



SUPPLEMENT

TO THE

NEW ZEALAND GAZETTE

OF

THURSDAY, DECEMBER 12, 1935.

Published by Authority.

WELLINGTON, FRIDAY, DECEMBER 13, 1935.

*Board of Trade (Wheat) Regulations, 1935-36.*

GALWAY, Governor-General.  
ORDER IN COUNCIL.

At the Government House at Wellington, this 12th day of December, 1935.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the provisions of section twenty-six 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, and deeming the provisions hereinafter contained to be necessary in the public interest for divers of the purposes set out in the said section, doth hereby make the following regulations for the purposes of the said Act.

REGULATIONS.

REGULATION 1.—PRELIMINARY.

(1) These regulations may be cited as the Board of Trade (Wheat) Regulations, 1935-36.

(2) These regulations shall come into force on the day of publication thereof in the *Gazette*.

(3) In these regulations, if not inconsistent with the context,—

“Committee” means the “Wheat Committee” hereinafter constituted:

“Previous Board” means the Board constituted by the Board of Trade (Wheat) Regulations, 1934-35:

“Wheat” means wheat of any kind or quality grown in New Zealand during the season 1935-36 or in any season previous to the season 1935-36:

“Free wheat” means—

(a) Any wheat which has been purchased by the Committee or previous Board and resold for gristing into wheat-products for human consumption only:

(b) Any wheat which has been purchased by the Committee or previous Board and resold to an intending grower or an authorized broker or a seed-merchant approved by such Committee or Board, such resale being for seed purposes only:

(c) Any wheat which has been offered to the Committee or previous Board for purchase and has been rejected as being not f.a.q. milling-wheat.

“F.a.q. milling-wheat” means wheat in good, dry condition, sound and sweet, free from smut, reasonably free from broken, shrivelled, and sprouted grains and from weed seeds and other extraneous matter, and weighing not less than 61 lb. per Imperial bushel measure:

“Minister” means the Minister of Industries and Commerce:

“Authorized broker” means a broker appointed pursuant to Regulation 4 hereof:

“Authorized Grader” means a grader nominated by the Wheat Committee for the purposes of Regulation 8 (2).

REGULATION 2.—THE WHEAT COMMITTEE.

(1) There is hereby established a Committee, to be known as the Wheat Committee.

(2) The Committee shall consist of such members as the Minister may appoint.

(3) Every member shall hold office during the pleasure of the Minister.

(4) The Minister shall be the Chairman of the Committee.

(5) In the event of the absence of the Chairman from any meeting of the Committee his deputy shall be the Chairman of that meeting.

(6) The powers hereinafter conferred on the Committee shall be exercisable as soon as the members have been appointed and shall not thereafter be affected by any vacancy in the membership thereof.

(7) The Committee shall be a body corporate with perpetual succession and a common seal, and power to hold real and personal property and to do and suffer all that bodies corporate may do and suffer.

(8) The Committee shall establish and maintain in the City of Christchurch a public office, on the outside of which the name of the Committee shall be conspicuously displayed.

(9) Service at the public office during ordinary business hours on any person appearing to have the control thereof of any writ, notice, proceeding, or other document shall be good service thereof on the Committee.

(10) The Committee shall hold its first meeting at a place and time to be fixed by the Chairman and notified by him to the other members.

(11) At all meetings of the Committee the Chairman or his deputy shall be entitled to exercise a casting-vote as well as his deliberative vote.

(12) In all matters not hereby provided for the Committee may, by resolution or by-law, regulate its procedure.

(13) The Committee may engage such officers as it deems necessary for the efficient carrying-out of its functions under these regulations, and may employ such persons or firms as it considers necessary for the purpose of grading wheat.

(14) The members of the Committee shall not be personally liable for any act or default of the Committee done or omitted to be done in good faith in the course of the operations of the Committee.

(15) The position of a member of the Committee shall not be affected by the fact that he is directly or indirectly concerned either as vendor or purchaser or agent of a vendor or purchaser in any contract made by the Committee, nor shall such contract be liable to be avoided so long as such member does not vote or take part in the deliberations of the Committee upon any particular contract in which he is so concerned.

(16) Any contract which if made between individuals must be by deed shall, if made by the Committee, be in writing under the seal of the Committee.

