



ANNO NONO

GEORGII V REGIS.

A.D. 1918.

No. 1355.

An Act to make better provision for Regulating the Sale of Fertilisers.

[Assented to, December 5th, 1918.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Fertilisers Act, 1918." Short title.
2. The Fertilisers Act, 1900, and the Fertilisers Amendment Act, 1903, are hereby repealed. Repeal of Acts 747 of 1900 and 825 of 1903.
3. In this Act, unless some other meaning is clearly intended— Interpretation.
 - "Acid soluble phosphate" means the phosphate determined by the method prescribed for the determination of acid soluble phosphate: Cf. 747, 1900, s. 3.
 - "Agricultural lime" means pulverised carbonate of calcium (CaCO_3):
 - "Analyst" means the Government Analyst, or any analyst appointed under this Act:
 - "Bone manure" means any fertiliser (other than bone super) which contains disintegrated bones, and includes bone-dust, bone meal, bone fertiliser, or any fertiliser (other than bone super) having any name which suggests that the fertiliser is derived from bones:
 - "Citrate soluble phosphate" means the phosphate determined by the method prescribed for the determination of citrate soluble phosphate:

"Dealer"

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825, 1903, s. 2.

“Dealer” means any person who carries on business as a manufacturer, importer or vendor of, or dealer in, fertilisers for the purposes of trade, and whether such person carries on any other business or trade or not:

“Fertiliser” includes every article for use as a fertiliser of the soil, except farmyard or stable manure, crude nightsoil, crude offal, seaweed, or such other material as the Governor by proclamation declares not to be a fertiliser for the purposes of this Act:

“Gypsum” means natural hydrated sulphate of calcium ($\text{CaSO}_4 \cdot 2\text{H}_2\text{O}$).

“Inspector” means Inspector of Fertilisers, and includes Chief Inspector of Fertilisers:

“Minister” means the Minister of Agriculture:

“Package” includes every sack, bag, barrel, case, or other container:

“Phosphate fertiliser” means any fertiliser which contains a phosphate and which is neither bone manure nor superphosphate;

“Potash” means any water soluble salt of potassium calculated as potassium oxide (K_2O):

“Super” or “superphosphate” means any fertiliser which has been treated in such a manner as to render portion of the phosphate contained therein soluble in water, and includes any fertiliser having any description or name which includes the word “super” or the word “superphosphate.”

“Total phosphate” means the phosphate determined by the method prescribed for the determination of total phosphate:

“Water soluble phosphate” means the phosphate determined by the method prescribed for the determination of water soluble phosphate.

The verb to sell, in whatever person, number, tense, mood, or voice it is used, includes—

- I. to barter or exchange;
- II. to agree to sell, barter, or exchange;
- III. to offer, expose, store, have in possession, send, or deliver for or on sale;
- IV. to receive for sale;
- V. to cause or suffer to be sold, bartered, or exchanged, or to be agreed to be sold, bartered, or exchanged;
- VI. to cause or suffer to be offered, exposed, stored, had in possession, sent, or delivered for or on sale;
- VII. to cause to suffer to be received for sale; and
- VIII. to attempt to do any of such acts or things;

and all participles of the verb to sell, and the noun “sale,” have corresponding connotations; The

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The verb to buy, in whatever person, number, tense, mood, or voice it is used, includes to receive or accept under a sale or agreement to sell, and to offer to receive or accept or cause or suffer to be received or accepted under a sale or agreement to sell; and all participles of the verb to buy have corresponding connotations.

4. (1) Every dealer shall, within thirty days after the date of the passing of this Act, if he has not already given a like notice pursuant to the corresponding provision of any Act hereby repealed, or otherwise within thirty days after the date of his commencing in business as a dealer, give notice in writing to the Chief Inspector of Fertilisers, at the office of the Minister of Agriculture, in Adelaide, of his name and place of business, and of the distinctive names or brands of the fertilisers dealt in by him, and of the places where the same can be purchased.

Notice by dealers.
Cf. *ibid.*, s. 4.

(2) Any dealer who fails to give such notice shall be liable to a penalty of not more than Two Pounds per day for every day during which such failure continues.

5. (1) Every dealer shall each year, on or before the thirty-first day of January—

Licence fee and certificate as to constituents of fertiliser.

