



**THE BOARD OF TRADE (ONION) REGULATIONS 1938,
AMENDMENT NO. 3**

C. L. N. NEWALL, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 14th day of
February, 1945

Present :

THE RIGHT HON. P. FRASER PRESIDING IN COUNCIL

PURSUANT to section 26 of the Board of Trade Act, 1919, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and on the recommendation of the Minister of Industries and Commerce, doth hereby make the following regulations.

REGULATIONS

1. These regulations may be cited as the Board of Trade (Onion) Regulations 1938, Amendment No. 3, and shall be read together with and deemed part of the Board of Trade (Onion) Regulations 1938* (hereinafter referred to as the principal regulations).

2. These regulations shall come into force on the 19th day of February, 1945.

GRADING OF ONIONS

3. (1) For the purposes of the principal regulations, but subject to the margin of tolerance prescribed in the next succeeding subclause, no lot of onions shall be sold as graded onions unless the following conditions are satisfied, namely:—

All the onions comprised in the lot must be well shaped; dry; well cured; reasonably free from "doubles" and "thick necks"; free from disease, decay, or injury; free from root-growth or seed-stems; unsprouted; and free from dirt, leaves, or other foreign matter.

(2) The requirements of the last preceding subclause, with respect to onions that may be graded, shall be subject to the margin of tolerance herein specified, namely:—

Any lot of onions that does not comply with the standard prescribed by the last preceding subclause may nevertheless be graded under the principal regulations unless it contains—

(a) More than 3 per cent. by weight of diseased, decayed, or injured onions; or

(b) More than 2 per cent. by weight of onions showing sprouts or root-growth; or

(c) More than 1 per cent. by weight of dirt, leaves, or other foreign matter.

* Statutory Regulations 1938, Serial number 1938/25, page 121.

4. (1) Any lot of onions that satisfies the requirements as to grading prescribed by the last preceding regulation may be graded as f.a.q. onions unless it contains more than 1 per cent. by weight of pickler-grade onions. If any lot of onions graded as f.a.q. onions is found to contain more than 1 per cent. by weight of pickler-grade onions the onions comprised in the lot shall be deemed to be ungraded (and the sacks containing the same shall be branded with the letter "X"), unless they are regraded.

(2) Except as provided in the last preceding subclause, all graded onions shall be graded as pickler-grade onions.

(3) For the purposes of the principal regulations the term "pickler-grade onions" means graded onions that are less than 1 in. in diameter, measured at the greatest dimension of the onion at right angles to a straight line from the top to the bottom of the onion.

5. Regulations 3 and 4 of these regulations are in substitution for subclauses (2), (3), and (4) of Regulation 3 of the principal regulations, and those subclauses are hereby revoked accordingly.

COMPLAINTS AS TO GRADING

6. (1) Regulation 4 of the principal regulations is hereby amended by revoking subclauses (2) and (3) thereof, and substituting the following subclauses:—

"(2) If in respect of the sale or offer for sale of any graded onions any question arises as to whether or not the onions were suitable for grading under these regulations, or as to whether or not they have been properly graded, any party to the dispute or his agent may refer the question to the Complaints Committee for decision, and the decision of the Complaints Committee shall be final and binding on all parties.

"(3) If the decision of the Complaints Committee is to the effect that the onions in question were not suitable for grading or were not properly graded, the owner shall have the right to determine either—

"(a) That the onions be sold as ungraded (in which case the sacks containing the onions shall be branded with the letter 'X'); or

"(b) That the onions, or such of them as are suitable for grading, shall be regraded in accordance with the prescribed standards for f.a.q. and pickler-grade onions respectively."

(2) Regulations 3 and 4 of the Board of Trade (Onion) Regulations 1938, Amendment No. 1,* are hereby consequentially revoked.

AMENDING REGULATION 5 OF PRINCIPAL REGULATIONS

7. (1) Regulation 5 of the principal regulations is hereby amended as follows:—

(a) By revoking subclause (5), and substituting the following subclauses:—

"(5) No person shall consign any onions grown in No. 3 district for sale or delivery within the Franklin County or the Horowhenua County, and no person shall accept delivery of any such onions in either of the said Counties.

* Statutory Regulations 1939, Serial number 1939/14, page 87.

“(5A) No person shall consign any graded onions grown in No. 3 district for sale or delivery in No. 1 district or in No. 2 district unless such onions are accompanied by a certificate of confirmation of grade issued in accordance with subclause (7) of this regulation. Nothing in this subclause shall be construed to affect the prohibition contained in the last preceding subclause.”