(17) Any contract which if made between individuals must be in writing signed by the parties to be charged therewith shall, if made by the Committee, be either under the seal of the Committee or be signed by two members of the Committee on behalf of and by direction of the Committee.

(18) Any contract which if made between individuals may be made without writing may be similarly made by or on behalf of the Committee by any two members acting by direction of the Committee, but no such contract shall be made involving a sum exceeding £20.

(19) The Committee may confer power on any officer of the Committee to endorse on behalf of the Committee for the credit of the account of the Committee at any bank selected by the Committee, but not otherwise, any cheque, bill of exchange, or other negotiable or transferable instrument.

(20) Notwithstanding the foregoing provisions hereof, the Committee may establish at any one or more banks or branches of banks imprest accounts to facilitate payment for wheat purchased and commission payable to authorized brokers, and may authorize officers of the Committee to sign cheques drawn on such imprest accounts, but so that the signatures of at least two persons (whether members or officers of the Committee) shall in each case be necessary.

#### REGULATION 3.—RESTRICTIONS ON DEALINGS IN WHEAT.

(1) Save in accordance with these regulations, no person shall (whether as principal, agent, or otherwise) purchase or agree or offer to purchase any wheat other than free wheat, or be concerned in the making of any such purchase, agreement, or offer by any other person (whether in New Zealand or elsewhere), or be concerned in the fulfilment or performance of any agreement for the purchase of any wheat other than free wheat (whether such agreement has been made in New Zealand or elsewhere, and whether it has been made before or after the making of these regulations).

(2) Save in accordance with these regulations, no person shall (whether as principal, agent, or otherwise) sell, or agree or offer to sell, any wheat other than free

wheat, or be concerned in the making of any such sale, agreement, or offer by any other person (whether in New Zealand or elsewhere), or be concerned in the fulfilment or performance of any agreement for the purchase of any wheat other than free wheat (whether such agreement has been made in New Zealand or elsewhere, and whether it has been made before or after the making of these regulations).

(3) For the purposes of this regulation the terms "purchase" and "sale" include any mode of acquisition or disposition by agreement other than acquisition or disposition by way only of security.

(4) For the purposes of this regulation an option or right of purchase or sale shall be deemed to be an agreement to purchase or to sell, as the case may be.

(5) In any proceedings for a breach of this regulation the onus shall lie on the person charged of proving that any transaction was in accordance with these regulations and of proving that any wheat the subject of such transaction was free wheat.

(6) Notwithstanding anything contained in these regulations, it shall be lawful—

(a) For a wheatgrower to sell wheat actually grown by such wheatgrower but so that the aggregate sales by any wheatgrower to one or more purchasers do not (except with the previous written consent of the Committee) exceed 100 bushels in any one secular year:

(b) For any person to buy from wheatgrowers wheat actually grown by such wheatgrowers but so that the aggregate purchases by any person, whether from one or more wheatgrowers, do not (except with the previous written consent of the Committee) exceed 100 bushels in any one secular year.

(7) The Committee may by resolution exclude from the operation of these regulations—

(a) Wheat grown in any area specified in such resolution in any one or more seasons so specified:

(b) Wheat grown from seed of recognized merit in respect of purity of variety and defined in such resolution subject to such terms and conditions as to price or otherwise as the Committee may by such resolution impose:

(c) Wheat grown in any season prior to the season 1935-36:

Provided that any such resolution shall be publicly notified as the Committee may direct:

Provided also that such exclusions may, in the discretion of the Committee, either be unconditional or be subject to such conditions or restrictions upon any seller or purchaser as the Committee may think fit, but so that the effect thereof shall not, in the opinion of the Committee, operate to impose upon dealings with such wheat a larger measure of restraint than if such wheat were not excluded from the operation of these regulations.

#### REGULATION 4.—AUTHORIZED BROKERS.

(1) Subject to the exception appearing in sub-clause (2) hereof, all purchases and sales of wheat by the Committee shall be effected through the agency of brokers appointed by the Committee.

(2) The Committee may sell wheat for export with or without the assistance of a broker as it thinks fit, and shall have power in its discretion to pay to any broker, in addition to or in lieu of the commission provided for in this regulation, reasonable remuneration for services rendered in connection with wheat exported by the Committee.

