



NEW ZEALAND

ANALYSIS

Title.

1. Short Title.
2. Constitution of District Milk Boards in certain cases.
3. District Milk Board to have powers and functions of a Metropolitan Milk Board.
4. Consequential amendments.

5. Milk Authority may acquire and hold shares in company formed for treatment of milk.
6. Section 61 of principal Act (as to licences for sale, &c., of milk) extended.
7. Protection of rehabilitation loans to roundsmen.
8. Section 68 of principal Act (as to restriction of right to sell milk round) amended.

1947, No. 55

Title.

AN ACT to amend the Milk Act, 1944.

[25th November, 1947

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. This Act may be cited as the Milk Amendment Act, 1947, and shall be read together with and deemed part of the Milk Act, 1944 (hereinafter referred to as the principal Act).

1944, No. 30

Constitution of District Milk Boards in certain cases.

2. (1) This section shall apply in every case where, in respect of any milk district, the Governor-General is satisfied—

(a) That the Council of any borough situated wholly or partly within the district has declined to be the Milk Authority of the district; or

(b) That there is no borough situated wholly or partly within the district,—
and that it is impracticable to establish for the district a Metropolitan Milk Board.

(2) The Governor-General may, at the request of the Minister of Health made on the recommendation of the Central Milk Council, by Order in Council constitute for any milk district to which this section applies a District Milk Board, with such name as may be assigned thereto by the Order in Council.

(3) Every District Milk Board constituted under this section shall consist of not more than seven members, who shall be appointed by the Governor-General on the recommendation of the Minister of Health and who shall be members of local authorities whose districts are wholly or partly included within the district of the Board.

(4) Every member of a District Milk Board shall be appointed for such term, not exceeding three years, as the Governor-General determines, and shall come into office on the day following the date of his appointment. Every such member shall continue in office until his successor comes into office.

(5) In the event of an extraordinary vacancy in the membership of a District Milk Board, the vacancy shall be filled in the manner in which the original appointment was made. Every person appointed to fill an extraordinary vacancy under this subsection shall hold office until the expiry of the term of office of his predecessor.

(6) The provisions of sections twenty-one and twenty-two of the principal Act shall, so far as applicable and with the necessary modifications, apply with respect to members of a Board constituted under this section.

(7) Except as provided in the last preceding subsection, nothing in sections thirteen to twenty-four of the principal Act shall be construed to apply with respect to any Board or the members of any Board constituted under this section.

District Milk Board to have powers and functions of a Metropolitan Milk Board.

3. Every District Milk Board constituted under the last preceding section shall have all the powers, functions, and duties of a Metropolitan Milk Board, and, subject to the provisions of subsection six of the last preceding section, the provisions of the principal Act shall, so far as applicable and with the necessary modifications, apply in all respects as if the District Milk Board were a Metropolitan Milk Board.

Consequential amendments.

4. (1) Subsection one of section two of the principal Act is hereby amended as follows:—

- (a) By inserting in the definition of the terms “ Board ” and “ Milk Board ”, after the words “ Metropolitan Milk Board ”, the words “ or a District Milk Board ”:
- (b) By inserting in the definition of the term “ Milk Authority ”, after the words “ Metropolitan Milk Board ”, the words “ or the District Milk Board ”.

(2) The principal Act is hereby further amended as follows:—

- (a) By inserting in subsection two of section eight, after the words “ Metropolitan Milk Board ”, the words “ or a District Milk Board ”:
- (b) By inserting in subsection four of section eleven, after the words “ Metropolitan Milk Board ”, the words “ or a District Milk Board ”:
- (c) By inserting in subsection one of section twelve, after the words “ Metropolitan Milk Board ”, the words “ or a District Milk Board ”.

Milk Authority may acquire and hold shares in company formed for treatment of milk.
1933, No. 29

5. (1) In addition to its powers under Part IV of the principal Act, any Milk Authority shall have power from time to time to acquire and hold shares or stock in the capital of any company incorporated under the Companies Act, 1933, the principal object of which is the treatment of milk.

(2) For the purposes of this section the principal business which the company for the time being carries on shall be deemed to be the principal object of the company, notwithstanding that it may have authority to carry on any other business.

6. Section sixty-one of the principal Act is hereby amended as follows:—

Section 61 of principal Act (as to licences for sale, &c., of milk) extended.

(a) By omitting from paragraph (f) of subsection one the words “pasteurization or like”:

(b) By omitting from paragraph (g) of the said subsection one the words “pasteurize milk or”, and the words “designed for the same purpose as pasteurization”.

7. Section sixty-five of the principal Act is hereby amended by adding the following new subsection:—

Protection of rehabilitation loans to roundsmen.

“(7) In any case where the Rehabilitation Board or any agency of that Board proposes to advance or has advanced moneys to any discharged serviceman upon the security of any chattels used by him in connection with the business of any milk round or upon the security of the goodwill of any such business or milk round, it shall be lawful for the Milk Authority, notwithstanding anything hereinafter contained, to enter into and carry out any agreement with the Rehabilitation Board or agency of that Board whereby the Milk Authority agrees to take steps for the purpose of protecting the security for the moneys advanced as aforesaid or of enabling the security to be realized to the best advantage.”

8. (1) Section sixty-eight of the principal Act is hereby amended by omitting from subsection one the words “to any purchaser”, and substituting the words “or enter into any contract, agreement, or undertaking to sell to any person (in this section referred to as the purchaser)”.

Section 68 of principal Act (as to restriction of right to sell milk round) amended.

(2) The said section sixty-eight is hereby further amended by repealing subsection two, and substituting the following subsection:—

“(2) The Milk Authority may, in its discretion, refuse to grant a licence to any person who has purchased or agreed or undertaken to purchase the goodwill of any milk round or of any portion thereof if the goodwill has not before the purchase, or, as the case may require, before the making of the contract or agreement or the giving of the undertaking, been offered for sale to the Milk Authority on terms at least as favourable as those on which the purchaser has

purchased or agreed or undertaken to purchase it. No appeal, and no action or other proceeding against the Milk Authority, shall lie in respect of any such refusal.”

(3) The said section sixty-eight is hereby further amended as follows:—

- (a) By inserting in subsection three, after the words “the sale”, the words “or any contract, agreement, or undertaking for the sale”:
 - (b) By inserting in the said subsection three, after the words “are being sold”, the words “or are, under the provisions of the contract, agreement, or undertaking, to be sold”.
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