

Serial Number 1948/121



**THE BUTTER-BOX AND CHEESE-CRATE POOL
REGULATIONS 1948**

B. C. FREYBERG, Governor-General

By his Deputy,
H. F. O'LEARY

ORDER IN COUNCIL

At the Government House at Wellington, this 22nd day of
July, 1948

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

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

REGULATIONS

PRELIMINARY

1. (1) These regulations may be cited as the Butter-box and Cheese-crate Pool Regulations 1948.

(2) These regulations shall come into force on the 1st day of August, 1948.

2. (1) The Butter-box and Cheese-crate Pool Regulations 1941* are hereby revoked.

(2) All agreements, approvals, licences, permits, and generally all acts of authority, and all other documents, matters, acts, and things which originated under the regulations hereby revoked and are of continuing effect at the commencement of these regulations shall enure for the purposes of these regulations as fully and effectually as if they had originated under the corresponding provisions of these regulations, and accordingly shall, where necessary, be deemed to have so originated.

3. In these regulations, unless the context otherwise requires,—

“The Act” means the Agriculture (Emergency Powers) Act, 1934:

“Board” means the New Zealand Dairy Board referred to in section 10 of the Act:

* Statutory Regulations 1941, Serial number 1941/128, page 405.

† Statutory Regulations 1938, Serial number 1938/91, page 396.

- “Butter-boxes” means butter-boxes of the type prescribed by or authorized under the Dairy-produce Regulations 1938† in which butter may be packed for export and exported, and includes box boards in shooks cut ready for assembling into butter-boxes :
- “Cheese-crates” means cheese-crates of the type prescribed by or authorized under the Dairy-produce Regulations 1938 in which full-cream cheese may be packed for export and exported, and includes parts of cheese-crates and boards in shooks cut ready for assembling into cheese-crates :
- “Commission” means the New Zealand Dairy Products Marketing Commission established under the Dairy Products Marketing Commission Act, 1947 :
- “Containers” includes butter-boxes and cheese-crates, either complete or in parts :
- “Licensee” means any person licensed under these regulations to manufacture butter-boxes or cheese-crates, either complete or in parts, or both butter-boxes and cheese-crates, either complete or in parts ; and includes the proprietor of a manufacturing dairy where such proprietor manufactures his own butter-boxes or cheese-crates, or both :
- “Manufacturing dairy” means any premises registered as a cheese-factory, creamery, or whey-butter factory as provided by the Dairy-produce Regulations 1938 :
- “Minister” means the Minister of Agriculture :
- “Price Tribunal” means the Price Tribunal constituted under the Control of Prices Act, 1947 :
- “Proprietor” means the owner of a manufacturing dairy, whether jointly or severally, and includes the owner’s agent or manager, and, in the case of a company, includes the manager, secretary, or other principal officer thereof :
- “Season”, when used with reference to matters affecting proprietors, means the period of twelve months commencing on the 1st day of August in any year, and, when used with reference to matters affecting licensees, means the period of twelve months commencing on the 21st day of May in any year.

4. Any contract entered into by the Board in pursuance of these regulations that, if made between private persons,—

- (a) Must be by deed, shall, when made by the Board, be in writing under the common seal of the Board :
- (b) Must be in writing signed by the parties to be charged therewith, may, when made by the Board, be in writing, signed by any person acting on behalf of and under the express or implied authority of the Board :
- (c) Might be made orally without writing may, when made by the Board, be made orally without writing by any person acting on behalf of and under the express or implied authority of the Board.

5. Any notice, licence, demand, or other document to be given, issued, made, or executed by the Board shall be sufficient if verified by the signature of the secretary of the Board for the time being or issued under the common seal of the Board.

SUPPLY OF BUTTER-BOXES AND CHEESE-CRATES

6. (1) In order to ensure a regular supply of butter-boxes and cheese-crates for all proprietors requiring them, the Board shall, from the commencement of these regulations, be the sole and exclusive agent of every proprietor for the purpose of purchasing butter-boxes and cheese-crates.

