



ANNO VICESIMO SEXTO

# GEORGII V REGIS.

A.D. 1935.

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## No. 2215.

An Act to amend the Sale of Fruit Acts,  
1915 and 1921.

[*Assented to, 7th November, 1935.*]

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

1. (1) This Act may be cited as the "Sale of Fruit Act Amendment Act, 1935". Short titles.

(2) The Sale of Fruit Acts, 1915 and 1921, and this Act may be cited together as the "Sale of Fruit Acts, 1915 to 1935".

(3) The Sale of Fruit Act, 1915, is hereinafter referred to as "the principal Act". No. 1233  
1915.

2. The principal Act is amended by inserting therein after section 2 thereof the following section :— Amendment of  
principal Act—

2A. This Act shall be construed subject to the Commonwealth of Australia Constitution Act, and so as not to exceed the legislative power of the State to the intent that where any provision hereof would but for this section be in excess of that power it shall, nevertheless, be a valid enactment to the extent to which it is not in excess of that power. Construction.

*Sale of Fruit Act Amendment Act.—1935.*

Amendment of  
principal Act,  
s. 3—  
Definition of  
“sell.”

**3.** The definition of the verb “to sell” in section 3 of the principal Act is amended—

- (a) by striking out the words “store, have in possession” in paragraph III. thereof; and
- (b) by striking out the words “stored, had in possession” in paragraph VI. thereof.

Amendment of  
principal Act,  
s. 5—  
Exemptions.

**4.** Paragraph (b) of subsection (1) of section 5 of the principal Act (as amended by section 3 of the Sale of Fruit Act, 1921) is repealed, and the following paragraphs are enacted in lieu thereof :—

- (b) fruit sold by weight, measure of capacity, or number, the quantity sold at one time of any one kind of fruit being less than twenty pounds in weight :
- (b1) fruit sold by weight, measure of capacity, or number, the quantity sold at any one time of any one kind of fruit being more than five hundred pounds in weight, which is sold direct to any person for the purpose of being used for the manufacture of jam or preserves of any kind in any factory of that person :
- (b2) fruit sold in bulk, the quantity sold at any one time of any one kind of fruit being more than five hundred pounds in weight, which is sold direct to any person for the purpose of being used for the manufacture of jam or preserves of any kind in any factory of that person :

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

H. ANGAS PARSONS, Deputy Governor.