



THE DAIRY-PRODUCE EXPORT PRICES ORDER 1938.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 19th day of October, 1938.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Primary Products Marketing Act, 1936, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following Order.

ORDER.

1. (1) This Order may be cited as the Dairy-produce Export Prices Order 1938.

(2) In this Order, unless inconsistent with the context,—

“The said Act” means the Primary Products Marketing Act, 1936 :

“Dairy Regulations” means the Dairy-produce Regulations 1938*:

“Department” means the Primary Products Marketing Department established by the said Act, and includes every person by whom pursuant to the said Act the functions of the Department may be exercised.

2. This Order shall apply to all butter and cheese which is exported with the concurrence of the Department after the 31st day of July, 1938, and which is manufactured from milk or cream delivered to a dairy factory on or after the 1st day of August, 1938, and before the 1st day of August, 1939, and thereafter until a further Order is made.

3. Subject to the provisions of this Order, the several prices at which the Crown shall acquire all butter to which this Order applies and which becomes the property of the Crown pursuant to the provisions in that behalf of Part II of the said Act are hereby fixed as follows:—

(a) In the case of creamery butter to which is assigned one or other of the following respective grades and which is allotted points in grading within the range of the following respective grade points pursuant to the provisions in that behalf of the Dairy Regulations—

(i) For “Finest” grade, 94 points and over, the price of 15·015d. per pound :

(ii) For “Finest” grade, 93 points and under 94 points, the basic price of 14·89d. per pound :

(iii) For “First” grade, 92 points and under 93 points, the price of 14·8275d. per pound :

(iv) For “First” grade, 90 points and under 92 points, the price of 14·64d. per pound :

(v) For “Second” grade, the price of 14·14d. per pound :

* Statutory Regulations 1938, Serial number 1938/91.

(b) In the case of whey butter to which is assigned one or other of the following grades pursuant to the provisions in that behalf of the Dairy Regulations—

- (i) For "First" grade, the price of 13·89d. per pound :
- (ii) For "Second" grade, the price of 13·39d. per pound.

4. Subject to the provisions of this Order, the several prices at which the Crown shall acquire all cheese, being cheese to which this Order applies and which becomes the property of the Crown pursuant to the provisions in that behalf of Part II of the said Act, and being full-cream cheese to which is assigned one or other of the following respective grades and which is allotted points in grading within the range of the following respective grade points pursuant to the provisions in that behalf of the Dairy Regulations, are hereby fixed as follows :—

- (a) For "Finest" grade, 94 points and over, the price of 8·57625d. per pound :
- (b) For "Finest" grade, 93 points and under 94 points, the price of 8·545d. per pound :
- (c) For "First" grade, 92 points and under 93 points, the basic price of 8·42d. per pound :
- (d) For "First" grade, 91 points and under 92 points, the price of 8·3575d. per pound :
- (e) For "Second" grade, the price of 8·17d. per pound.

5. The appropriate price payable by the Crown pursuant to clause 3 hereof in respect of any butter to which that clause applies is hereby varied as follows :—

- (a) By payment of the further sum of 0·39285d. per pound in respect of unsalted butter which is manufactured by any manufacturer at the request in writing of the Department, and in such quantity as is from time to time specified in any such request and which is properly wrapped with vegetable parchment paper of the quality and kind prescribed by paragraph (a) of clause (2) of Regulation 27 of the Dairy Regulations :
- (b) By payment of the further sum of 0·04896d. per pound in respect of salted, unsalted, and whey butter which are properly wrapped as prescribed by paragraph (b) of clause (2) of Regulation 27 of the Dairy Regulations and which are packed in boxes of the type prescribed by the Dairy Regulations or in boxes of any type prescribed by the Dairy-produce General Regulations 1933, other than a Saranac wire-bound box, the thickness of timber of which is less than $\frac{3}{8}$ in. :

Provided that the price of any unsalted butter may be varied both under paragraph (a) and under paragraph (b) of this clause.

6. (1) The appropriate price payable by the Crown pursuant to clause 4 hereof in respect of any cheese to which that clause applies is hereby varied as follows :—

- (a) By payment of the further sum of 6d. for each crate of cheese which is coloured to the standard commercial colour for ordinary coloured cheese :
- (b) By payment of the further sum of 17d. for each crate of cheese which is coloured by a manufacturer at the request in writing of the Department to the standard commercial colour for deep-coloured cheese and which is manufactured in such quantity as is from time to time specified in any such request :

(c) By payment of the further sum of $4\frac{1}{2}$ d. for each crate of cheese of export size each cheese in which is coated with not more than 4 oz. of wax.

