of the woolscourer deliver to the woolscourer the certificate of charge in respect of that wool.

(2) Where the owner of any wool purchased otherwise than from a broker desires to deliver that wool to an approved woolscourer for scouring, he shall, before effecting delivery of that wool at the premises of the woolscourer, pay to the Commission the charge payable on that wool, and the Commission shall issue to the owner a certificate of charge. Upon receipt of the certificate of charge the owner shall deliver the certificate to the woolscourer, who thereupon may proceed with the scouring of the wool to which the certificate relates.

(3) Where a woolgrower desires to deliver to an approved woolscourer for scouring any wool produced by him, he shall, before effecting delivery of that wool at the premises of the woolscourer,

apply to the Commission for a permit authorizing the scouring of that wool, and on receipt of the permit from the Commission he shall deliver the permit to the woolscourer, who may thereupon proceed with the scouring of the wool to which the permit relates.

(4) No approved woolscourer shall scour any wool in his possession or cause or permit any such wool to be scoured unless and until he is in possession of a certificate of charge in respect of that wool, or of a permit authorizing the scouring of that wool.

(5) Upon the delivery of any scoured wool by the woolscourer (not being wool which has been scoured for a woolgrower under sub-clause (3) hereof) the woolscourer shall issue to the owner a certificate of charge for the scoured wool and a certificate of charge for any greasy wool which was delivered to him for scouring but which is returned unscoured to the owner of the greasy wool.

(6) Every certificate of charge issued under this regulation shall be in a form prescribed by the Commission and shall be in triplicate, the second copy shall be delivered by the approved woolscourer to the Commission, and the third copy shall be retained by the woolscourer.

(7) Where any firm or company carries on business as an approved woolscourer for the purposes of these regulations, every certificate of charge required by this regulation to be issued by that woolscourer shall be signed on behalf of the firm or company in the name only of such person as is duly authorized in writing by the Commission so to sign certificates of charge.

Lost Certificate

17. (1) In the event of any certificate of charge being lost, mislaid, or destroyed, the person entitled to the possession of the certificate may apply to the Commission for the issue of a certified copy of the certificate so lost, mislaid, or destroyed.

(2) Before issuing a certified copy of any lost, mislaid, or destroyed certificate under this regulation, the Commission may require the applicant to make a statutory declaration stating the facts of the case, and the Commission, if satisfied that the certificate is lost, mislaid, or destroyed, shall issue to the applicant a certified copy of the certificate with a statement on its face to the effect that it is issued under this regulation.

(3) A certified copy of any certificate issued under this regulation shall be available for all purposes for which the original certificate so lost, mislaid, or destroyed would have been available, and shall be as valid to all intents as the original certificate.

Returns of Wool

18. Every broker who sells any wool shall within eighteen days after the date of the sale complete and deliver to the Commission a return in a form prescribed by the Commission in respect of all wool sold by him at that sale.

19. Every manufacturer shall within eighteen days after the close of every month complete and deliver to the Commission a return in a form prescribed by the Commission in respect of all wool delivered to him during that month, or, if no wool has been so delivered, stating that fact.

20. Every approved woolscourer shall within eighteen days after the close of every month deliver to the Commission all the certificates of charge and permits to scour held by him in respect of all wool received for scouring during that month, and shall complete and deliver to the Commission a return in a form prescribed by the Commission of all wool received by him for scouring and of all scoured wool delivered by him during that month, either on his own account or on behalf of any other person, or, if no wool has been so received or delivered, stating that fact.

21. Every return furnished by a broker or a manufacturer or an approved woolscourer under these regulations shall contain the particulars indicated in the appropriate prescribed form, and shall be signed by or on behalf of the broker or manufacturer or woolscourer, and, in the case of a return to be furnished by a broker or a manufacturer, shall be accompanied by the amount of the charge (if any) payable on the wool as disclosed by the return.

22. In addition to any return required to be furnished to the Commission under regulation 18, regulation 19, or regulation 20 hereof, the Commission may by notice in writing require any person to forward to the Commission within such time as may be specified in the notice such return or such further or fuller return as may be so specified.

23. Any return purporting to be made and signed by or on behalf of any person shall be deemed to have been made and signed by him or with his authority.

