

Serial Number 1946/106



THE WOOL DISPOSAL REGULATIONS 1946

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 3rd day of July, 1946

Present:

THE RIGHT HON. P. FRASER PRESIDING IN COUNCIL

PURSUANT to the Wool Disposal Act, 1945, 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 Wool Disposal Regulations 1946.

2. These regulations shall come into force on the 3rd day of July, 1946.

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

“The Act” means the Wool Disposal Act, 1945:

“Broker” means any person who carries on business as a wool-selling broker:

“Certificate of appraisement” means a certificate of charge or a certificate of appraisement:

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

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

“Commission” means the New Zealand Wool Disposal Commission established under the Act:

“Contributory charge” means the contributory charge on wool imposed by section 17 of the Act:

“Exporter” means the person by whom or on whose behalf any wool is exported from New Zealand:

“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, whether greasy, washed, scoured, carbonized, slipped, or fellmongered; but does not include manufactured wool (including wool tops), wool noils, dags, dag wool, wool waste, or, except in relation to export from New Zealand, wool on the skin.

4. Any 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.

5. 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.

BROKERS, MANUFACTURERS, AND WOOLSCOURERS TO NOTIFY PLACE OF BUSINESS

6. Every person who carries on business or proposes to carry on business as a broker or a manufacturer or a woolscourer 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), give to the Commission notice of the address of his business and of the name under which it is carried on.

CONTRIBUTORY CHARGE

7. (1) The contributory 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 17 of the Act at any time on or after the date of the commencement of these regulations.

(2) The rate of the contributory charge shall be,—

(a) In the case of greasy and slip wool, $7\frac{1}{2}$ per cent. of the sale value:

(b) In the case of scoured wool, $7\frac{1}{2}$ per cent. of the sale value of the greasy wool equivalent of the scoured wool:

(c) In the case of sheep-skins, $7\frac{1}{2}$ per cent. of the sale value of the wool on the sheep-skins.

8. (1) For the purposes of these regulations the sale value of any greasy or slip wool means,—

(a) In the case of wool sold by a broker at auction or otherwise, the price for which the wool is sold:

(b) In the case of wool delivered to a manufacturer in pursuance of a contract of sale, other than wool which at any time before delivery was sold by a broker,—

(i) Where the contract of sale provides an inclusive price for the sale of the wool and its delivery to the premises at which the manufacturer carries on business, that price; or

(ii) In any other case the sum of the price for which the wool is sold and the amount fixed by the Commission as being the amount which it would cost to transport the wool from the place where the wool is at the time of sale to the premises at which the manufacturer carries on business:

(c) In the case of wool delivered to a manufacturer otherwise than in pursuance of a contract of sale, other than wool which at any time before delivery was sold by a broker, the amount fixed by the Commission as the sale value:

(d) In the case of wool exported from New Zealand, other than wool which at any time before export was sold by a broker or delivered to a manufacturer,—

(i) Where the wool is in accordance with these regulations appraised before export, the amount stated in the certificate of appraisal as the value of the wool or the price actually paid therefor by the owner named in that certificate, whichever is the higher; or

(ii) Where the wool is exported in pursuance of a permit, an amount ascertained in accordance with the terms and conditions stated in the permit.

(2) For the purposes of these regulations,—

(a) The sale value of the greasy wool equivalent of any scoured wool means such proportion of the sale value of the scoured wool (determined in accordance with subclause (1) hereof) as is fixed in any case by the Commission:

(b) The sale value of the wool on any sheep-skins means such proportion of the sale value of the sheep-skins (determined in accordance with subclause (1) hereof) as is fixed in any case by the Commission.

9. The person primarily liable for the contributory 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. 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 be liable to pay and shall pay to the Commission the contributory charge (if any) payable on that wool and may,—

(a) Recover from the person primarily liable therefor the amount of the contributory 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 contributory charge in respect of the sale of that wool.

CERTIFICATES OF CHARGE

11. (1) Forthwith after the sale of any wool by a broker, the broker shall complete and sign a certificate of charge in respect of the sale in a form to be provided 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 broker 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 the broker for cancellation.

(2) On the surrender of the original certificate of charge in respect of any lot of wool as aforesaid the broker 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 broker 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 holder of a certificate of charge in respect of any lot of greasy wool delivers that wool or causes that wool to be delivered to a woolscourer for scouring he shall forthwith notify the woolscourer that he is in possession of a certificate of charge in respect of that wool and shall furnish to the woolscourer particulars of the number of that certificate, and of its date and place of issue.

(2) No wool which has been charged with the contributory charge shall be delivered to or received by a woolscourer for scouring if it has been mixed with any wool which has not been so charged.