(2) It shall not be lawful for any proprietor to purchase butter-boxes or cheese-crates save through the Board as his agent.

7. No proprietor shall pack butter intended for export beyond New Zealand or ship butter for export beyond New Zealand in a butter-box which was not purchased by the Board in pursuance of these regulations.

8. No proprietor shall pack cheese intended for export beyond New Zealand or ship cheese for export beyond New Zealand in a cheese-crate which was not purchased by the Board in pursuance of these regulations.

9. Any proprietor manufacturing butter or cheese for export beyond New Zealand and requiring containers in which to pack the butter or cheese shall, on or before the 1st day of April in every year, notify the Board of the number of butter-boxes and cheese-crates respectively which he estimates he will require for the next ensuing season, and the Board shall thereupon be at liberty to direct whether those butter-boxes, or any of them, shall be supplied in shooks or nailed up, and to arrange for the supply of those butter-boxes and cheese-crates, or any of them, from licensees, or, if need be, from manufacturers outside New Zealand upon such terms as the Board thinks fit.

10. On the first day of each month every proprietor shall forward to the Board a statement showing—

- (a) The total quantity of butter-boxes and cheese-crates (separately stated) which he has on hand at that date ;
- (b) The total quantity of butter-boxes and cheese-crates (separately stated) which he has used during the immediately preceding month ; and
- (c) An estimate of his requirements in butter-boxes and cheese-crates (separately stated) for the month in which the statement is prepared and for the next succeeding month.

11. No licensee shall have any direct right of action against a proprietor in regard to any matters arising out of containers supplied, but all remedies of the licensee shall be available solely against the Board.

12. Any claim of a proprietor or the Board for containers short-delivered or for containers supplied not conforming to the requirements of the Dairy-produce Regulations 1938, or any other matter arising out of the supply of containers, shall be made and prosecuted by the Board, but the Board shall be entitled to an indemnity to its satisfaction to be furnished by the proprietor before any such claim is made or prosecuted.

13. Nothing contained in these regulations shall give any proprietor a right of action against the Board where the Board finds it impracticable for any reason to procure from licensees the containers required by the proprietor.

PRICES TO LICENSEES

14. The prices to be paid to licensees for butter-boxes supplied or to be supplied under these regulations shall be ascertained in each season as follows :—

- (a) The Board shall ascertain on the basis of its actual cost the value of timber held in stock for the manufacture of butter-boxes by each licensee at the commencement of the season, and, having regard to the reasonable quantity of timber which the licensee should use for the manufacture of butter-boxes, the Board shall estimate the value of the timber required by the licensee for the manufacture of butter-boxes :
- (b) The Price Tribunal shall, prior to the commencement of each season, fix a manufacturing-allowance which will be paid to licensees for the manufacture of each butter-box made, and such allowance shall remain in force throughout the season unless altered during the season by the Tribunal :
- (c) The provisional price to which each licensee shall be entitled at the commencement of the season for the butter-boxes supplied by him to the Board shall be obtained by adding the timber value estimated pursuant to paragraph (a) of this regulation to the manufacturing-allowance for the time being fixed pursuant to paragraph (b) of this regulation. The provisional price shall be subject to adjustment as hereinafter provided.

15. The prices to be paid to licensees for cheese-crates, either complete or in parts, supplied or to be supplied under these regulations shall be ascertained as follows :—