Export of Wool

24. (1) Except as provided by subclause (2) of this regulation, no person shall export or attempt to export any wool from New Zealand unless he is in possession of—

- (a) A certificate of charge in respect of that wool issued under these regulations; or
- (b) A permit issued by the Commission authorizing the export of that wool.

(2) Any approved wool exporter may export from New Zealand greasy wool or slipe wool purchased from a broker upon production to the Collector of Customs at the port of entry of that wool for export of a certificate in a form prescribed by the Commission, signed by the wool exporter, or by such person as is duly authorized under the Customs Act 1913 to enter wool for export on his behalf, and certifying that the wool comprised in that certificate has been purchased from a broker.

25. No person shall export or attempt to export any wool from New Zealand unless he has previously—

- (a) Entered the wool for export under the Customs Act 1913; and
- (b) Produced to the Collector of Customs at the port of entry for export the certificate referred to in subclause (2) of the last preceding regulation in respect of that wool or the certificate of charge held by him in respect of that wool or the permit held by him authorizing the export of that wool.

26. Where part only of the wool comprised in a certificate of charge is included in an entry for export the Collector of Customs shall endorse on the certificate particulars of the wool included in the entry for export, and shall thereupon return the certificate of charge to the wool exporter.

Collection and Recovery of Charge

27. The due date for payment of the charge to the Commission shall be,—

- (a) In the case of the charge payable by a broker on any wool sold by him, the date on which the return in respect of that wool is delivered to the Commission under regulation 18 hereof or, if the return is not delivered within the period allowed by that regulation, the last day of that period :
- (b) In the case of the charge payable by a manufacturer on any wool delivered to him, the date on which the return in respect of that wool is delivered to the Commission under regulation 19 hereof or, if the return is not delivered within the period allowed by that regulation, the last day of that period :
- (c) In the case of the charge payable on any wool exported in pursuance of a permit, a date ascertained in accordance with the terms and conditions stated in the permit :
- (d) In the case of the charge payable on any wool exported otherwise than in pursuance of a permit, the date of the entry of the wool for export or the date on which the wool is exported, whichever is the later.

28. The Commission may, in its discretion, extend the time for payment of the charge on any wool for such period as the Commission thinks fit.

29. If the charge on any wool is not paid on or before the due date for payment, or within such further time as may be allowed by the Commission under the last preceding regulation, an additional charge shall be payable equal to 10 per cent of the amount of the charge unpaid :

Provided that the Commission may in any particular case on such grounds as it deems sufficient remit the additional charge imposed or any part thereof.

30. Where any charge or additional charge becomes due and payable it shall be deemed to be a debt due to the Commission by the broker, manufacturer, or wool exporter, as the case may be, and shall be recoverable accordingly by the Commission in any Court of competent jurisdiction.

31. (1) Where the Commission finds in any case that the charge has been paid on any wool which is subsequently destroyed by fire or otherwise before the charge became payable, or that the charge has been overpaid or wrongfully paid on any wool, the Commission shall refund the amount so paid or overpaid :

Provided that no amount shall be refunded under this regulation unless the Commission is satisfied that the person claiming the refund has not recouped himself for that amount (whether by deduction from the proceeds of wool sold on behalf of some other person or otherwise) or, if he has so recouped himself, that he has since repaid the amount to the person from whom he recouped himself.

(2) A refund under this regulation shall not be made to any person unless he furnishes to the Commission such return or other information, verified in such manner, as the Commission may require, for the purpose of enabling the Commission to determine the amount to be refunded.

32. Every person who for the purposes of these regulations pays any charge for or on behalf of any other person shall be entitled to recover the amount so paid from that other person as a debt or to deduct that amount from any moneys in his hands belonging or payable to that other person.

Auction Sales

33. (1) For the purposes of this regulation the Commission may, after consultation with the New Zealand Wool Buyers Association, the New Zealand Wool Brokers Association, and the New Zealand Wool Board, appoint a Committee, to be called the Wool Auction Sales Committee (hereinafter in this regulation referred to as the Committee).