(3) Every broker so appointed shall hold office at the will of the Committee.

(4) Every broker shall before his appointment becomes effective give to the Committee such security as the Committee may require for the due performance of his duties and for compliance with these regulations.

(5) Every broker shall be appointed for a particular district to be defined by the Committee in appointing such broker, and no broker shall purchase for the Committee any wheat grown elsewhere than in the district for which he has been appointed; but this restriction shall not apply to a sale on behalf of the Committee of any wheat purchased by the Committee.

(6) In respect of every contract for the purchase of wheat by an authorized broker on account of the Committee the broker shall be entitled to receive from the Committee a commission of 3d. for every bushel delivered in pursuance of and in conformity with that contract.

(7) In respect of every contract for the sale of wheat by an authorized broker on account of the Committee the

broker shall be entitled to receive from the Committee a commission of  $\frac{1}{4}$ d. for every bushel delivered in pursuance of and in conformity with that contract.

(8) It shall not be lawful for an authorized broker to receive, directly or indirectly, any additional commission or remuneration from any party other than the Committee in respect of the making of any such contract of purchase or sale; but nothing herein contained shall prevent the broker from receiving from any such party remuneration for services rendered in respect of storage or otherwise howsoever in addition to the services of making the contract of purchase or sale.

(9) It shall not be lawful for any authorized broker to give, offer, or promise to any person any rebate, refund, commission, allowance, gratuity, or other valuable consideration as an inducement to that person to sell or purchase wheat to or from the Committee through that broker or for the reason that he has so sold or purchased wheat.

(10) It shall not be lawful for any person to give, offer, or promise to an authorized broker any allowance, gratuity, or other valuable consideration as an inducement to that broker to sell or purchase on behalf of the Committee wheat to or from that person or any other person or for the reason that such broker has so sold or purchased wheat.

(11) In all matters within the scope of their employment and not specifically provided for by these regulations, the authorized brokers shall act in accordance with directions from time to time received from the Committee.

(12) Authorized brokers shall from time to time make to the Committee such returns relative to the business done by them as the Committee may require.

(13) Every appointment of an authorized broker shall be deemed to incorporate, as a contract between the broker and the Committee, the provisions of these regulations so far as they relate to the rights, powers, duties, and liabilities of such brokers.

(14) The Committee may prescribe forms of contract-note to be used respectively in purchases and sales of wheat by the Committee, and may prescribe different forms of contract-note for different cases; and every authorized broker shall use such prescribed form (if any) as the case may require.

(15) It shall not be lawful for any person to give, offer, or promise, either directly or indirectly, to any grower any allowance, gratuity, or other valuable consideration which shall in any way arise out of or be connected with the sale of such grower's wheat to the Committee.

(16) It shall not be lawful for any grower to receive or offer to receive, either directly or indirectly, from any person any allowance, gratuity, or other valuable consideration which shall in any way arise out of or be connected with the sale of such grower's wheat to the Committee.

#### REGULATION 5.—PURCHASE OF WHEAT BY THE COMMITTEE.

(1) The Committee shall (subject always to the provisions of clause (5) of this regulation) purchase all wheat offered to the Committee for sale, whether by the wheatgrower or any other person, except—

- (a) Wheat that has already been purchased and resold by the Committee;
- (b) Wheat that is not f.a.q. milling-wheat;
- (c) Wheat that has been purchased by any person as free wheat, whether or not the same has subsequently been dressed or conditioned or mixed or treated in any way so that the resultant grain is, or is equal in quality to, f.a.q. milling-wheat;

(d) Wheat exempted from these regulations by resolution under clause (7) of Regulation 3 hereof: Provided that nothing contained in this clause shall authorize any person to sell wheat of any quality (not exempted by resolution under clause (7) of Regulation 3 hereof) otherwise than to the Committee, unless and until it has been offered to an authorized broker for sale to the Committee in pursuance of these regulations and has been rejected as being not f.a.q. milling-wheat.

(2) The prices, terms, and conditions on which wheat is purchased by the Committee shall be such as the Committee shall from time to time in its discretion fix and publicly notify, and the Committee may fix varying prices for different qualities and kinds of wheat or for delivery at different times or otherwise.