- (a) Where the licensee purchases the timber to be used by him during the season for the manufacture of cheese-crates, either complete or in parts,—
 - (i) The Board shall ascertain on the basis of its actual cost the value of timber held in stock for the manufacture of cheese-crates, either complete or in parts, by each licensee at the commencement of each season, and, having regard to the reasonable quantity of timber which the licensee should use for the manufacture of cheese-crates, either complete or in parts, the Board shall estimate the value of the timber required by the licensee in the manufacture of cheese-crates, either complete or in parts :
 - (ii) The Price Tribunal shall, prior to the commencement of each season, fix manufacturing-allowances which will be paid to each licensee for the manufacture of a cheese-crate, complete and in parts, to be supplied by him, and such allowances shall remain in force throughout the season unless altered during the season by the Tribunal :
 - (iii) The provisional prices to which each licensee shall be entitled at the commencement of each season for the cheese-crates, complete and in parts, supplied by him to the Board shall be obtained by adding the timber value estimated pursuant to subparagraph (i) of this paragraph to the appropriate manufacturing-allowance for the time being fixed pursuant to subparagraph (ii) of this paragraph. The provisional prices shall be subject to adjustment as hereinafter provided.

- (b) Where the licensee produces the timber to be used by him during the season for the manufacture of cheese-crates he shall be entitled at the commencement of the season to such provisional prices for the cheese-crates, complete and in parts, supplied by him to the Board as the Price Tribunal shall determine. Such provisional prices shall remain in force throughout the season unless altered during the season by the Tribunal, but shall be subject to adjustment as hereinafter provided.

16. Every licensee shall, forthwith on delivery by him of any container pursuant to these regulations, furnish to the Board a delivery-note containing particulars of such delivery.

17. Not later than the last day of every month every licensee shall furnish to the Board a detailed statement of the sum claimed by him as due for containers delivered by him during the period from the 20th day of the last preceding month up to and including the 20th day of the month by the last day of which the statement is to be furnished.

18. Payment of the amount of every such statement when duly rendered, and if approved by the Board as correct, shall be made by the Board to the licensee on the 20th day of the month following the month on the last day of which the statement is required to be furnished.

19. At any time during the season or after the close of the season the Board, in consultation with the Price Tribunal, may consider any evidence—

- (a) That the actual prices paid at the time of purchase by any licensee for timber to be used in the manufacture of containers were higher or lower than the relevant value of the timber estimated pursuant to paragraph (a) of Regulation 14 or subparagraph (i) of paragraph (a) of Regulation 15 hereof, as the case may be ; or
- (b) That in the manufacture of containers by any licensee overtime was reasonably and justifiably worked or additional expenditure was actually and reasonably incurred in kiln-drying any timber and that by reason of the rate of wages paid for overtime or of the additional expenditure so incurred in kiln-drying timber the actual cost of manufacture was higher than the relevant manufacturing-allowance fixed pursuant to paragraph (b) of Regulation 14 or subparagraph (ii) of paragraph (a) of Regulation 15 hereof, as the case may be ; or
- (c) That in the manufacture by any licensee of cheese-crates, either complete or in parts, to which paragraph (b) of Regulation 15 applies overtime was reasonably and justifiably worked or additional expenditure was actually and reasonably incurred in kiln-drying any timber and that by reason of the rate of wages paid for overtime or of the additional expenditure so incurred in kiln-drying timber the relevant price for the time being fixed pursuant to paragraph (b) of the said Regulation 15 was less than the total cost of manufacture,—

and may thereupon make such adjustment of the provisional price or prices payable to that licensee as the Board deems just and equitable, and any such adjustment may, in the discretion of the Board, be retrospective so as to relate to containers already delivered and paid for.

20. Any sum found to be due to the Board by a licensee in consequence of any such adjustment shall be payable by the licensee to the Board on demand, and in default of payment may be recovered by the Board as a debt in any Court of competent jurisdiction.

PRICES TO PROPRIETORS OF MANUFACTURING DAIRIES

21. Proprietors shall pay to the Board a delivered price for butter-boxes and a delivered price for cheese-crates supplied under these regulations. For the purposes of this regulation, when delivery is made by rail or sea it shall be deemed to be made when the containers are delivered to the wharf or railway-station, whichever is nearest the manufacturing dairy to which the containers are supplied.