(a) pay to the Chief Inspector of Fertilisers a licence fee of Two Pounds Two Shillings for each and every fertiliser bearing a distinctive name or brand dealt in by him, but not exceeding Five Pounds Five Shillings in any one year; and

Cf. *ibid.*, s. 5.

(b) furnish to the Chief Inspector a certificate in the form in the First Schedule of the minimum percentages (such minimum percentages not being expressed as a variable quantity) of nitrogen, nitrogen as nitrates, potash, total phosphate, water soluble phosphate, citrate soluble phosphate, and acid soluble phosphate contained in each such fertiliser:

(c) if the fertiliser is lime, agricultural lime, or gypsum, furnish to the Chief Inspector a certificate in the form in the First Schedule of the minimum calcium content of the fertiliser expressed as calcium oxide. In the case of gypsum the calcium oxide shall also be expressed as calcium sulphate (CaSO_4):

Provided that, when the manufacturer or importer of any fertiliser bearing a distinctive name or brand has paid the current licence fee for such fertiliser, it shall be lawful for any other dealer to sell such fertiliser without payment of any further fee.

(2) If the fertiliser is bone manure, phosphate fertiliser, agricultural lime, or gypsum, the percentage of fine material shall be stated in the certificate, in addition to the other particulars required by this section. The fine material shall be ascertained in the manner prescribed.

(3) Every

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(3) Every dealer who fails to observe any provision of this section shall be guilty of an offence against this Act.

Power to amend
certificate.

Ibid., s. 6.

6. The certificate of the minimum percentages of nitrogen, nitrogen as nitrates, potash, calcium oxide, calcium sulphate, total phosphate, water soluble phosphate, citrate soluble phosphate, acid soluble phosphate and fine material contained in any brand of fertiliser may be amended by giving one week's notice in writing to the Chief Inspector of Fertilisers, and paying a further fee of Five Shillings for the registration of such alteration.

Duties of seller.

Cf. *ibid.*, s. 7.

7. (1) Every dealer who sells any fertiliser shall sign and give to the purchaser an invoice, on which shall be stated—

(a) the names in full and the place or places of business of the manufacturer and vendor of such fertiliser, if manufactured within South Australia; and if imported, or if such fertiliser is not a manufactured article, then the name and place of business of the vendor:

(b) the figure, word, trade mark, or trade description which is to be branded, stamped, or marked upon every package containing any of the fertiliser sold at that time to such purchaser:

(c) the minimum percentages of nitrogen, nitrogen as nitrates, potash, total phosphate, water soluble phosphate, citrate soluble phosphate, and acid soluble phosphate, stated in the certificate furnished under section 5 to be contained in a fertiliser of the same name or brand:

(d) if the fertiliser is bone manure, phosphate fertiliser, agricultural lime, or gypsum, the percentage of fine material stated in the certificate furnished under section 5 to be contained in bone manure, phosphate fertiliser, agricultural lime, or gypsum of the same name or brand:

(e) if the fertiliser is lime, or agricultural lime or gypsum, a statement of the description of such fertiliser and of the calcium contained therein expressed as calcium oxide, as stated in the certificate furnished under section 5 to be contained in bone manure or agricultural lime or gypsum of the same name or brand. In the case of gypsum the calcium oxide shall also be expressed as calcium sulphate (CaSO_4).

(2) Such invoice shall, notwithstanding any agreement to the contrary, have effect as a warranty by the seller of the accuracy of all the matters stated therein.

(3) Any person who fails to observe any of the provisions of this section shall be guilty of an offence against this Act.

8. (1) Every

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8. (1) Every dealer who sells any fertiliser shall, in manner prescribed, legibly and durably brand, stamp or mark upon, or cause to be branded, stamped or marked upon, every package containing any of such fertiliser—

Packages to be branded.

Cf., *ibid.*, s. 8.

