

Serial Number 1941/71.



**THE DAIRY FACTORY MANAGERS REGULATIONS 1941.**

C. L. N. NEWALL, Governor-General.

**ORDER IN COUNCIL.**

At the Government Buildings at Wellington, this 7th day of  
May, 1941.

Present :

THE HON. W. NASH PRESIDING IN COUNCIL.

PURSUANT to the Dairy Industry Act, 1908, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

**REGULATIONS.**

**PART 1.—PRELIMINARY.**

**1 : 1.** These regulations may be cited as the Dairy Factory Managers Regulations 1941.

**1 : 2.** These regulations are divided into Parts, as follows :—

- Part 1.—Preliminary.
- Part 2.—Managers of Creameries and Cheese-factories to be registered.
- Part 3.—Constitution and Procedure of Dairy Factory Managers Registration Board.
- Part 4.—Functions of Board.
- Part 5.—The Register.
- Part 6.—Qualifications of Applicants for Registration.
- Part 7.—Application for Registration.
- Part 8.—Certificates of Registration.
- Part 9.—Removal of Names from Register.
- Part 10.—Appeals against Decision of Board.
- Part 11.—Fees.
- Part 12.—Travelling Expenses and Allowances.
- Part 13.—Offences and Penalty.

**1 : 3.** These regulations shall come into force on the day following notification in the *Gazette* of the making thereof.

**1 : 4.** In these regulations, unless inconsistent with the context,—

“Appropriate certificate” or “certificates” means—

(a) In the case of a manufacturing dairy registered only as a creamery, a first-class butter certificate ;

(b) In the case of a manufacturing dairy registered only as a cheese-factory, a first-class cheese certificate ;

(c) In the case of a manufacturing dairy registered both as a creamery and a cheese-factory and for the time being producing relatively large quantities of both butter and cheese, a first-class butter certificate, and a first-class cheese certificate ;

(d) In the case of a manufacturing dairy registered both as a creamery and a cheese-factory but for the time being producing principally butter, a first-class butter certificate and either a first-class or a second-class cheese certificate ;

(e) In the case of a manufacturing dairy registered both as a creamery and a cheese-factory but for the time being producing principally cheese, a first-class cheese certificate and either a first-class or a second-class butter certificate :

“Board” means the Dairy Factory Managers Registration Board established by these regulations :

“Certificate” includes the several certificates of registration enumerated in Regulation 8 : 1 hereof :

“Manager” means the person who has the immediate direction, guidance, and control of the actual process of manufacturing dairy-produce in a manufacturing dairy registered as a creamery or a cheese-factory, and includes the owner of any such manufacturing dairy who himself exercises such immediate direction, guidance, and control :

“Minister” means the Minister of Agriculture :

“Register” means the Register of Dairy Factory Managers kept pursuant to these regulations :

“Registered” means registered under these regulations.

Terms defined by the Dairy-produce Regulations 1938, shall have the respective meanings assigned to them by those regulations.

**1 : 5.** The respective regulations referred to in the First Schedule hereto are revoked.

**1 : 6.** All applications, appointments, certificates, permits, registers, registrations, and generally all acts of authority and all other documents, matters, acts, and things which originated or had effect under the regulations hereby revoked and are of continuing effect at the time of the coming into force of these regulations, shall enure for the purposes of these regulations as if they had originated under these regulations, and shall, where necessary, be deemed to have so originated.

**1 : 7.** All matters and proceedings commenced under the regulations hereby revoked and pending or in progress at the time of the coming into force of these regulations may be continued, completed, and enforced under these regulations.

**PART 2.—MANAGERS OF CREAMERIES AND CHEESE-FACTORIES TO BE REGISTERED.**

**2 : 1.** Except with the permission in writing of the Board granted pursuant to these regulations,—

(a) No person who is not the holder of an appropriate certificate or certificates of registration for the time being in force under these regulations shall perform the duties of manager in respect of a manufacturing dairy registered as a creamery or a cheese-factory :

(b) No person shall employ or cause or permit to be employed as manager of a manufacturing dairy registered as a creamery or a cheese-factory any person who is not the holder of an appropriate certificate or certificates of registration for the time being in force under these regulations.