(3) When wheat is sold to an authorized broker without express agreement as to time of delivery it shall be deemed to be sold for delivery in the month in which the contract is made.

(4) When wheat is sold to an authorized broker for delivery by instalments at different times or on different terms or conditions the sale of each instalment or of each parcel to which separate terms or conditions apply shall be deemed to be a separate contract.

(5) Save in special cases at the express direction of the Committee, and on such terms as may be approved by it, wheat will be purchased by an authorized broker only when a purchaser from the Committee is available and on the terms that the seller will deliver the same to such purchaser as directed by the broker whether free on board, free on rail, direct to the purchaser's store, or otherwise; and the name of the purchaser and the place of delivery by the seller shall be stated in the contract made by the seller with the broker.

(6) Save in special cases at the express direction of the Committee, and in such terms as may be approved by it, no authorized broker shall accept delivery on behalf of the Committee or act as a warehouseman for the Committee:

Provided that an authorized broker may act as warehouseman either for the seller to the Committee or for the buyer from the Committee on such terms as may be agreed upon between warehouseman and customer.

(7) All wheat purchased by the Committee shall on delivery thereof in accordance with the terms of the contract, and if the wheat is in conformity with the contract, become as between the seller and the Committee the property of the Committee without prejudice to any rights of property therein as between the Committee and a purchaser from the Committee.

(8) Payment for wheat purchased by the Committee shall be made as follows:—

(i) On delivery by the seller, the authorized broker, on being satisfied that the wheat so delivered is in accordance with the contract, will forward to the Committee a voucher in duplicate in such form as the Committee may require, signed by the authorized broker, and authorizing payment of the contract price.

(ii) The sum so authorized will be remitted by post by the Committee to the seller or to any other person (including an authorized broker) authorized by the seller as his agent in that behalf by a written authority transmitted through the broker to the Committee.

(iii) No part of the contract price payable by the Committee to a seller shall be assignable or charged otherwise than by operation of law.

(iv) Payment will be remitted within twenty-one days of the receipt of the voucher by the Committee, save that if the last day for remitting is a holiday payment will be remitted on the next following business day.

(9) Every contract made by an authorized broker for the purchase of wheat on behalf of the Committee shall be made in accordance with, and shall be deemed to incorporate, the provisions of these regulations so far as applicable to contracts of purchase, and the rights and obligations of the parties shall be determined accordingly.

#### REGULATION 6.—WHEAT-PURCHASE WARRANTS.

(1) Any person desiring to purchase wheat from the Committee shall apply to the Committee for a warrant authorizing the person named therein to purchase wheat (hereinafter referred to as a wheat-purchase warrant), and the Committee may in its discretion issue or refuse to issue any warrant.

(2) (a) Every wheat-purchase warrant relating to wheat intended to be used for the manufacture of wheat-products for human consumption shall state the name and locality of the mill or factory where such wheat is intended to be so used.

(b) Every person commits an offence who, without the previous written consent of the Committee, uses for the manufacture of wheat-products for human consumption any wheat referred to in a wheat-purchase warrant relating to wheat intended to be so used if such manufacture is carried out elsewhere than in the mill or factory the name and locality of which is stated in the said wheat-purchase warrant.

(3) Every wheat-purchase warrant shall state the amount of wheat which the person named therein is thereby authorized to purchase, and shall contain such conditions and restrictions as the Committee thinks fit, either generally or for any particular case.

(4) No wheat-purchase warrant shall be transferred or be assignable or charged otherwise than by operation of law.

(5) The Committee may, for any reason which the Committee in its absolute discretion thinks sufficient, and without the necessity of giving any preliminary notice of its intention so to do, revoke any warrant, and may give notice of such revocation to authorized brokers and to the person named in the warrant.

(6) Immediately notice of revocation is received by any person such warrant shall cease to be in force, so far as the person so notified is concerned, as an authority for sale of wheat on account of the Committee or for a purchase of wheat by the person named in the warrant.

(7) Immediately notice of revocation of a warrant is given to the person named therein such person shall deliver the warrant to the Committee for cancellation, unless he furnishes the Committee with evidence to the satisfaction of the Committee of the loss or destruction of the warrant.

