

Serial Number 1951/276

**THE AUCKLAND MILK TREATMENT CORPORATION
REGULATIONS 1946, AMENDMENT NO. 2**

FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 28th day of
November 1951

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Marketing Act 1936 and the Agriculture (Emergency Powers) Act 1934, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. These regulations may be cited as the Auckland Milk Treatment Corporation Regulations 1946, Amendment No. 2, and shall be read together with and deemed part of the Auckland Milk Treatment Corporation Regulations 1946* (hereinafter referred to as the principal regulations).

2. Regulation 4 of the principal regulations is hereby amended by omitting from subclause (1) the word "September", and substituting the word "November".

3. Regulation 6 of the principal regulations is hereby amended by revoking the proviso to subclause (3).

4. The principal regulations are hereby amended by revoking regulation 7, and substituting the following regulation :—

" 7. (1) In any case in which the Corporation is satisfied that any director is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, a deputy may be appointed, in accordance with this regulation, to act for that director during his incapacity, and any such deputy shall, while he acts as such, be deemed to be a director.

* *Gazette*, 3 October 1946, Vol. III, page 1544.

Amendment No. 1 : *Gazette*, 10 March 1949, Vol. I, page 700.

See also the Milk Treatment (Unauthorized Expenditure) Regulations 1948 : *Gazette*, 1 July 1948, Vol. II, page 821

“(2) In the case of the incapacity of the director appointed as representative of the Government, the deputy shall be appointed by the Minister.

“(3) In the case of the incapacity of any director appointed as a representative of the consumers, the deputy shall be appointed by the Corporation, acting with the consent of the Auckland Metropolitan Milk Board.

“(4) In the case of the incapacity of any director appointed as a representative of the producers after an election, the deputy shall be appointed by the Corporation, acting with the consent of the other person for the time being holding office as a representative of the producers.

“(5) No such appointment of a deputy, and no act done by him as such, shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.”

5. Regulation 9 of the principal regulations is hereby amended by revoking subclause (3), and substituting the following subclause:—

“(3) The Chairman may at any time call a special meeting of the directors. The Secretary shall call a special meeting on a requisition in writing delivered to him and signed by any two directors.”

6. The said regulation 9 is hereby further amended by revoking subclause (5), and substituting the following subclause:—

“(5) The Chairman shall preside at every meeting of the directors:

“Provided that if the Secretary is notified that the Chairman is unable to attend, or if the Chairman is not present within fifteen minutes after the time appointed for holding the meeting or is unwilling to act as Chairman at the meeting, the directors then present shall choose a director to act as the chairman of the meeting.”

7. The said regulation 9 is hereby further amended by adding to subclause (6) the following proviso:—

“Provided also that a resolution in writing signed by all the directors shall be as valid and effectual as if it had been passed at a meeting of the directors held pursuant to these regulations.”

8. Regulation 11 of the principal regulations is hereby amended by revoking subclause (2), and substituting the following subclause:—

“(2) There may be paid to the directors out of the funds of the Corporation all amounts actually and reasonably expended by them—

“(a) In attending meetings of the directors or of any committee of the directors:

“(b) In transacting any business of the Corporation, if the business was transacted pursuant to a resolution of the directors or of any committee of the directors or if payment is authorized by a resolution of the directors.”

9. The principal regulations are hereby amended by inserting, after regulation 11, the following regulation:—

“11A. The Corporation may from time to time appoint a Manager and a Secretary of the Corporation and may prescribe the duties of the holders of those offices.”

10. The principal regulations are hereby further amended by revoking regulation 12, and substituting the following regulation:—

“12. (1) Any contract which, if made between private persons, must be by deed shall, when made by the Corporation, be in writing under the seal of the Corporation.

“(2) Any contract which, if made between private persons, must be in writing signed by the parties to be charged therewith shall, when made by the Corporation, be either in writing under the seal of the Corporation or in writing signed—

“(a) By two directors acting on behalf of and under the express or implied authority of the Corporation ; or

“(b) If it is a contract involving the payment by the Corporation of a sum not exceeding £150, by two directors acting as aforesaid, or by the Manager, or the Secretary, acting on behalf of and under the express or implied authority of the Corporation.

“(3) Any contract which, if made between private persons, may be made orally may be similarly made on behalf of the Corporation by the Chairman, or the Manager, or the Secretary, acting under the express or implied authority of the Corporation :

“Provided that no oral contract shall be made involving the payment by the Corporation of a sum exceeding £150.”

11. (1) Regulation 14 of the principal regulations is hereby amended by inserting in subclause (2), after paragraph (d), the following paragraph :—

“(dd) Acquire by purchase, lease, or otherwise howsoever any milk round or milk distribution business and the goodwill thereof, and operate the round or business as a retail distributor of milk and milk products :”

(2) The said regulation 14 is hereby further amended by adding to subclause (2) the following paragraphs :—

“(h) Support, subscribe to, and make donations to any institution, society, or club which may be for the benefit of the Corporation or its employees :

“(i) Grant any pension, gratuity, or charitable aid to any person who has been employed by the Corporation, or to the wife, widow, children, or other relatives of any such person ; and establish and contribute to any provident or benefit fund for the benefit of persons employed by the Corporation.”

12. The principal regulations are hereby further amended by revoking regulation 16, and substituting the following regulation :—

“16. (1) The Corporation may from time to time, with the prior consent in each case of the Minister of Finance and subject to such conditions as he may impose, borrow moneys, or secure the payment of any moneys owing or the performance or satisfaction of any obligation or liability incurred or undertaken by the Corporation, in such manner as it thinks fit.

“(2) Without limiting the generality of subclause (1) of this regulation, but subject to any conditions imposed thereunder, the Corporation may for the purposes of that subclause issue debentures or debenture stock, whether perpetual, redeemable, or otherwise, bonds, mortgages, bills of sale, liens, or any other securities whatsoever, charged upon the whole or any part of the Corporation's property or assets, whether present or future ; and may purchase, redeem, or pay for any such security as aforesaid.

“(3) The Corporation may from time to time, with the prior consent in each case of the Minister of Finance and subject to such conditions as he may impose, borrow any moneys without giving any security therefor.”

13. Regulation 19 of the principal regulations is hereby amended by revoking paragraph (d), and substituting the following paragraphs:—

“(d) If the Minister of Finance so consents, and subject to any conditions imposed by him, in the making of advances to owners or lessees of milk rounds or milk distribution businesses or of any shares or interests therein, whether without security or on the security of bills of sale or such other securities as the Corporation thinks fit, on such terms as to repayment and as to payment of interest as the Corporation thinks fit; or

“(e) In the acquisition of any share or interest in any milk round or milk distribution business; or

“(f) In any other securities that may from time to time be authorized by the Minister of Finance.”

T. J. SHERRARD,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 29th day of November, 1951.

These regulations are administered in the Marketing Department.