**2 : 2.** Nothing in the last preceding regulation shall be deemed to prohibit the performance by any person not being the holder of an appropriate certificate or certificates of the duties of manager in respect of a manufacturing dairy registered as a creamery or a cheese-factory or the employment of any such person as manager for a period not exceeding thirty-one consecutive days or for periods aggregating not more than forty-two days in any period of twelve months where (in either case) such performance or employment is due to leave of absence or to the death, sickness, or removal of a person being the holder of an appropriate certificate or certificates and the inability of the owner of the manufacturing dairy in question to procure on reasonable terms the services of another person being the holder of an appropriate certificate or certificates :

Provided that the Board may, on application in that behalf by the owner of the manufacturing dairy in question, grant in writing an extension of the period of exemption provided in this regulation for such period and on such terms and conditions as it thinks fit.

**2 : 3.** Every person shall, forthwith on commencing to perform the duties of manager in respect of a manufacturing dairy registered as a creamery or cheese-factory in the place of any person theretofore performing the duties of manager in respect of that dairy, notify the Board of the name of the owner of the manufacturing dairy for whom such duties are performed.

**2 : 4.** The owner of every manufacturing dairy registered as a creamery or a cheese-factory shall, forthwith on the employment of a person in the place of any person theretofore employed as manager of his dairy, notify the Board of the name of the person so employed.

**PART 3.—CONSTITUTION AND PROCEDURE OF DAIRY FACTORY MANAGERS REGISTRATION BOARD.**

**3 : 1.** There is hereby established a Board to be known as the Dairy Factory Managers Registration Board (hereinafter referred to as the Board).

**3 : 2.** The Board shall consist of eight persons, who shall be appointed by the Minister, as follows :—

(a) Two persons, who shall be dairy company directors, on the recommendation of the New Zealand Dairy-produce Control Board :

- (b) Two persons, on the recommendation of the New Zealand Dairy Factory Managers Association :
- (c) One person, on the recommendation of the Otago and Southland Cheese-factory Managers' Union :
- (d) One person, who shall be a member of the staff of the Massey Agricultural College, on the recommendation of the Board of Governors of the Massey Agricultural College :
- (e) Two persons, who shall be members of the staff of the Department of Agriculture.

**3 : 3.** The Dairy Factory Managers Registration Board established under the Dairy Factory Managers Regulations 1934 and subsisting on the coming into force of these regulations shall enure for the purposes of these regulations as if it had been established hereunder, and shall be deemed to have been so established.

**3 : 4.** The members of the Board in office at the time of the coming into force of these regulations shall continue in office, and the current term of office of each member shall be computed from its actual date of commencement.

**3 : 5.** The appointment of any person by the Minister in any capacity described in the instrument of appointment shall be conclusive evidence that such person enjoys the qualification required by Regulation 3 : 2 hereof for appointment in that capacity.

**3 : 6.** If during his term of office any member ceases to enjoy the qualification by virtue of which he was appointed to the Board his membership of the Board shall not be affected thereby until he is removed from office by the Minister.

**3 : 7.** No act or proceeding of the Board or of any person acting as Chairman or other member of the Board shall be invalidated in consequence of there being a vacancy in the number of the Board at the time of such act or proceeding or of the fact that there was some defect in the appointment of any person so acting or that he was incapable of being such Chairman or other member.

**3 : 8.** Of the members of the Board one member to be named by the Minister shall be Chairman. The person holding office as Chairman of the Board on the coming into force of these regulations shall continue in office until his successor is named by the Minister pursuant to this regulation.

**3 : 9.** Every member of the Board shall, subject to the provisions of these regulations, be appointed for a term of two years, but may from time to time be reappointed, or may be at any time removed from office by the Minister in his discretion by notice in writing under his hand on the ground of disability, insolvency, neglect of duty, or misconduct, or on the ground that he no longer enjoys the qualification by virtue of which he was appointed to the Board, or may at any time resign his office by writing addressed to the Minister.

**3 : 10.** If any member of the Board dies, resigns, or otherwise vacates his office, his office shall become vacant, and the vacancy so created shall, within two months after the occurrence thereof, be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall (subject to removal under the last preceding regulation) hold office for the residue of the term for which his predecessor was appointed.

**3 : 11.** Meetings of the Board shall be held at such times and places as the Board shall from time to time appoint.

**3 : 12.** At every meeting of the Board four members shall constitute a quorum, and no business shall be transacted at any meeting unless a quorum is present.

**3 : 13.** In the absence of the Chairman from any meeting of the Board the members present thereat shall choose one of their number to be Chairman of that meeting. At every meeting of the Board the Chairman shall have a deliberate vote, and, in the case of an equality of votes, shall also have a casting vote.