(2) For the purpose of determining whether any additional payment should be made in respect of any cheese pursuant to subclause (1) hereof the decision of any grader under the Dairy Regulations as to whether or not any cheese has been coloured to the standard commercial colour for ordinary coloured cheese or for deep-coloured cheese, or as to the weight of wax with which any cheese is coated, as the case may be, shall be accepted by all parties as final.

7. (1) From the appropriate price payable by the Crown for any butter or cheese pursuant to the foregoing provisions of this Order there shall also be deducted for each box of butter or crate of cheese the portion of the insurance premium paid or payable in respect of such box of butter or crate of cheese pursuant to any contract of insurance effected and in force covering such butter or cheese whilst in the process of manufacture or in transit.

(2) The portion of insurance premium to be deducted pursuant to this clause shall be computed by the Department, and the computation of the Department shall be final.

8. (1) Butter shall be packed in boxes each containing a net weight of 56 lb. 2 oz. of actual butter, excluding wrapping-paper.

(2) Every cheese shall weigh not less than 70 lb. nor more than 90 lb.

9. In computing the weight of butter for which payment is to be made in accordance with the foregoing provisions of this Order, the weight of all butter comprised in any consignment submitted for grading pursuant to the provisions in that behalf of the Dairy Regulations shall be ascertained as follows :—

(a) Each box of butter containing a net weight of 56 lb. 2 oz. of actual butter, excluding wrapping-paper, shall, subject as hereinafter provided, be computed at 56 lb. :

(b) The weight of all butter in any such consignment shall be determined on the basis of the weight as ascertained by the grader of the several boxes selected by him for weighing and set out in the Grader's Certificate issued in respect of that consignment, and the boxes of butter so weighed shall be taken as fixing the average weight for the whole quantity of butter comprised in such certificate, overweights being averaged with underweights in each such certificate in relation to the prescribed weight of 56 lb. 2 oz. per box :

(c) If the average weight ascertained as aforesaid of the butter comprised in any Grader's Certificate be less than 56 lb. 2 oz. per box, such deficiency shall be deducted from a weight of 56 lb. per box for the purpose of computing payment therefor :

(d) If the average weight ascertained as aforesaid of the butter comprised in any Grader's Certificate exceeds the prescribed weight of 56 lb. 2 oz. per box, then the amount of such excess shall not be taken into account for the purpose of computing payment therefor.

10. In computing the weight of cheese for which payment is to be made pursuant to the foregoing provisions of this Order, the weight of all cheese comprised in any consignment submitted for grading

pursuant to the provisions in that behalf of the Dairy Regulations shall be ascertained as follows :—

- (a) The weight of all cheese in any such consignment shall be determined on the basis of the weight as ascertained by the grader of the several crates of cheese selected by him for weighing and set out in the Grader's Certificate issued in respect of that consignment, and the crates of cheese so weighed shall be taken as fixing the average weight for the whole quantity of cheese comprised in such certificate, overweights being averaged with underweights in relation to the respective packed weights as set out in such certificate :
- (b) If the average weight ascertained as aforesaid of the crates of cheese comprised in any Grader's Certificate be less than the average of the marked weights thereof as set out in such certificate, then payment shall be made for the cheese comprised in that certificate on the basis of the average weight so ascertained :
- (c) If the average weight ascertained as aforesaid of the crates of cheese comprised in any Grader's Certificate exceeds the average of the marked weights thereof as set out in such certificate, then the amount of such excess shall not be taken into account for the purpose of computing payment therefor :
- (d) From the total weight computed as aforesaid of the cheese comprised in any Grader's Certificate there shall be deducted by way of shrinkage allowance an amount equal to $2\frac{1}{2}$ per centum thereof or such greater or lesser amount in respect of any particular brand or class of cheese as the Department may from time to time determine.

11. The prices hereby prescribed shall not be paid for any butter or cheese manufactured otherwise than in compliance with the Dairy Regulations.

12. (1) The price payable by the Crown for any butter or cheese which, with the approval or at the request of the Department, is manufactured, prepared, or packed for export in special containers or in special quantities or otherwise in any special manner shall be the appropriate price payable as hereinbefore provided, increased by the additional cost incurred in such special manufacture, preparation, or packing.

(2) Any such approval or request of the Department may include a stipulation limiting the additional cost to be incurred as aforesaid and may dispense with the requirements of clauses 8, 9, and 10 hereof, and, in that event, payment shall be made for the actual net weight of butter or cheese exported.

(3) The additional cost referred to in this clause shall be computed by the Department, and the computation of the Department shall be final.

C. A. JEFFERY,
Clerk of the Executive Council.

—

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 20th day of October, 1938.

These regulations are administered by the Primary Products Marketing Department.