(8) No authorized broker shall sell wheat on account of the Committee to any person other than the holder of a wheat-purchase warrant for the time being in force.

(9) No authorized broker shall sell wheat on account of the Committee to the holder of a wheat-purchase warrant otherwise than to the extent and subject to the conditions and restrictions appearing in the warrant.

(10) No person shall purchase wheat other than free wheat otherwise than in accordance with the terms of a wheat-purchase warrant issued to that person and for the time being in force.

(11) Every holder of a wheat-purchase warrant, if he be a manufacturer of wheat-products for human consumption, shall, as soon as practicable, purchase and take delivery of the full quantity of each variety of wheat the purchase of which is authorized under such warrant.

(12) If in the opinion of the Committee any holder of a wheat-purchase warrant has failed to comply with the last preceding clause of this regulation the Committee may withhold the issue of further warrants to such person or may revoke any warrant theretofore issued to such person.

(13) In the case of persons carrying on business in partnership a warrant issued to them jointly in their own names or in the name of the partnership firm shall authorize a joint purchase or purchases by them to the extent and subject to the conditions and restrictions appearing in the warrant.

(14) Any person aggrieved by any decision of the Committee in respect of any matter dealt with under this regulation may appeal to the Minister, whose decision shall be final, and the Committee and all parties shall comply with such decision.

#### REGULATION 7.—SALES OF WHEAT BY THE COMMITTEE.

(1) The prices, terms, and conditions on which wheat is sold by the Committee shall be such as the Committee shall from time to time in its discretion fix, and the Committee may fix varying prices for different qualities and kinds of wheat or for delivery at different times or places or otherwise.

(2) On effecting a sale of wheat on account of the Committee the authorized broker shall at once endorse on the purchaser's wheat-purchase warrant such particulars of the transaction as the Committee may prescribe.

(3) Payment for wheat sold by the Committee shall be made by the buyer to the authorized broker on account of the Committee, and the terms of payment shall be such as may be agreed upon between the buyer and the broker, being either cash on delivery, cash against shipping documents, or cash within seven days after delivery.

(4) All purchase-money in arrear and unpaid shall bear interest at the rate of 8 per centum per annum, payable on demand.

(5) When wheat is sold for delivery by instalments each instalment shall be treated as the subject of a separate contract, and payment shall be made accordingly.

(6) All moneys received by an authorized broker shall be paid by him to the Committee immediately on the receipt thereof, and all moneys not so paid shall bear interest payable to the Committee by the broker at the rate of 8 per centum per annum until so paid.

(7) Every authorized broker is deemed to guarantee to the Committee the due payment by the buyer of the purchase-money for all wheat sold to him by that broker, and on default made by the buyer the purchase-money, with all accrued interest thereon, shall be recoverable by the Committee from the broker.

(8) After delivery to the buyer the wheat shall be in all respects at the buyer's risk, but the property in the

wheat shall not pass to the buyer until the purchase-money has been received by the authorized broker; and on default made by the buyer, the broker or the Committee may take and retain possession of the wheat on behalf of the Committee as a security for the purchase-money.

(9) Every contract made by an authorized broker for the sale of wheat on account of the Committee shall be made in accordance with, and shall be deemed to incorporate the provisions of, these regulations so far as applicable to contracts of sale; and the rights and obligations of the parties shall be determined accordingly.

(10) No person shall in the manufacture of wheat-products for human consumption, save in accordance with the terms of a consent in writing given by the Committee, use—

(a) Wheat other than that sold by the Committee to that person;

(b) Wheat sold by the Committee for seed purposes only;

(c) Wheat sold by the Committee for stock feed only.

(11) Any consent given by the Committee under the last preceding clause hereof may be given subject to such conditions as the Committee may think fit, including a condition for payment to the Committee of a sum not exceeding 3s. per bushel, and the Committee may require the sum aforesaid to be paid to the Committee before its consent is issued.

#### REGULATION 8.—DISPUTES.

(1) If any dispute arises as to whether any wheat offered to an authorized broker for sale to the Committee is f.a.q. milling-wheat, or if any dispute arises as to whether any wheat delivered in fulfilment of any contract of purchase or sale entered into by authorized brokers on account of the Committee is in accordance with the contract in respect of kind, quality, or condition, the dispute shall be determined by an authorized grader, and his decision shall be final.