**3 : 14.** Every question before the Board shall be determined by a majority of the votes of the members present at a meeting of the Board.

**3 : 15.** A special meeting of the Board may be demanded at any time by notice in writing in that behalf signed by the Chairman or any four members thereof and sent to the Registrar, who shall thereupon convene the meeting.

**3 : 16.** Subject to the provisions of these regulations, the Board may from time to time, by standing orders or otherwise, make such provision as it thinks fit for the conduct of its proceedings and business.

#### PART 4.—FUNCTIONS OF BOARD.

**4 : 1.** The functions of the Board shall be—

- (a) To receive applications for registration under these regulations and to authorize registration in cases where the conditions of registration have been complied with :
- (b) To direct the removal of names from the register in accordance with these regulations :
- (c) Generally, within the scope of its authority, to do whatever in its opinion may be necessary for the effective administration of these regulations.

**4 : 2.** Without limiting the generality of the powers conferred on the Board by paragraph (c) of Regulation 4 : 1 hereof, the Board shall have power—

- (a) To require an applicant for registration to submit himself for a written or oral examination, or both, to be held at such place or places as the Board may decide and to be conducted by the Board or by examiners appointed by the Board for the purpose in respect of the matters hereinafter prescribed as to which the Board is required to be satisfied as regards an applicant for registration before authorizing registration under these regulations :
- (b) To require an applicant for registration to submit himself to a practical test in respect of any of the matters hereinafter prescribed as to which the Board is required to be satisfied as regards an applicant for registration before authorizing registration under these regulations :
- (c) To make all necessary arrangements for the conduct of examinations and tests of applicants for registration :
- (d) To permit any person who, in the opinion of the Board, may assist the Board to deal with any matter before it, including an application for registration, to appear before the Board for the purpose of giving evidence in relation to any such matter :

(e) To permit, on such terms and conditions and for such period as the Board thinks fit, the performance by any person not being the holder of an appropriate certificate or certificates of the duties of manager in respect of any manufacturing dairy registered as a creamery or a cheese-factory, or as both, and the employment of any such person as manager of such manufacturing dairy in any of the following cases, that is to say,—

(i) Where such performance and employment is that of a person, being the holder of a first-class cheese certificate, in respect of a manufacturing dairy which, being registered as both a creamery and a cheese-factory or as a cheese-factory, is during a particular period of the year used solely for the manufacture of creamery butter, and where such performance and employment is limited to the period aforesaid in any year;

(ii) Where such performance and employment relates to any manufacturing dairy registered as a creamery or a cheese-factory, or as both, the output of which in any year is of a quantity that does not, in the opinion of the Board, warrant the employment of a person being the holder of an appropriate certificate or certificates for the performance of duties of manager in respect of that dairy.

#### PART 5.—THE REGISTER.

**5 : 1.** The Public Service Commissioner shall appoint an officer of the Public Service to be called the Registrar of Dairy Factory Managers. Such office may be held concurrently with any other office.

**5 : 2.** The Registrar shall keep in his office a Register of Dairy Factory Managers in which shall be entered the name and address of every person registered under these regulations, the qualifications by virtue of which he is so registered, the kind and class of certificate with which he is registered, and the further particulars indicated in the form of register hereinafter mentioned.

**5 : 3.** The register shall be kept in accordance with form numbered 1 in the Second Schedule hereto.

**5 : 4.** In the column of the register headed “Qualification for Registration” it shall be sufficient to insert “Section 4” or “Regulation 6 : 4,” according as the person concerned is deemed by the Board to be qualified under section 4 of the Dairy Industry Amendment Act, 1933, or Regulation 6 : 4 of these regulations.

**5 : 5.** In the column of the register headed “Kind of Certificate” there shall be inserted the words “first- or second-class butter” and/or “first- or second-class cheese” (or any convenient abbreviations of those words) according to the determination of the Board under Regulations 8 : 1 and 8 : 2 of these regulations.

**5 : 6.** No entry in the register of the name or kind and class of certificate of any person and no removal of any name from the register or entry of kind and class of certificate shall be made by the Registrar without the direction in writing of the Board, and all entries shall be made in the order in which the directions to make the same are received by the Registrar.

**5 : 7.** The Registrar shall also keep an alphabetical index of the names of the persons entered in the register, and such index shall be deemed to be part of the register.

**5 : 8.** The direction in writing of the Board referred to in Regulation 5 : 6 hereof shall be sufficient if signed by the Chairman and given pursuant to a resolution of the Board.