22. The respective delivered prices shall be arrived at as follows :—

(a) Forthwith after the end of every season the Board shall ascertain separately in respect of butter-boxes and cheese-crates the outlay made and incurred by the Board and properly referable to the accounts of that season in respect of the following matters :—

(i) The purchase of butter-boxes and cheese-crates respectively from licensees and manufacturers outside New Zealand (including any adjustment relating to the price of timber) and the supply of butter-boxes and cheese-crates to proprietors :

(ii) The sum fixed by the Board as a reserve for depreciation of butter-boxes and cheese-crates stored by or on behalf of the Board pursuant to these regulations :

(iii) The expenses incurred by the Board in carrying out the powers and duties conferred and imposed on the Board by these regulations, including such portion or proportion of the overhead expenses of the Board's office as may be fixed by the Board.

(b) The Board shall then ascertain separately in respect of butter-boxes and cheese-crates the amount by which the total sum paid or payable by proprietors for butter-boxes or cheese-crates delivered by the Board in that season exceeds, or is less than, the outlay for that season in respect of the acquisition of butter-boxes and cheese-crates ascertained by the Board pursuant to paragraph (a) of this regulation.

(c) The Board shall then estimate separately in respect of butter-boxes and cheese-crates the average price at which butter-boxes and cheese-crates are obtainable by the Board during the next ensuing season from licensees, allowing a reserve for the purpose of meeting any adjustment that may subsequently be made in prices payable to licensees and in respect of the depreciation of butter-boxes and cheese-crates stored by it pursuant to these regulations.

(d) The Board shall then estimate separately in respect of butter-boxes and cheese-crates the average cost of transport of butter-boxes and cheese-crates between factory or store and point of delivery to the proprietors of manufacturing dairies, and in the case of butter-boxes may apportion this cost as it thinks fit according to whether butter-boxes or box boards in shooks are delivered to such proprietors.

- (e) The Board shall then estimate separately in respect of butter-boxes and cheese-crates the cost for the next ensuing season to the Board of acting as the agent of the proprietors and carrying out the powers and duties conferred and imposed on the Board by these regulations, including such portion or proportion of the overhead expenses of the Board's office as may be fixed by the Board.
- (f) Taking into account the respective surpluses or deficiencies ascertained under paragraph (b) and the respective prices, charges, and costs estimated under paragraphs (c), (d), and (e) of this regulation, the Board shall forthwith fix and notify delivered prices for butter-boxes and cheese-crates.
- (g) Notwithstanding the provisions of paragraph (f) of this regulation, the delivered prices notified pursuant to that paragraph may from time to time be modified by the Board if in its opinion any change of circumstances makes it proper that a modification should be made.

23. If by reason of the default of any proprietor or by reason of the means of transport of butter or cheese adopted by any proprietor the Board is required to pay additional freight rates in respect of the delivery by rail of containers to such proprietor or is unable to take advantage of any minimum railway freight rates for containers, the Board may in its discretion decide that an additional payment of such sum as the Board thinks proper shall be made by such proprietor in respect of the containers on which the additional freight rates were incurred or in respect of which a freight rate in excess of the minimum was payable.

24. Invoices for containers supplied to any proprietor by a licensee or by the Board in any month shall be rendered to such proprietor by the Board as delivery notes are received by the Board from the licensee, and a monthly statement shall be rendered by the Board to such proprietor within seven days after the end of that month or so soon thereafter as practicable, and the amount shown as owing in such statement shall be due and payable by such proprietor to the Board on the 20th day of the month in which the statement is rendered.

25. If any proprietor fails to pay to the Board the full amount of any account for butter-boxes or cheese-crates supplied through the Board on the due date of payment, then—

- (a) The Board may notify the Commission of the amount due by the proprietor, and thereupon the Commission shall be entitled, without further authority than this regulation, to deduct the amount owing from any moneys that are then payable or may after the receipt of such notice become payable to the proprietor out of the Dairy Industry Account, and to pay the amount to the Board, whose receipt shall be a sufficient discharge therefor; or
- (b) The Board may recover the amount due as a debt in any Court of competent jurisdiction; or
- (c) The Board may decline to permit the supply of any butter-boxes or cheese-crates to the proprietor in default so long as such default continues.