(2) An authorized grader may enter upon the determination of any dispute on a reference thereof to him by the Committee, with or without the concurrence of the other party concerned, and may decide the matter referred to him upon his own knowledge and judgment or a personal examination of parcels and samples, as the case may require, without the necessity of calling evidence or hearing argument on behalf of the parties.

(3) If any other dispute arises between the parties to any contract entered into by an authorized broker on account of the Committee, or between an authorized broker and the Committee, or between an authorized broker and any seller or purchaser of wheat to or from the Committee, touching the meaning or operation of these regulations, or of any contract so entered into, the dispute shall be determined by reference to a single arbitrator if the parties in difference can agree upon one, otherwise by reference to two arbitrators, one to be appointed by each party in difference, and their umpire in accordance with the provisions of the Arbitration Act, 1908.

(4) Nothing in the last three preceding clauses shall apply to any prosecution for an offence against these regulations.

(5) (a) Subject to the foregoing provisions as to the settlement of disputes, the following weights shall be accepted by all parties as the basis of settlement in all contracts for the purchase or sale of wheat by or to the Committee:—

Wheat delivered direct to a mill: Flour-miller's weights.

Wheat delivered free on board: Customary free-on-board weights.

Wheat delivered *ex* store either to mills or free on board: *Ex*-store weights.

Wheat delivered into store: Into-store weights.

(b) The only deductions from such weights shall be 3 lb. tare per sack.

#### REGULATION 9.—RETURNS.

(1) The Committee may at any time give public notice requiring every grower of wheat to make to the Committee a return showing as at a date to be stated in such notice—

(a) The number of bushels of each variety of wheat grown by him during the season 1935-36;

(b) The number of bushels of each variety of wheat so grown by him but not yet sold and delivered.

(2) Every grower of wheat shall duly comply with the requirements of any such notice.

(3) On or before the 15th day of February, 1936, every manufacturer of wheat-products for human consumption carrying on business in New Zealand shall make to the Committee a return showing—

- (a) His probable requirements of wheat for milling for the period between the 1st day of March, 1936, and the 28th day of February, 1937:  
 (b) His carry-over of stocks of wheat, flour, bran, and pollard as at the 31st day of January, 1936.

(4) Every manufacturer of wheat-products for human consumption carrying on business in New Zealand shall, on or before the 7th day of each calendar month, commencing with the month of February, 1936, make to the Committee a return showing full particulars of all wheat delivered to him during the last preceding calendar month in pursuance of purchases made by him.

(5) The Committee, or its duly authorized representative, may require any person to give to it any information in such person's possession, and to produce any books or documents in his possession or under his control, relating to the sale, purchase, or storage of any wheat, whether grown in New Zealand or not, and of whatever season's crop, and whether such person is a party to such sale or purchase or not. Any person withholding any such information or failing to produce such books or documents shall be guilty of an offence against these regulations.

(6) In making all such returns as aforesaid the person by whom the return is to be made shall use such forms as the Committee may from time to time by public notice or by express notice to such person require to be used.

(7) If any person who has been a grower of wheat during the season 1935-36 dies before the date as at which particulars of wheat grown by him are required by the Committee to be stated, or before he has made any return required of him under these regulations, or if any person who is on the 31st day of January, 1936, a manufacturer of wheat-products for human consumption dies before the date on which he is required to make any return under these regulations, or before he has made any such return, then and in every such case the legal personal representative of such person shall make on behalf of such person the respective return aforesaid.

#### REGULATION 10.—SEED WHEAT.

(1) Notwithstanding anything to the contrary in these regulations, an authorized broker purchasing wheat on account of the Committee may, with the permission of the Committee, himself purchase from the Committee that wheat or any part thereof as seed wheat at a price equivalent to the price for sales effected on account of the Committee determined in accordance with clause (1) of Regulation 7 hereof.

(2) No commission shall be payable to the broker in respect either of the purchase or resale of any wheat so dealt with.

(3) The authorized broker shall pay to the Committee the purchase-money for all seed wheat so purchased by him in cash on the delivery of the wheat to the broker in pursuance of the contract.