**5 : 9.** A copy certified by the Registrar of any entry in the register shall be *prima facie* evidence of such entry and of the facts appearing therein, and a certificate under the hand of the Registrar of the absence of an entry in the register shall be *prima facie* evidence of the facts stated in such certificate.

**5 : 10.** Any person may inspect the register on payment of the fee hereinafter prescribed.

**5 : 11.** Any person may, on payment of the fee hereinafter prescribed, obtain a copy certified under the hand of the Registrar of the particulars entered in the register in respect of any person.

#### PART 6.—QUALIFICATIONS OF APPLICANTS FOR REGISTRATION.

**6 : 1.** Every person who is entitled by virtue of section 4 of the Dairy Industry Amendment Act, 1933, to be registered as a person competent to be employed as the manager of a dairy factory and who has not been so registered prior to the coming into force of these regulations shall on making application for registration as hereinafter prescribed and on payment of the prescribed fee and on furnishing such evidence as may be required under Regulation 7 : 4 hereof of identity, age, and employment be registered as a person competent to be employed as the manager of a dairy factory of the same class.

**6 : 2.** If the dairy factory of which at the date referred to in the said section 4 any person registered under the last preceding regulation was the manager was registered as a creamery only, as a cheese-factory only, or as both a creamery and a cheese-factory, such person shall be registered—

- (a) In the case of the first-mentioned dairy factory, with a first-class butter certificate ;
- (b) In the case of the second-mentioned dairy factory, with a first-class cheese certificate ; and
- (c) In the case of the last-mentioned dairy factory, with a butter certificate and a cheese certificate of such respective classes as the Board may decide according to whether in the opinion of the Board the dairy factory in question was during such person's managership engaged principally in the production of butter with a relatively small quantity of cheese, or principally in the production of cheese with a relatively small quantity of butter, or in the production of butter and cheese in relatively large quantities of both.

**6 : 3.** Every person registered under the regulations hereby revoked as entitled to a certificate of one of the kinds described in the first column of the Schedule to this regulation shall be deemed to be registered under these regulations with a certificate or certificates of the respective kinds and classes set out in the second column of the said Schedule.

*Schedule.*

First Column.	Second Column.
Creamery manager's certificate ..	First-class butter certificate.
Cheese-factory manager's certificate ..	First-class cheese certificate.
Creamery and cheese-factory manager's certificate	First-class butter certificate and first-class cheese certificate.

**6 : 4.** Subject to the preceding regulations of this Part, every person shall, on making application for registration as hereinafter prescribed and on payment of the prescribed fee and on furnishing such evidence as may be required under Regulation 7 : 4 hereof, be entitled to be registered under these regulations if he complies with the following requirements, namely :—

- (a) He must be the holder of a certificate of competency in Form II (Standard VI) issued pursuant to the regulations for the time being in force regulating the organization and management of public schools or any other certificate evidencing educational attainments deemed by the Board to be equivalent thereto :
- (b) He must be the holder of a cream-grader's certificate or a milk-grader's certificate, or both, for the time being in force under the Dairy-produce Regulations 1938, or must satisfy the Board that he is entitled to be registered under the said regulations as the holder of either or both such certificates according to whether he seeks to be registered under these regulations with a first-class butter certificate, with a first-class cheese certificate, or with both a butter certificate and a cheese certificate of either class :
- (c) He must in the opinion of the Board be of good character and reputation :
- (d) He must satisfy the Board that he has had practical experience in the performance of major operations in a creamery or a cheese-factory, or both, according to whether he seeks to be registered with a first-class butter certificate, with a first-class cheese certificate, or with both a butter certificate and a cheese certificate of either class :
- (e) He must satisfy the Board that by virtue of his knowledge of the construction and functions of the plant, apparatus, and machinery used in the production and manufacture of dairy-produce into butter, into cheese, or into butter and cheese (according to whether he seeks to be registered with a first-class butter certificate, with a first-class cheese certificate, or with both a butter certificate and a cheese certificate of either class) and a knowledge of dairy-factory management generally, and a knowledge of the law relating to such production and manufacture as aforesaid, he is competent to perform the duties of a manager of a creamery or of a cheese-factory, or both (as the case may be) :

Provided that the Board may be satisfied in respect of the matters referred to in paragraph (e) of this regulation by the report of examiners appointed under Part 4 hereof.