- (a) the name of the manufacturer or vendor of such fertiliser :
- (b) a statement of the minimum percentages of nitrogen, nitrogen as nitrates, potash, total phosphate, water soluble phosphate, citrate soluble phosphate, and acid soluble phosphate stated in the certificate furnished under section 5 to be contained in a fertiliser of that name or brand, in such abbreviations as are easily intelligible :
- (c) if the fertiliser is lime or agricultural lime, a statement of the minimum percentage of calcium oxide stated in the certificate furnished under section 5 to be contained in lime or agricultural lime of the same name or brand ;
- (d) if the fertiliser is gypsum, a statement of the minimum percentage of calcium oxide expressed in terms of calcium sulphate (CaSO_4) stated in the certificate furnished under section 5 to be contained in gypsum of the same name or brand :
- (e) if the fertiliser is bone manure, phosphate fertiliser, agricultural lime, or gypsum, a statement of the percentage of fine material stated in the certificate furnished under section 5 to be contained in bone manure, phosphate fertiliser, agricultural lime, or gypsum of the same name or brand :
- (f) the net weight of fertiliser contained in such package :
- (g) a figure, word, trade mark, or trade description corresponding to the figure, word, trade mark, or trade description stated on the invoice given by the seller to the purchaser upon the sale of such fertiliser.

(2) Any dealer who fails to observe any of the provisions of this section shall be guilty of an offence against this Act.

9. (1) In any case where any package containing any fertiliser which has been branded, stamped, or marked as required by section 8 is wholly or partly emptied, no person shall place in such package any fertiliser other than fertiliser of the same name or brand as that originally contained in such package, and to which the letters and figures, or abbreviations for letters and figures, and other marks appearing upon such package refer.

Putting into branded bags fertiliser other than that to which brands refer an offence.

New.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence against this Act.

10. (1) Every

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Offences by sellers.
Cf. *ibid.*, s. 9.

10. (1) Every dealer who sells any fertiliser shall be guilty of an offence against this Act if he—

- (a) fails without reasonable excuse to give, on or before or as soon as possible after the delivery of such fertiliser, or any of it, the invoice required by section 7; or
- (b) causes or permits any invoice with respect to, or any description of, such fertiliser to be false in any material particular; or
- (c) fails to brand or stamp or mark upon any package containing any of such fertiliser, before delivery thereof, any of the particulars required by section 8; or
- (d) sells any bone manure which does not conform to the standard prescribed; or
- (e) sells as “superphosphate” or “super” any fertiliser containing less than fifteen per centum of water soluble phosphate and a less total than thirty per centum of water soluble phosphate and citrate soluble phosphate.

(2) In any proceeding for either of the offences described in subdivisions (a) and (c) of subsection (1) of this section, the burden of proof that section 7 or 8, according to the nature of the case, has been complied with shall lie upon the defendant.

Buyer need not accept delivery unless Act complied with.
Cf. 1013, 1910, s. 9.

11. No person shall be bound to accept delivery on sale of any fertiliser unless all the provisions of sections 7 and 8 have been complied with as to such fertiliser.

Deficiency in registered brands.
747, 1900, s. 10;
825, 1903, s. 3.

12. (1) Every dealer who sells any fertiliser which contains a smaller percentage of nitrogen, nitrogen as nitrates, potash, calcium oxide, total phosphate, water soluble phosphate, citrate soluble phosphate, or acid soluble phosphate than that stated in the certificate furnished to the Chief Inspector of Fertilisers under section 5 shall, if the deficiency is greater than one-half per centum of nitrogen or nitrogen as nitrates, one-half per centum of potash, or five per centum of calcium oxide, or two per centum of phosphate, separately or in the aggregate, whether total phosphate, water soluble phosphate, citrate soluble phosphate, or acid soluble phosphate, be guilty of an offence against this Act: Provided that where the deficiency in acid soluble phosphate is more than made up by an excess in water soluble phosphate or citrate soluble phosphate, or the deficiency in citrate soluble phosphate is more than made up by an excess in water soluble phosphate, there shall be no offence: Provided also that where any fertiliser which is stated in the certificate furnished to the Chief Inspector of Fertilisers under section 5 hereof to contain not less than twelve per centum of citrate soluble phosphate is deficient in water soluble phosphate and the deficiency in water soluble phosphate is made up by an excess of citrate soluble phosphate at the rate of one and one half per centum of citrate soluble phosphate for each one per centum deficiency in water soluble phosphate, there shall be no offence.

(2) Every

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(2) Every dealer who sells any bone manure, phosphate fertiliser, agricultural lime, or gypsum which does not contain the percentage of fine material stated in the certificate furnished under section 5 to be contained in bone manure, phosphate fertiliser, agricultural lime or gypsum of the same name or brand, shall, if the deficiency is greater than five per centum of fine material, be guilty of an offence against this Act.