(2) The functions of the Committee shall be to consider and determine the following matters in relation to the sale of wool by auction, namely:—

(a) The places to be appointed for the sale of wool by auction and the days on which wool may be so sold at those places:

(b) The maximum aggregate quantity of wool to be offered for sale at any specified auction sale or during any specified period:

(c) Any other matter within the scope of its functions which should in the opinion of the Committee be dealt with by it.

(3) The Committee shall regulate its procedure in such manner as it thinks fit.

(4) No person shall sell or offer for sale by auction any wool otherwise than at an auction sale for the time being appointed by the Committee or otherwise contrary to any determination of the Committee under this regulation.

Records of Transactions in Wool

34. Every broker, manufacturer, wool exporter, or woollscourer shall keep proper books and accounts in which shall be recorded full particulars of all transactions, acts, and operations in connection with wool, including the price received or paid for any wool, and shall preserve those books or accounts for a period of not less than two years after completion of the transactions, acts, or operations to which they relate.

35. Any officer or servant or agent of the Commission or any member of the Commission or any other person duly authorized in that behalf by the Commission shall at all reasonable times during business hours have full and free access to all premises used for the storage, scouring, or marketing of wool for the purpose of inspecting any wool or any books, accounts, documents, and other papers relating to the storage, scouring, or marketing of wool, and may take copies of or extracts from any such books, accounts, documents, or other papers.

Travelling Allowances

36. (1) There may be paid to each member of the Commission or of any Committee appointed by the Commission a subsistence allowance of 22s. 6d. for each half-day or part of a half-day on which he is absent

from his usual place of residence and on which he is engaged, with the approval or authority of the Commission, on the business of the Commission :

Provided that where a member is entitled to an allowance under this subclause and occupies a hotel room for one night only, an additional amount of 2s. may be paid to him.

(2) There may be paid to each member of the Commission or of any Committee appointed by the Commission all locomotion expenses actually and reasonably incurred by him in attending meetings of the Commission or at any place on the business of the Commission, including the provision of first-class accommodation by boat, train, service car, aeroplane, or motor vehicle ; and including the provision of deck cabins on boats and sleeping berths on trains.

(3) Where a private motor car has been used by any member of the Commission or of any Committee appointed by the Commission the member shall be entitled to a mileage allowance, computed by the shortest practicable route, at the rate of $6\frac{1}{2}$ d. a mile where the horse power of the car does not exceed $9\frac{1}{2}$, $7\frac{1}{4}$ d. a mile where the horse power of the car exceeds $9\frac{1}{2}$ but does not exceed $14\frac{1}{2}$, and $8\frac{3}{4}$ d. a mile where the horse power of the car exceeds $14\frac{1}{2}$.

(4) Notwithstanding the foregoing provisions of this regulation, where any member of the Commission or of any Committee appointed by the Commission is absent from New Zealand with the approval or authority of the Commission on the business of the Commission the member shall be paid all subsistence and locomotion expenses actually and reasonably incurred by him during the period of his absence on the said business.

Offences

37. (1) Every person commits an offence against these regulations who—

- (a) Acts in contravention of or fails to comply in any respect with any provision of these regulations or any requirement, permit, or condition issued or imposed under these regulations :
- (b) Makes any false or misleading statement or any material omission in any certificate, return, information, particulars, declaration, application, or communication furnished or made for the purposes of these regulations :
- (c) Wilfully destroys, alters, mutilates, or renders illegible any certificate or permit under these regulations, or wilfully makes a false or fraudulent entry in any such certificate or permit :
- (d) Resists, obstructs, deceives, or attempts to deceive any person who is exercising or attempting to exercise any power or function under these regulations.

(2) Every person who commits an offence against these regulations shall be liable on summary conviction to a fine not exceeding £50 or to imprisonment for a term not exceeding twelve months.

SCHEDULE
REGULATIONS REVOKED

Title.	Serial Number.
The Wool Disposal Regulations 1947	1947/36
The Wool Disposal Regulations 1947, Amendment No. 3 ..	1950/66
The Wool Disposal Regulations 1947, Amendment No. 4 ..	1950/128
The Wool Disposal Regulations 1947, Amendment No. 5 ..	1951/265

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

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 13th day of March 1952.

These regulations are administered in the New Zealand Wool Commission.