(3) No woolscourer shall cause or permit any wool in his possession which has been charged with the contributory charge to be mixed with any wool which has not been so charged, and no other person shall be a party to any such mixing.

(4) On completion of the scouring of any lot of greasy wool by or on behalf of the holder of a certificate of charge in respect of that wool, the holder of the certificate shall, before exporting the scoured wool, make application to the Commission for a certificate of charge in respect of the scoured wool and shall at the time of application surrender to the Commission for cancellation the certificate of charge held by him in respect of the greasy wool.

(5) On the surrender of the certificate of charge in respect of the greasy wool pursuant to subclause (4) of this regulation the Commission shall, upon being satisfied on such documentary evidence as the Commission shall deem sufficient that the scoured wool was produced from the greasy wool described in the certificate of charge so surrendered, complete and deliver to the applicant a certificate of charge in respect of the scoured wool, but shall before delivery write on the face of the certificate of charge the words "Issued on surrender of certificate of charge numbered"

16. (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"

APPRAISEMENT OF WOOL

17. On the application of any person carrying on business at any premises the Commission may register those premises as an appraisement place for the purposes of these regulations, and by notice in writing to the person carrying on business at an appraisement place the Commission may at any time cancel the registration of those premises as an appraisement place.

18. (1) This regulation applies with respect to all wool intended to be exported from New Zealand other than—

(a) Wool owned by the New Zealand Sheepskin Controller immediately before the commencement of these regulations; and

- (b) Wool intended to be exported from New Zealand in pursuance of a permit; and
 - (c) Wool that has been sold by a broker or delivered to a manufacturer.
- (2) The owner of any wool to which this regulation applies may submit that wool or cause that wool to be submitted at an appraisement place or, with the approval of the Commission, at any other place, for appraisement by or on behalf of the Commission.
- (3) The Commission shall cause all wool to which this regulation applies and which is submitted for appraisement in accordance with this regulation to be appraised as soon as practicable and shall cause to be issued to the person submitting the wool for appraisement a certificate of appraisement in a form to be provided by the Commission.
- (4) On payment by or on behalf of the owner of any wool to which this regulation applies of the contributory charge payable in respect of that wool the Commission shall issue to the person by whom the charge is paid a certificate of charge in respect of that wool.

LOST CERTIFICATES

19. (1) In the event of any certificate of charge or certificate of appraisement 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 or any officer of the Commission acting with the authority of 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

20. Every broker who sells any wool by auction shall within fourteen 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.

21. Every manufacturer shall within fourteen 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.

22. Every person carrying on business as a woolscourer shall within fourteen 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 received by him for scouring, and of all wool scoured by him, during that month either on his own account or on behalf of any other person.

23. Every return furnished by a broker or a manufacturer or a woolscourer in pursuance of 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 contributory charge (if any) payable on the wool as disclosed by the return.

24. In addition to any return required to be furnished to the Commission pursuant to Regulations 20 to 22 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.

25. 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

26. No person shall export or attempt to export from New Zealand any wool to which Regulation 18 hereof applies unless that wool has previously been appraised in accordance with that regulation.

27. No person shall export or attempt to export any wool from New Zealand (whether or not it is wool to which Regulation 18 hereof applies) unless he is in possession of—

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

28. 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 of charge held by him in respect of that wool or the permit held by him authorizing the export of that wool; and
- (c) Made a declaration under the Customs Act, 1913, to the effect that the wool comprised in the entry for export is the same wool as the wool comprised in the certificate of charge or permit so produced and that no other wool is included in the entry for export.

29. 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 exporter.

COLLECTION AND RECOVERY OF CONTRIBUTORY CHARGE

30. The due date for payment of the contributory 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 20 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 21 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.

31. The Commission may, in its discretion,—

- (a) Extend the time for payment of the contributory charge on any wool for such period as the Commission thinks fit:
- (b) Permit payment of the contributory charge on any wool to be made by instalments within such time as the Commission considers the circumstances warrant.

32. If the contributory 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 ten per cent. of the amount of the charge unpaid:

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

33. When any contributory 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 exporter, as the case may be, and shall be recoverable accordingly by the Commission in any Court of competent jurisdiction.

34. (1) Where the Commission finds in any case that the contributory charge on any wool has been overpaid it shall refund the amount of the excess:

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.

35. Every person who for the purposes of these regulations pays any contributory 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.

RECORDS OF TRANSACTIONS IN WOOL

36. Every broker, manufacturer, woolscourer, or exporter of wool 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 the completion of the transactions, acts, or operations to which they relate.

37. Any officer or servant 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 and 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.

OFFENCES

38. (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 fifty pounds or to imprisonment for a term not exceeding twelve months.

W. O. HARVEY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 4th day of July, 1946.

These regulations are administered in the Export Division of the Marketing Department.