

Regulations as to the Registration of Nurseries.—
Notice No. 1839.

LIVERPOOL, Governor.

ORDER IN COUNCIL.

At the Government House at Wellington, this nineteenth day of June, 1916.

Present :

HIS EXCELLENCY THE GOVERNOR IN COUNCIL.

WHEREAS it is provided by section twenty of the Orchard and Garden Diseases Act, 1908, and by subsection two of section four of the Orchard and Garden Diseases Amendment Act, 1914, that the Governor may from time to time, by Order in Council gazetted, make regulations for the following purposes, *inter alia*, viz. :—

- (1.) For the registration of orchards, and the terms and conditions of such registration; and
- (2.) For the grading of fruit-trees and other trees intended for sale from nurseries, and prescribing conditions in respect of the sale of such trees:

And whereas it is expedient to make regulations for the registration of such orchards as are nurseries, and prescribing conditions in respect of the sale of fruit-trees and other trees from such nurseries accordingly:

Now, therefore, in pursuance and exercise of the powers conferred on him as aforesaid, and of all other powers enabling him in this behalf, His Excellency the Governor of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the following regulations for the purposes aforesaid; and doth hereby declare that the said regulations shall come into force on the first day of July, one thousand nine hundred and sixteen.

REGULATIONS.

1. For the purposes of these regulations—
 - “Director” means the Director of the Horticulture Division of the Department of Agriculture, Industries, and Commerce;
 - “Inspector” means an Inspector appointed under the Orchard and Garden Diseases Act, 1908;
 - “Nursery” means any land which is used for the raising or growing of any prescribed trees or plants (as hereinafter defined), if such trees or plants or any of them are intended for sale for replanting.
 - “Prescribed tree or plant” means any fruit-tree or plant, tomato-plant, timber or shelter tree or plant, hedge-plant, ornamental tree or shrub, or rose-plant;
 - “Sale” or “sell” includes barter, and also includes attempting to sell or exposing for sale.
2. (1.) No prescribed tree or plant raised or grown in New Zealand, other than indigenous plants that have not been cultivated, shall be sold to be replanted unless such prescribed tree or plant is from a nursery in respect of which a certificate of unconditional registration is in force as hereinafter provided, or unless in the alternative such tree or plant has been treated in the manner defined by the Director in a certificate of conditional registration as provided for in clause 8 hereof, and such treatment has been certified to by an Inspector as provided in clause 9.
 - (2.) Any prescribed tree or plant that is sold shall be held to have been sold to be replanted unless such tree or plant has been so treated or is in such a condition as to preclude the probability of its growing, or unless it can be proved by the seller that such tree or plant was sold for some other purpose than to be replanted. The onus of proof that any prescribed tree or plant sold to be replanted is from an unconditionally registered nursery, or is covered by a certificate of conditional registration (as provided for in clause 8) and an Inspector's certificate as provided for in clause 9, shall rest upon the seller.
3. Every occupier of a nursery shall make application to the Director for the registration thereof. Every such application in respect of any nursery from which sales have been made prior to the commencement of these regulations shall be lodged with the Director within one month after that date, and in the case of any other nursery shall be lodged with the Director at least one month before any sale is made. The application shall be in or to the effect of the form No. 1 in the Schedule hereto.
4. There shall be payable in respect of every certificate of unconditional registration issued under these regulations a fee of £1, which fee must accompany the application for registration. If unconditional registration is refused the fee shall be returned.
5. If as the result of inspection by an Inspector the Director is satisfied that the nursery is free or nearly free from disease, the Director shall issue to the applicant a

certificate of unconditional registration in or to the effect of the form No. 2 in the Schedule hereto. This certificate shall remain in force until the 30th day of April following the date of issue, unless it is sooner suspended as provided in clause 6 hereof.

6. If at any time during the currency of the certificate of unconditional registration the inspection of any nursery by an Inspector discloses the presence therein of disease, or the occupier notifies in pursuance of section 7 of the Orchard and Garden Diseases Act, 1908, that disease has appeared, the Director shall, by notice in or to the effect of the form No. 3 in the Schedule hereto, suspend in whole or in part the operation of the certificate, and shall prohibit the sale or distribution from the nursery of prescribed trees or plants, either generally or in respect of any particular kind of prescribed tree or plant, unless and until they have been treated in the same manner as if they were trees and plants from a nursery conditionally registered under these regulations.

7. As soon as practicable after the receipt of an application in or to the effect of the form No. 4 in the Schedule hereto the Director shall arrange for a special inspection of any nursery in respect of which the certificate of unconditional registration is suspended as hereinbefore provided, and if the Inspector then finds that the disease whose existence in the nursery caused the suspension has been effectively treated the Director shall, on receipt of the Inspector's report, remove the suspension, and the certificate of unconditional registration shall thereupon be fully revived and shall continue in force for the remainder of its term unless again suspended by the Director. A fee of 10s. shall accompany the application for any such special inspection, and shall be paid into the Public Account whether the suspension of the certificate is removed or not.

8. (1.) If on an application for the registration of any nursery the Director is not satisfied as the result of inspection by an Inspector that the said nursery is free or nearly free from disease, the Director shall issue to the applicant a certificate of conditional registration in or to the effect of the form No. 5 in the Schedule hereto. This certificate shall remain in force until the 30th day of April following the date of its issue.

(2.) Every such certificate of conditional registration shall define the treatment to which prescribed trees or plants or any particular kind of prescribed trees or plants must be submitted by the occupier of the nursery in the presence of an Inspector before such trees or plants may be sold or distributed.

9. (1.) No tree or plant shall be deemed to have been submitted to the treatment defined in a certificate of conditional registration unless and until an Inspector has issued to the occupier in respect of such tree or plant a certificate of treatment, in or to the effect of the form No. 6 in the Schedule hereto, certifying that the defined treatment has been effectively carried out in the presence of the Inspector.

(2.) Whenever an occupier requires an Inspector to give, in pursuance of this clause, a certificate of treatment of any tree or plant, the occupier shall make application to the Inspector for the district, or to the Director, in or to the effect of the form No. 7 in the Schedule hereto. The Inspector shall thereupon, with all speed consistent with his other duties, go to the nursery as required, giving the occupier reasonable notice of his coming, and shall issue the required certificate if the defined treatment has been effectively carried out in his presence.

10. The following fees shall be payable by the applicant in respect of each treatment-certificate applied for:—

For the first treatment-certificate applied for by an occupier during the currency of a certificate of the conditional registration of a nursery—2s. 6d. per hour of the Inspector's time occupied, including the actual or estimated time required to travel from the Inspector's headquarters to the nursery, with a minimum charge of £2:

For each treatment-certificate subsequently applied for during the currency of the same certificate of registration—5s. per hour, including the actual or estimated time required to travel from the Inspector's headquarters to the nursery, with a minimum charge of 10s.:

For each treatment-certificate in respect of a nursery whose certificate of unconditional registration is suspended as provided in clause 6 hereof, the fee shall be 2s. 6d. per hour, including the actual or estimated time required to travel from the Inspector's headquarters to the nursery, with a minimum charge of 5s.

11. (1.) Not later than the 1st day of April in each year every occupier of a nursery holding a certificate of unconditional or conditional registration and desiring a continuation of registration shall make fresh application in or to the