13. Every dealer who sells any fertiliser containing any phosphate not directly derived from bone under any brand, designation, or description which suggests the presence in the fertiliser of bone manure, shall be guilty of an offence against this Act.

Sale of fertiliser incorrectly described as "bone manure" an offence.

14. Every dealer who sells any fertiliser which does not bear a distinctive name or brand shall be guilty of an offence against this Act.

Prohibition of sale of fertiliser not bearing a distinctive brand.

15. The Governor may for the purposes of this Act appoint a Chief Inspector of Fertilisers and such other Inspectors, and other officers, as may be necessary, and persons having competent chemical knowledge to be Analysts.

Inspectors and analysts.
Cf. *ibid.*, ss 12, 21.

16. Any person who in any way obstructs or interferes with any Inspector or Analyst in the discharge of any of his duties or the exercise of any of his powers under this Act shall be guilty of an offence against this Act.

Obstructing Inspectors.

17. Any Inspector may, at any time during the day time, enter upon any land or into any warehouse, store, shop, building, or other premises where any fertiliser is or may reasonably be supposed to be kept for sale or sold, and may—

Powers of Inspector.
Cf. 1013, 1910, s. 12

- (a) examine and, on payment of the ordinary market price therefor (if demanded), take a quantity of any fertiliser there found as a sample for analysis; and
- (b) do any act or thing required or permitted by regulation to be done in connection with or for the purposes of anything authorised by this section or the analysis of samples taken under this section.

18. When an Inspector takes a sample for analysis under section 17 he shall—

Procedure on taking sample.

- (a) thoroughly mix such sample and divide it into three approximately equal parts;
- (b) place each such part in a separate package, and seal or fasten each such package;
- (c) place on each such package a label stating the name, so far as known to him, of the occupier of the premises or of the person apparently having possession, custody, or control of the lot from which such sample was taken, and the time and place of taking;
- (d) deliver

Cf. *ibid.*, s. 13.

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(d) deliver one of such parts to the person in charge, or apparently in charge, of the premises; and

(e) retain one of such parts for future comparison.

The other of such parts may be utilised for analysis.

Publication of
certificate.

Cf. 747, 1900, s. 15.

19. The particulars contained in any certificate furnished to the Chief Inspector of Fertilisers under section 5 may be published in *The Journal of the Department of Agriculture of South Australia*, and in any newspaper, and in such other manner as is prescribed.

Publication of
result of analysis.

Cf. *ibid.*, s. 16.

20. The result of the analysis by an Analyst of any sample or part of a sample of any fertiliser, together with the name and address or place of business of the dealer from whom the fertiliser was bought or of the person in the occupation or apparent occupation of the premises where the sample was taken, and the certificate furnished under section 5 and also any explanations of and comments upon the result of the analysis, may be published in *The Journal of the Department of Agriculture of South Australia*, and in any newspaper, and in such other manner as is prescribed.

Right of buyer to
analysis.

Cf. *ibid.*, s. 17.

21. (1) Any person who has bought any fertiliser shall, subject to this section and to section 25, be entitled to have a sample of the fertiliser so bought analysed by an Analyst, and to receive the Analyst's certificate of the result of the analysis.

(2) Every buyer intending to submit a sample for analysis under this section shall, within two months after delivery of such fertiliser to him or receipt by him of the invoice therefor, give notice in writing by post to the seller or his agent of his intention, and of the day (not being earlier than fourteen days from the date of the posting of such notice) and time when such sample will be taken.

(3) The buyer shall on the day and at the time mentioned in the notice—

(a) take a sample of such fertiliser in the manner prescribed, in the presence of a Justice of the Peace or member of the Police Force, and of the seller or the agent or other representative of the seller, if the seller or his agent or representative desires to be present, and

(b) thoroughly mix the sample and divide it into three approximately equal parts, to be then and there separated, and each part to be marked and sealed, or fastened up in such a manner as its nature will permit, and

(c) if required to do so, deliver one of such parts to the seller or his agent or representative.

(4) The buyer shall send or deliver two of such parts to the Chief Inspector.

(5) The

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(5) The Chief Inspector shall retain one of the said parts for future comparison, and shall send or deliver the other part to an Analyst, who shall with all convenient speed analyse the same and give or send, by post or otherwise, a certificate in duplicate to the Chief Inspector wherein he shall specify the results of the analysis.