(b) By omitting from subclause (9) the words “and free from the restriction as to prices and charges imposed by Regulation 6 hereof”.

(c) By adding the following subclauses:—

“(10) Subject to the provisions of the next succeeding subclause, no person who is not a member of the New Zealand Grain, Seeds, and Produce Merchants’ Federation or of some other body approved for the purposes of this subclause by the Minister of Agriculture, shall sell any graded onions for delivery outside the district in which they were grown, and no person who is not a member of the said Federation or other approved body shall buy any graded onions on behalf of any person for delivery outside the district in which they were grown.

“(11) Nothing in the last preceding subclause shall apply to a sale of graded onions by any onion-grower personally and not through an agent or to a sale of graded onions by public auction.”

(2) Regulation 5 of the Board of Trade (Onion) Regulations 1938, Amendment No. 1*, is hereby consequentially revoked.

ADVISORY COMMITTEE

8. Regulation 7 of the principal regulations is hereby amended as follows:—

(a) By revoking paragraph (b) of subclause (2), and substituting therefor the following paragraph:—

“(b) Five persons as representatives of onion-growers to be appointed as follows:—

“(i) Two persons as representatives of the onion-growers of No. 1 district:

“(ii) One person as the representative of the onion-growers of No. 2 district:

“(iii) Two persons as representatives of the onion-growers of No. 3 district.”

(b) By revoking subclause (5), and substituting the following subclause:—

“(5) The Committee, whenever requested by the Minister of Agriculture so to do, shall advise the Minister as to any matter referred to the Committee in relation to the importation or exportation of onions or as to the production and marketing of onions in New Zealand.”

RETURNS

9. (1) Regulation 10 of the principal regulations (as set out in Regulation 8 of Amendment No. 1) is hereby revoked, and the following regulation substituted therefor:—

“10. (1) Every onion-grower shall in the months of March, August, and September of each year, and not later than the seventh

* Statutory Regulations 1939, Serial number 1939/14, page 87.

day of each such month, forward to the Director-General a return signed and dated by him and setting forth :—

“(a) In respect of the return to be forwarded in March of any year—

“(i) The total quantity by weight of the then current season’s onions sold by him before 1st March of that year, and delivered to the purchaser before that date ;

“(ii) The total quantity by weight of the then current season’s onions sold by him before 1st March of that year, but not delivered to the purchaser before that date ;

“(iii) The total quantity by weight of all harvested onions owned by him on the last day of February preceding ;

“(iv) The estimated quantity by weight of all onions grown to maturity or approaching maturity but not harvested by him on or before the said last day of February :

“(b) In respect of the returns to be forwarded in the months of August and September in any year—

“The total quantity by weight of all onions held by him on the last day of the preceding month.

“(2) Every person other than an onion-grower who, whether as principal or as agent, is engaged in the business of selling onions by wholesale shall in the months of March, August, and September of each year, and not later than the seventh day of each such month, forward to the Director-General a return signed and dated by him setting forth the total quantity by weight of all onions held by him on the last day of the preceding month.”

(2) The Board of Trade (Onion) Regulations 1938, Amendment No. 2,* and Regulation 8 of the Board of Trade (Onion) Regulations 1938, Amendment No. 1†, are hereby consequentially revoked.

OFFENCES

10. Regulation 11 of the principal regulations is hereby amended by inserting, after subclause (8) thereof, the following subclause :—

“(8A) Every person who, being registered as a wholesale onion-merchant under these regulations, purchases in the course of his business any onions that were not grown by a registered onion-grower, or who, as the agent of the grower or of any other person, sells or accepts for sale any such onions, shall be guilty of an offence against these regulations unless he proves that he had made reasonable inquiries and was satisfied on reasonable grounds that the grower was registered as an onion-grower under these regulations at the time when he delivered the onions, or that the grower was not required by these regulations to be so registered at that time.”

REVOCATIONS CONSEQUENTIAL ON ISSUE OF PRICE ORDERS BY PRICE TRIBUNAL

11. Regulation 6 of the principal regulations, and subclauses (3) and (4) of Regulation 11 thereof, are hereby revoked.

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

* Statutory Regulations 1942, Serial number 1942/79, page 173.

† Statutory Regulations 1939, Serial number 1939/14, page 87.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 15th day of February, 1945.

These regulations are administered in the Department of Agriculture.

By Authority: E. V. PAUL, Government Printer, Wellington.—1945.