FURTHER POWERS OF BOARD.

26. It shall be lawful for the Board, with the approval of the Minister, to import containers in such quantities as the Minister may approve, whether for immediate delivery to proprietors or for storage as hereinafter provided.

27. It shall be lawful for the Board, with the approval of the Minister, to store or arrange for the storage, at such places and under such conditions as the Board deems fit, of any containers acquired by the Board, whether from licensees in New Zealand or from manufacturers outside New Zealand.

28. Notwithstanding anything contained in the foregoing provisions of these regulations, the Board shall have an absolute discretion to permit the proprietor of any manufacturing dairy to obtain containers otherwise than as hereinbefore provided and to use the same for packing and exporting butter and cheese from New Zealand if in the opinion of the Board it is desirable that the proprietors of manufacturing dairies in any portion of New Zealand, to be defined by the Board, should be exempted from the provisions of these regulations.

29. Any permission under the last preceding regulation may be granted for such period and subject to such conditions as the Board thinks fit, and the Board may at any time in its discretion withdraw any permission so granted.

30. The Board may from time to time require any proprietor to maintain such stocks of containers as the Board shall consider necessary in the interests of the individual proprietors and for the welfare of the dairy industry, and may from time to time require any proprietor to alter or increase the space available for the storage of his containers if in the opinion of the Board such storage space is either unsatisfactory or inadequate for the number of containers which the Board considers should be held by the proprietor.

LICENCES FOR MANUFACTURE

31. No person shall manufacture containers in New Zealand except in pursuance of a licence issued under the provisions of these regulations and in the premises named in the licence.

32. Every application for a licence under these regulations shall be made in writing to the Board, signed by or on behalf of the manufacturer, in or to the effect of the form numbered 1 in the Schedule hereto. It shall be sufficient if one application be made in respect of the manufacture of both butter-boxes and cheese-crates, either complete or in parts.

33. Every such licence shall, according to the terms thereof, authorize the licensee to carry on the manufacture of (a) butter-boxes, or (b) complete cheese-crates, or (c) cheese-crate ends and centres, or (d) cheese-crate battens, or two or more or all kinds of such articles, as the case may be, in the premises or respective premises specified in the licence.

34. Should a licensee be desirous of manufacturing any containers in premises in addition to or in substitution for the premises or respective premises specified in his existing licence, he shall make application to the Board in the prescribed form, and the Board may in its discretion grant him a fresh licence accordingly.

35. Before granting a licence under these regulations the Board shall take into consideration the following matters :—

- (a) The economic necessity for the establishment in the district of a factory or additional factory of the kind proposed :
- (b) The prospect of carrying on successfully the manufacture of butter-boxes, complete cheese-crates, cheese-crate ends and centres, or cheese-crates battens, or two or more or all kinds of such articles, as the case may be, to the extent proposed in the premises mentioned in the application, having regard to all relevant circumstances :
- (c) The probable effect of competition from the factory in respect of which the applicant seeks a licence on the quality of the goods which might be manufactured therein or in competing factories.

36. The Board shall have an absolute discretion to refuse a licence, but shall not grant a licence without the previous approval of the Minister.

37. As a condition of the granting of any licence for the manufacture of containers, the licensee shall enter into an agreement with the Board in or to the effect of the form numbered 2 in the Schedule hereto.

38. A licence granted to an applicant in pursuance of these regulations shall be in the form numbered 3 in the Schedule hereto.

39. (1) The Board shall have full power and authority, without prejudice to any other remedies it may have against the licensee, to revoke any licence—

- (a) If it is established to the satisfaction of the Board that the licensee has made persistent default in any contract entered into with the Board or deemed under these regulations to have been entered into with the Board :
- (b) If the provisional price which the Board is prepared to fix as being the price which such licensee should be paid for butter-boxes or cheese-crates, or parts of cheese-crates, as the case may be, under these regulations is in the opinion of the Board an uneconomic price to pay having regard to all other relevant circumstances :
- (c) In the case of a licence granted under the regulations hereby revoked and enuring under these regulations and vested in a licensee not bound by an agreement in or to the effect of the form numbered 2 in the Schedule hereto, if the licensee refuses or fails or neglects to enter forthwith into such an agreement with the Board when required by the Board so to do.