(4) In all other respects these regulations shall apply to any such resale by the Committee to an authorized broker in the same manner as if the authorized broker were an independent third person purchasing the wheat from the Committee through that broker.

(5) Save with the permission of the Committee, it shall not be lawful for a broker who has so purchased seed wheat to dispose of it in any manner otherwise than by sale thereof as seed wheat to farmers.

#### REGULATION 11.—EXPORT WHEAT.

(1) The Committee may sell wheat for export subject—

- (a) To the condition that no wheat disposed of under these regulations shall be resold or offered for resale within New Zealand:  
 (b) To such further conditions as the Committee may think fit to impose, including a condition that the wheat shall be exported within a prescribed time.

(2) Any person having purchased from the Committee wheat for export who sells such wheat or offers the same for sale, or permits the same to be sold in New Zealand, or who fails to export such wheat or to cause the same to be exported from New Zealand within the time (if any) prescribed by the Committee, or who fails to comply with any other conditions imposed by the Committee, commits an offence against these regulations.

#### REGULATION 12.—BORROWING.

The Committee may from time to time at its discretion raise or borrow any sum or sums of money for the better carrying-out of any of the purposes of the Committee (but so that no lender or other person dealing with the Committee shall be concerned as to the application or be affected by the misapplication of any sums so raised or borrowed), and to give for the repayment of any such moneys and the payment of interest thereon such security over wheat belonging to the Committee or over any other property of the Committee as the Committee may think fit, and from time to time to redeem, pay off, or replace any such securities.

#### REGULATION 13.—APPLICATION OF PROCEEDS.

(1) All moneys received by the Committee from the sale of wheat or any other source of revenue shall be applied by the Committee in the first place in payment of the expenses incurred by the Committee in carrying out the provisions of these regulations, including clerical expenses, commission to authorized brokers, and remuneration to brokers and other persons for services rendered to the Committee, fees to graders, and a reasonable remuneration to the members of the Committee, including the payment of all expenses of such members of and incidental to attending meetings of the Committee, or allowances in respect of such expenses, and in the next place in payment for wheat purchased by the Committee.

(2) The balance of the funds of the Committee shall, as soon as may be after the close of the 1935-36 season, be divided amongst the sellers of wheat to the Committee to the nearest workable fraction in proportion to the quantities of wheat sold by them to the Committee.

(3) The Committee may at any time make an interim division of any part of its funds on account of the division directed to be made by the last preceding clause hereof.

(4) Any moneys payable by the Committee to a seller of wheat pursuant to this regulation may, in the Committee's discretion, be paid on his behalf to any authorized broker through whom any wheat of such seller has been purchased by the Committee, and the receipt of such broker shall be a good and sufficient discharge to the Committee for all moneys so paid.

(5) Any balance in the hands of the Committee which—

- (a) Has arisen from undistributed fractions; or  
 (b) Is held for the credit of sellers whom the Committee is unable to trace within such time as the Committee may in its discretion fix,—

shall be paid to such institution assisting to further the interests of agriculture in general and of wheatgrowing in particular, as the Committee may select, or may be divided in the Committee's discretion amongst any two or more of such institutions in such sums or shares as the Committee may decide.

#### REGULATION 14.—1934-35 REGULATIONS.

(1) Save as hereinafter provided, the Board of Trade (Wheat) Regulations, 1934-35 (hereinafter referred to as "the 1934-35 Regulations") are revoked as from the date of the coming into force of these regulations.

(2) The Wheat Committee incorporated under these regulations shall continue the administration and winding-up of the wheat-marketing scheme established by the 1934-35 Regulations, and shall for such purpose have all the powers and duties imposed upon the Board established under the 1934-35 Regulations in addition to the powers conferred and duties imposed by these regulations.

(3) The Committee shall complete the winding-up of the said wheat-marketing scheme as expeditiously as circumstances will permit, and shall apportion equitably between the 1934-35 and 1935-36 wheat-marketing schemes all expenses of and incidental to each.

(4) The Committee may, in its discretion, use the funds of the 1934-35 scheme temporarily for the carrying-on of the 1935-36 scheme, including the purposes set out in clause (6) of this regulation, but subject to proper adjustment and repayment as circumstances shall permit.