(6) The Chief Inspector shall forward such certificate to the buyer and shall file the duplicate in his office.

22. The certificate of the Analyst shall be in the form and contain the particulars mentioned in the Second Schedule, or as near thereto as circumstances permit. Analyst's certificate. Ibid., s. 18.

23. (1) At the hearing of any civil or criminal proceedings with regard to any sample or part thereof which has been analysed by an Analyst, or the lot from which such sample was taken, or with regard to the contents of any package of fertiliser which have been so analysed, the production of a certificate purporting to be signed by an Analyst shall, without proof of the signature of the person appearing to have signed the same or that he is an Analyst, be sufficient evidence— Certificate of Analyst to be evidence. Cf. 1013, 1910, s. 19.

- i. of the identity of the thing analysed ;
- ii. of the result of the analysis ;
- iii. of the matters stated in such certificate ; and
- iv. of the prescribed method of analysis (if any) having been followed by the Analyst in making the analysis,

unless the defendant, by at least three clear days' (exclusive of Sundays and public holidays) notice in writing delivered to the informant and by a like three clear days' (exclusive as aforesaid) notice delivered, with a witness fee of One Guinea, to the Analyst, requires that such Analyst shall attend as a witness.

(2) In any case where the attendance of an Analyst is required as mentioned in this section, the Court or Special Magistrate or Justices may, in addition to any other order which may be made as to costs, make such order as it, he, or they deem proper as to the witness fee paid to the Analyst, and as to the expenses of and remuneration to be paid for the analysis.

24. At the hearing of any civil or criminal proceedings with regard to any sample, or part thereof, which has been analysed by an Analyst, or the lot from which such sample was taken, or with regard to the contents of any package of fertiliser which have been so analysed, no evidence of the result of any analysis, whether made by an Analyst as defined by this Act or not, shall be admitted unless it is first proved that in making such analysis the Analyst followed the method (if any) prescribed under this Act for the analysis of such fertiliser. Result of analysis not admissible in evidence unless prescribed method of analysis followed.

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Costs of analysis.

Cf. 747, 1900, s. 20.

25. The costs of and incidental to the obtaining of any analysis shall be paid in the first instance by the person requesting the analysis, but shall subsequently be dependent upon the results of the analysis, and if the fertiliser does not comply with the warranty shall be recoverable from the seller of such fertiliser as a simple contract debt, or, in the case of a conviction for an offence, shall be added to the penalty, and be recoverable in the same manner: Provided that in cases where the person requesting the analysis is engaged in rural production, and the fertiliser complies with the warranty, such costs shall be paid by the Treasurer out of moneys voted by Parliament for the purpose.

Unit for sampling.

26. Any sample which may be taken shall be drawn from at least ten per centum of the packages of the total quantity of the fertiliser from which it is drawn, and at once be thoroughly mixed and divided as provided in subdivision (b) of subsection 3 of section 21.

Offence as to sample deemed offence as to whole lot.

Cf. 1013, 1910, s. 18.

27. When, in any proceedings in respect of an offence against this Act, a contravention of any of the provisions of this Act is proved with regard to any sample of fertiliser, such contravention shall be deemed to have been proved with regard to the whole lot from which the sample was taken, or all the fertiliser bought at the same time as such sample.

Tampering with samples.

Cf. 747, 1900, s. 22.

28. If any person knowingly and fraudulently—

(a) tampers with any package of fertiliser so as to procure that any sample of it taken under this Act does not correctly represent the contents of the package; or

(b) tampers with any sample taken under this Act,

he shall be liable to a penalty not exceeding Twenty Pounds, or to imprisonment for a term not exceeding six months.

Certain allegations no defence.

Ibid., s. 23.

29. In any proceedings in respect of an offence against this Act it shall be no defence to allege, or to prove, that the buyer, having bought only for analysis, was not prejudiced by the sale, or that the fertiliser in question, though deficient in one or more constituents, was not defective in other, or in all, constituents.

No offence where fertiliser not carefully protected.

30. Where it can be shown in any proceedings in respect of an offence against this Act that any person who has submitted for analysis a sample of the fertiliser with respect to which such offence is alleged to have been committed has not stored such fertiliser in such manner as to insure the same being kept perfectly dry, the information for such offence shall be dismissed.