40. Such revocation as aforesaid shall be effected by notice in writing given by the Board to the licensee, and shall take effect from the receipt by the licensee of the notice or at such later date as the Board specifies in the notice.

41. No licensee shall supply, in pursuance of any contract made with him by the Board under these regulations or by the proprietor of any manufacturing dairy, any butter-box or cheese-crate, either complete or in parts, that does not conform in every respect to the relevant requirements, so far as applicable, prescribed for butter-boxes or cheese-crates by the Dairy-produce Regulations 1938.

42. It shall be lawful for the Board to require that every licensee shall maintain moisture-testing equipment approved by the Board for the purpose of carrying out regular tests, at the times and in the manner from time to time prescribed by the Board, to determine the moisture content of the timber used by the licensee in the manufacture of such containers as he is licensed to manufacture.

43. Every licensee who is required to maintain any moisture-testing equipment pursuant to the last preceding regulation shall keep a special book in which shall be recorded the results of the tests made by him from time to time to determine the moisture content of timber used in the manufacture of containers, and the book shall be open at all times for inspection by any officer of the Board or any person duly authorized in that behalf by the Board.

44. Notwithstanding the provisions of Regulations 42 and 43 hereof, the Board shall be at liberty to carry out tests at any time for the purpose of determining the moisture content of any timber used by any licensee in the manufacture of such containers as he is licensed to manufacture.

45. If any licensee fails, in the opinion of the Board, to comply with any of the provisions of Regulations 41 to 43 of these regulations, the Board may in its discretion, in manner provided by Regulation 40 hereof, revoke the licence issued to him under these regulations, without prejudice to the liability of the licensee to any penalty under section 3 of the Agriculture (Emergency Powers) Amendment Act, 1936.

SCHEDULE

[Form No. 1.]

The Butter-box and Cheese-crate Pool Regulations 1948

APPLICATION FOR LICENCE TO CARRY ON THE MANUFACTURE OF BUTTER-BOXES OR CHEESE-CRATES

APPLICATION is hereby made for a licence to carry on the manufacture of [butter-boxes] [cheese-crates] [cheese-crate ends and centres] [cheese-crate battens] in premises the particulars of which are set out below :—

1. Particulars of land and location of factory premises :
2. Name of owner :
3. If owner is a company, name of secretary :
4. Postal address of owner :
5. Name of and distance to nearest—
 - (a) Post-office :
 - (b) Telegraph or telephone office :
 - (c) Railway-station :
 - (d) Shipping port :
- *6. Number of butter-boxes which owner has agreed to supply for the current season, and the number supplied during the season immediately past :
- *7. Number of cheese-crates, either complete or in parts, which owner has agreed to supply for the current season, and the number supplied during the season immediately past—
 - (i) Complete cheese-crates :
 - (ii) Cheese-crate ends and centres only :
 - (iii) Cheese-crate battens only :

* Delete the paragraphs or portion thereof which are inapplicable.

- *8. Maximum output of butter-boxes of which the factory is capable under normal conditions in any one season—
- (a) If manufacturing butter-boxes only :
 - (b) If manufacturing butter-boxes and—
 - (i) Complete cheese-crates :
 - (ii) Cheese-crate ends and centres only :
 - (iii) Cheese-crate battens only :
- *9. Maximum output of cheese-crates, complete or in parts, of which the factory is capable under normal conditions in any one season—
- (a) If manufacturing—
 - (i) Complete cheese-crates only :
 - (ii) Cheese-crate ends and centres only :
 - (iii) Cheese-crate battens only :
 - (b) If manufacturing butter-boxes and—
 - (i) Complete cheese-crates :
 - (ii) Cheese-crate ends and centres only :
 - (iii) Cheese-crate battens only :

Dated at, this day of, 19..