**6 : 5.** Subject to the provisions of Part 10 of these regulations no person shall be deemed to possess the qualifications prescribed by paragraph (d) of the last preceding regulation unless such person—

- (a) Being an applicant seeking registration with a first-class butter certificate, satisfies the Board that he has been actively engaged in the performance of the practical work of manufacturing creamery butter in all its branches ; or
- (b) Being an applicant seeking registration with a first-class cheese certificate, satisfies the Board that he has been actively engaged in the performance of the practical work of manufacturing cheese in all its branches ; and in either case
- (c) Has had in the course of his training and practical work immediate charge of and responsibility for each of the major operations in a creamery or a cheese-factory, as the case may be, for a period of not less than three months ; or unless such person
- (d) Being registered as the holder of a first-class butter certificate and being an applicant seeking registration with a first-class cheese certificate, or being registered as the holder of a first-class cheese certificate and being an applicant seeking registration with a first-class butter certificate, satisfies the Board that his experience, training, and practical work in the manufacture of cheese or creamery butter complies with the foregoing requirements of this regulation according to whether the additional certificate applied for is a first-class cheese certificate or a first-class butter certificate.

**6 : 6.** For the purposes of the last preceding regulation the phrase “major operations in a creamery” and the phrase “major operations in a cheese-factory” shall mean—

- (a) In the case of a creamery—
  - (i) Control of the receiving-platform ;
  - (ii) The neutralization, pasteurization, and cooling of cream ;
  - (iii) Churning with complete control over the whole or some number of churns in a creamery :
- (b) In the case of a cheese-factory—
  - (i) Control of the receiving-platform or one weighing-scale on such platform :
  - (ii) The pasteurization and cooling of milk :
  - (iii) The manufacture of cheese with complete control over the whole or some number of vats from the time of setting until the curd is placed in the hoops.

**6 : 7.** The performance of the duties of manager in respect of any manufacturing dairy registered as a creamery or a cheese-factory, or as both, by any person not being the holder of an appropriate certificate or certificates during any period authorized by the Board pursuant to paragraph (e) of Regulation 4 : 2 hereof shall not be taken into account for the purpose of determining the qualification of such person for registration with a first-class butter certificate or a first-class cheese certificate, or a butter certificate and a cheese certificate of either class, as the case may be, pursuant to the foregoing provisions of these regulations.

**6 : 8.** Subject to the provisions of Part 10 of these regulations, no person shall be deemed to possess the qualification prescribed by paragraph (e) of Regulation 6 : 4 hereof unless such person—

- (i) Being an applicant seeking registration with a first-class butter certificate, satisfies the Board or its examiners that he has a reasonable general knowledge of the following matters in relation to the manufacture of butter and the management of the operations of a creamery generally :—
- (a) Nature of milk and its composition :
  - (b) Milk-production on the farm :
  - (c) Separators and separation :
  - (d) Milking-machines :
  - (e) The receiving and testing of milk and cream :
  - (f) Pasteurization and cooling of milk and cream :
  - (g) Neutralization of cream :
  - (h) Churning, packing, chilling, and despatching of butter to a grading-store :
  - (i) Creamery-butter factory plant and machinery :
  - (j) Layout of plant and buildings :
  - (k) Booking systems for milk and cream :
  - (l) Records of test, butterfat received, make and yield of butter and cheese, stocks, and deliveries :
  - (m) Supervision of staff :
  - (n) Supervision of manufacture :
  - (o) Supervision of stores requisites and fuel :
  - (p) Supervision of plant and machinery :
  - (q) Supervision of supply and transport :
  - (r) Supervision of dairy factory correspondence :
  - (s) Acts relating to manufacture of dairy-produce, viz., Dairy Industry Act, 1908 ; Sale of Food and Drugs Act, 1908 ; and Health Act, 1920 ; and regulations thereunder respectively :
  - (t) Organization of the dairy industry in New Zealand :
  - (u) Dairying and matters pertaining thereto :
- (ii) Being an applicant seeking registration with a first-class cheese certificate, satisfies the Board or its examiners that he has a reasonable general knowledge of the following matters in relation to the manufacture of cheese and the management of the operations of a cheese-factory generally :—
- (a) Cheese making, curing, packing, and despatch of cheese to a grading-store :
  - (b) Cheese-factory plant and machinery :
  - (c) The several matters set out in subparagraphs (a) to (f), both inclusive, and subparagraphs (j) to (u) both inclusive of paragraph (i) of this regulation :
- (iii) Being registered as the holder of a first-class cheese certificate and being an applicant seeking registration with a first-class butter certificate, or being registered as the holder of a first-class butter certificate and being an applicant seeking registration with a first-class cheese certificate, satisfies the Board that he has a reasonable general knowledge of the matters set out in paragraph (i) or paragraph (ii) of this regulation according to whether the additional certificate applied for is a first-class butter certificate or a first-class cheese certificate.