Rights of seller against person who sold to him.

Ibid., s. 24.

31. A person alleged to have committed an offence under this Act in respect of any fertiliser sold by him shall be entitled to the same rights and remedies, civil or criminal, against the person from

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from whom he bought such fertiliser as are available to the person who bought such fertiliser from him, and any damages recovered by him may, if the Court considers that the circumstances justify it, include the amount of any penalty and costs paid by him on conviction under this Act, and the costs of and incidental to his defence on such conviction.

32. A prosecution for an offence against this Act may be instituted either by the person aggrieved, by the Chief Inspector of Fertilisers, or by any person authorised in that behalf by the Minister.

Who may prosecute.
Ibid., s. 25.

33. (1) If the percentage of nitrogen, nitrogen as nitrates, potash, calcium oxide, total phosphate, water soluble phosphate, citrate soluble phosphate, or acid soluble phosphate contained in any fertiliser is less by the following amounts, namely, one-half per centum of nitrogen or nitrogen as nitrates, one-half per centum of potash, or five per centum of calcium oxide, or two per centum of phosphate, separately or in the aggregate, whether total phosphate, water soluble phosphate, citrate soluble phosphate, or acid soluble phosphate, than the percentages stated in the invoice given to the purchaser of such fertiliser, such invoice shall be deemed to be false in a material particular.

What deficiencies allowed.
Ibid., s. 26.

(2) If the fertiliser is bone manure, phosphate fertiliser, agricultural lime, or gypsum, and the percentage of fine material contained in such fertiliser is less by five per centum by weight than the percentage stated in the invoice given to the purchaser of such fertiliser, such invoice shall be deemed to be false in a material particular.

(3) If the fertiliser is lime, agricultural lime, or gypsum, and such lime, agricultural lime, or gypsum does not conform to the description stated in the invoice given to the purchaser thereof, such invoice shall be deemed to be false in a material particular.

34. (1) In any proceedings, civil or criminal, with respect to any fertiliser analysed under this Act—

Evidence.
Cf. *ibid.*, s. 27.

- (a) parol evidence that any person is an Analyst or an Inspector or other officer under this Act shall be deemed sufficient, unless the defendant proves the contrary;
- (b) authority to do any act or take any proceeding shall be presumed until the contrary is proved; and
- (c) the allegation that any fertiliser was sold shall be sufficient evidence of the fact which constitutes a sale as herein defined, until the contrary is proved, and the onus of proof that any fertiliser was not for sale shall lie upon the defendant.

(2) If in any such proceedings any question arises as to whether any fertiliser which is proved to have been in any place specified in

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a notice under section 4 as a place where such fertiliser can be purchased is in such place for the purpose of sale, the fact that such fertiliser was in such place shall be conclusive evidence that such fertiliser was in such place for the purpose of sale.

Exemption of employer from penalty on conviction of actual offender.

Victoria 2652, 1915, s. 41.

35. (1) Where any dealer is charged with an offence against any of the provisions of this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the Court at the hearing of the charge, and if after the commission of the offence has been proved the person in the first instance informed against proves to the satisfaction of the Court—

(a) that he had used due diligence to enforce the execution of this Act, and

(b) that the said other person had committed the offence in question without his knowledge, consent, or connivance,

the said other person shall be summarily convicted of such offence and the said dealer shall be exempt from any penalty. The person so convicted shall, in the discretion of the Court, be also liable to pay any costs incidental to the proceedings.

(2) Where it is made to appear to the satisfaction of any Analyst, Inspector, or officer appointed under this Act, or any member of the Police Force, at the time of discovering an offence—

(a) that the dealer has used all due diligence to enforce the execution of this Act; and

(b) by what person the offence has been committed; and

(c) that it has been committed without the knowledge, consent, or connivance of the said dealer, and in contravention of his orders,

the said Analyst, Inspector, officer, or member of the Police Force shall proceed against the person whom he believes to be the actual offender, without first proceeding against the said dealer.

Regulations.

Cf. *ibid.*, s. 29.