Signature of Owner :

* Delete the paragraphs or portions thereof which are inapplicable.

[Form No. 2.

THIS AGREEMENT made the day of, 19.. between the New Zealand Dairy Board incorporated under the Dairy-produce Act, 1923, and its amendments (hereinafter referred to as the Board) of the one part And (hereinafter referred to as the manufacturer) of the other part Whereas regulations are now in force under the Agriculture (Emergency Powers) Act, 1934, in terms of which the Board as the sole agent of the proprietors controls the supply to manufacturing dairies of butter-boxes and cheese-crates in which butter and cheese for export may be packed And whereas the manufacturer manufactures or is prepared to manufacture [butter-boxes] [cheese-crates] [cheese-crate ends and centres] [and] [cheese-crate battens] and has applied for a licence under the said regulations And whereas as a condition of obtaining such a licence it is necessary that the manufacturer should enter into these presents Now this agreement witnesseth and it is hereby agreed and declared as follows :—

1. The manufacturer agrees to supply to the Board in its capacity as agent under the above-named regulations if and when ordered by the Board [butter-boxes] [cheese-crates] [cheese-crate ends and centres] [and] [cheese-crate battens] made by the manufacturer upon the premises named in the application of the manufacturer for a licence upon the terms and conditions following that is to say :—

(a) The Board shall be at liberty to order up to the maximum output of the manufacturer but not exceeding in any one season the totals following, namely :—

Butter-boxes :
 Complete cheese-crates :
 Cheese-crate ends and centres :
 Cheese-crate battens :

(If one total conditional upon another, alter as required.)

(b) Deliveries shall be made by the manufacturer ex factory as the Board may direct or require but the manufacturer shall not be bound to deliver more than the monthly quantities hereunder set out.

2. The prices to be paid by the Board for all [butter-boxes] [cheese-crates] [cheese-crate ends and centres] [and] [cheese-crate battens] supplied by the manufacturer shall be the appropriate prices from time to time fixed under the above-mentioned regulations.

3. The manufacturer shall be responsible that all butter-boxes, cheese-crates and parts thereof strictly conform to the specifications as regards description and quality required by the regulations. The Board shall have the right to reject and return any butter-box, cheese-crate or part thereof not strictly conforming to specification and the manufacturer without prejudice to any other remedies the Board may have shall be liable to pay to the Board liquidated damages for every butter-box or cheese-crate or part thereof so rejected after the following rates—namely, for every butter-box fourpence, for every cheese-crate sixpence, for every set of cheese-crate ends and centre threepence, and for every set of cheese-crate battens threepence. Should any dispute arise as to whether any butter-box or any cheese-crate or part thereof rejected was in conformity with specifications the dispute shall be referred to some officer of the Dairy Division of the Department of Agriculture to be appointed for the purpose by the Director of the Dairy Division and the decision of that officer based on his own expert knowledge shall be final.
4. The manufacturer shall deliver the butter-boxes or the cheese-crates or parts thereof ordered by the Board ex factory to such owners of manufacturing dairies and in such quantities as the Board from time to time directs.

[Form No. 3.]

The Butter-box and Cheese-crate Pool Regulations 1948

LICENCE TO CARRY ON THE MANUFACTURE OF BUTTER-BOXES OR CHEESE-CRATES PURSUANT to application in this behalf dated the day of, 19 . . ., [*Name of licensee*] is [are] hereby authorized to carry on the manufacture of [butter-boxes] [cheese-crates] [cheese-crate ends and centres] [cheese-crate battens],* in the premises described in the said application.

This licence shall remain in force subject to the provisions of the Butter-box and Cheese-crate Pool Regulations 1948 or any regulations in substitution thereof.

.
Secretary to the New Zealand Dairy Board.

* Delete words not applicable.

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 July, 1948.

These regulations are administered in the Department of Agriculture.

(Notice No. Ag. 4535.)