(5) The Committee's decision on any matter of and incidental to adjustment between the 1934-35 and 1935-36 wheat-marketing schemes, whether as to expenses and use of funds as aforesaid or otherwise, shall be final.

(6) In order to complete the administration and winding-up of the 1934-35 wheat-marketing scheme, the Committee shall have power, in its discretion, to take over on behalf of the 1935-36 scheme any surplus 1934-35 wheat remaining on its hands. Such taking-over shall be at a valuation to be fixed by the

Committee after taking into account all relevant circumstances, including cost of storage. Any money in the Committee's hands under the 1935-36 scheme shall be available for the payment of the price of the wheat taken over, and the wheat so taken over shall become part of the stocks of the 1935-36 scheme.

(7) Notwithstanding the revocation of the 1934-35 Regulations, all rights existing or arising thereunder and all liabilities and duties imposed thereby shall continue until the wheat-marketing scheme established thereunder shall be fully wound up and all rights duly satisfied, and all liabilities and duties duly discharged and performed. All offences heretofore committed against the 1934-35 Regulations shall continue to be punishable as therein provided, and shall be unaffected by the revocation thereof.

(8) All actions, proceedings, contracts, notices, and other matters commenced by or against, or entered into or done by or with, the Board constituted under the 1934-35 Regulations shall enure against or for the benefit of the Committee constituted under these regulations as if commenced, entered into, or done by or against, or with the Committee constituted under these regulations, and all the assets, rights, and liabilities of the Board constituted under the 1934-35 Regulations shall devolve upon the Committee constituted under these regulations, subject to apportionment by the Committee pursuant to clause (3) of this regulation.

(9) All wheat-purchase warrants, and all conditions and restrictions therein, and all consents and appointments, and generally all acts of authority of the Board constituted under the 1934-35 Regulations shall enure as if they had originated as acts of authority of the Committee constituted under these regulations, and shall, so far as they are henceforth capable of taking effect, continue in force as if they had so originated, and shall continue to be binding accordingly.

#### REGULATION 15.—AUDIT AND ACCOUNTS.

(1) The financial accounts of the Committee shall be kept in such form as the Committee, with the approval of the Controller and Auditor-General, may decide.

(2) The said accounts shall be subject to audit by the Audit Office as if the Committee were a local authority within the meaning of section 124 of the Public Revenues Act, 1926, and Part XIV of that Act shall accordingly apply, subject to the express provisions of this regulation.

(3) The expenses of such audit shall from time to time be determined by the Controller and Auditor-General, and when so determined shall be recoverable as a debt due to the Crown and be a first charge on the funds of the Committee.

(4) A summary of the accounts of the Committee, duly audited, shall be published at such time and in such manner as the Minister may from time to time direct.

#### REGULATION 16.—OFFENCES.

(1) Every person shall be guilty of an offence against these regulations, and shall be liable accordingly, who does, or attempts, or conspires to do any act declared by these regulations to be unlawful.

(2) Every authorized broker shall be guilty of an offence against these regulations, and shall be liable accordingly, who commits any wilful breach of his contract with the Committee under these regulations.

(3) Every seller of wheat to the Committee or purchaser of wheat from the Committee under these regulations who commits a wilful breach of his contract with the Committee shall be guilty of an offence against these regulations, and shall be liable accordingly.

(4) Every person who being a servant or agent of any authorized broker, or of any such seller or purchaser of wheat, wilfully does any act whereby or in consequence of which such authorized broker, seller, or purchaser, breaks his contract with the Committee, shall be guilty of an offence against these regulations, and shall be liable accordingly.

(5) Every person who deceives or attempts to deceive an authorized broker or the Committee in the exercise of its functions under these regulations shall be guilty of an offence against these regulations, and shall be liable accordingly.

(6) Every person who incites, aids, abets, counsels, or procures any other person, or conspires with any other person to commit an offence against these regulations, shall be guilty of an offence against these regulations, and shall be liable accordingly.

(7) Every person who fails to make in accordance with these regulations any return required thereby or in pursuance thereof, or who makes any such return which is false or misleading in any particular, shall be guilty of an offence against these regulations, and shall be liable accordingly.

C. A. JEFFERY,

Clerk of the Executive Council.

(I. and C. 26/76.)