36. The Governor may make regulations not inconsistent with this Act, prescribing all things which by this Act are required, contemplated, or permitted to be prescribed, or which may be necessary or convenient to be prescribed for giving effect to the provisions and objects of this Act, and amongst others the following things:—

I. The method to be adopted by the buyer of any fertiliser in taking a sample of the fertiliser in order that he may obtain an Analyst's analysis thereof:

II. The methods of analysis to be adopted by Analysts in analysing samples of fertiliser submitted for analysis under this Act:

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- III. The fees to be paid for obtaining an Analyst's analysis :
- IV. Fees to be paid for anything done under this Act, either in addition to or in substitution for any fees fixed by this Act :
- V. Forms to be used in connection with anything done under this Act :
- VI. The manner in which the powers and duties of Analysts and Inspectors are to be exercised and discharged, and generally such things as may be necessary or convenient for enabling Analysts and Inspectors to exercise and discharge such powers and duties, and to carry out the provisions and objects of this Act :
- VII. Regulating and fixing standards for fertilisers :
- VIII. Regulating the branding, stamping, and marking of packages :
- IX. Penalties for offences against regulations, not exceeding in any case the sum of Twenty Pounds.

37. Any person guilty of an offence against this Act for which no penalty is specified shall, without prejudice to any civil liability, be liable to a penalty for a first offence of not more than Twenty Pounds, and for any subsequent offence of not less than Ten Pounds nor more than One Hundred Pounds. General penalty.
Cf. 747, 1900, s. 11.

38. All proceedings in respect of offences against this Act shall be disposed of summarily. Summary proceedings for offences.

39. There shall be an appeal in respect of proceedings in respect of offences against this Act. Appeal.

40. In the event of an appeal in respect of proceedings in respect of offences against this Act, a special case may be stated. Special case.

41. No Inspector, Analyst, or other officer shall be liable, except in respect of wilful misconduct or neglect, to any legal proceedings for anything done or omitted in the exercise or execution of any of his powers or duties under this Act. Protection to officers acting under the Act.
Ibid, s. 37.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

H. L. GALWAY, Governor.

SCHEDULES.

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SCHEDULES.

Section 5 (1).

FIRST SCHEDULE.

FERTILISERS ACT, 1918.

Certificate of Constituents of Fertilisers.

To the Inspector of Fertilisers.

I [*we*], the undersigned, of, carrying on business at, hereby give you notice that I [*we*] sell the fertilisers mentioned below, and that the minimum percentages of nitrogen, nitrogen as nitrates, potash in water soluble form, total phosphate, water soluble phosphate, citrate soluble phosphate, acid soluble phosphate, calcium oxide, calcium phosphate, and fine material contained in each of the said fertilisers are as hereunder set forth. I [*we*] hereby forward you the sum of £, being the licence fee required to be paid in respect of such fertilisers by section 5 of the Fertilisers Act, 1918, for the year ending thirty-first December, 19

Name of Manufacturer or Importer.	Name or Brand of Fertiliser.	Nitrogen.	Nitrogen as Nitrates.	Potash in Water Soluble Form.	Water Soluble Phosphate.	Citrate Soluble Phosphate.	Acid Soluble Phosphate.	Total Phosphate.	Calcium oxide (CaO).	Calcium oxide expressed as Calcium sulphate (CaSO ₄).	Bone Manure—Fine material.	Agricultural Lime—Fine material.	Gypsum—Fine material.	Phosphate Fertiliser—Fine material.

Dated _____ Signed _____

Section 22.

SECOND SCHEDULE.

FERTILISERS ACT, 1918.

Form of Certificate by Analyst.

I, the undersigned, Agricultural Analyst, do hereby certify that on the _____ day of _____, 19____, I received from _____ a sealed sample labelled _____ which has been analysed by the method of analysis prescribed for each determination, and from the results obtained I am of the opinion that the sample contained the following, viz. :—

Nitrogen	Per cent.
“ as nitrates	“
Potash in water soluble form, calculated as K ₂ O	“
Water soluble phosphate, calculated as tricalcium phosphate	“
Citrate soluble phosphate	“
Acid soluble phosphate	“
Total phosphate	“
Calcium oxide (CaO)	“
Calcium oxide expressed as calcium sulphate (CaSO ₄) ...	“
Bone manure—fine material	“
Phosphate fertiliser—fine material	“
Agricultural lime—fine material	“
Gypsum—fine material	“

OBSERVATIONS.

As witness my hand this _____ day of _____, 19____.

Analyst.