## PART 7.—APPLICATION FOR REGISTRATION.

**7 : 1.** Every application for registration under these regulations shall be in writing in the form numbered 2 in the Second Schedule hereto, and shall be addressed to the Registrar of the Board so as to be in his hands on or before the 1st day of May in any year, and shall be accompanied by the prescribed fee, and shall state an address at which notices may be served and to which other communications and documents may be forwarded pursuant to these regulations :

Provided that any application which is received by the Board after the 1st day of May in any year and prior to the 1st day of May next following shall not be considered by the Board before the last-mentioned date unless on representations made by the applicant in writing in that behalf the applicant satisfies the Board that his application is one which should receive consideration by the Board before the date aforesaid.

**7 : 2.** Every applicant for registration and every holder of a certificate of registration shall notify the Board from time to time of any change of the address aforesaid.

**7 : 3.** Any notification required by these regulations to be served on any applicant for registration (whether before or after registration) shall be sufficient if signed by the Registrar and posted by registered post addressed to the applicant at the address stated by him in his application or any fresh address notified by him as hereinbefore provided.

**7 : 4.** The Board may require evidence to be furnished to it by written statement, declaration of identity, statutory declaration, or otherwise of the age, the good character and reputation, the competency, the employment or training as a dairy-factory manager, or in the manufacture of dairy-produce of an applicant for registration or any other matters as to which the Board is required to be satisfied as regards any applicant for registration.

## PART 8.—CERTIFICATES OF REGISTRATION.

**8 : 1.** Upon resolving that a person is entitled to be registered the Board shall determine whether he is to be registered with any one or any two of the following certificates, viz. :—

- (i) A first-class butter certificate :
- (ii) A first-class cheese certificate :
- (iii) A second-class butter certificate :
- (iv) A second-class cheese certificate.

Provided that no person shall be registered with a second-class butter certificate unless he is, in the opinion of the Board, qualified to be registered with a first-class cheese certificate, and no person shall be registered with a second-class cheese certificate unless he is, in the opinion of the Board, qualified to be registered with a first-class butter certificate.

**8 : 2.** According to whether in the opinion of the Board a person is competent to perform the duties of manager of a manufacturing dairy producing dairy-produce as described in the first column of the Schedule to this regulation, the Board shall determine that he is to be registered with a certificate or certificates of the respective kinds set out in the second column of the said Schedule.

*Schedule.*

First Column.	Second Column.
(i) Butter only .. .. .	First-class butter certificate.
(ii) Cheese only .. .. .	First-class cheese certificate.
(iii) Principally butter with a relatively small quantity of cheese	First-class butter certificate and second-class cheese certificate.
(iv) Principally cheese with a relatively small quantity of butter	First-class cheese certificate and second-class butter certificate.
(v) Butter and cheese in relatively large quantities of either product	First-class butter certificate and first-class cheese certificate.

**8 : 3.** Every person registered under these regulations shall upon registration, and without express application or further fee, be entitled to receive an appropriate certificate or certificates of registration.

**8 : 4.** Every certificate of registration shall be in accordance with the form numbered 3 in the Second Schedule hereto.

**8 : 5.** Every person registered under these regulations shall, after the expiration of the certificate issued under Regulation 8 : 3 hereof, be entitled from time to time thereafter on application made in writing in the form numbered 4 in the Second Schedule hereto, and accompanied by the prescribed fee, to receive a certificate of renewal of that certificate in the form numbered 5 in the Second Schedule hereto :

Provided that upon the issue of a receipt for such fee the provisions of this regulation shall for all purposes be deemed to be complied with, and accordingly it shall not be necessary to issue a certificate of renewal in regular form.

**8 : 6.** Every certificate of registration shall be issued under the hand of the Registrar and shall remain the property of the Board, and shall be surrendered on demand in writing made by the authority of the Board.

**8 : 7.** Every certificate of registration or renewal thereof issued on or after the 1st day of May in any year and prior to the 1st day of August next following shall take effect on such 1st day of August and (unless previously revoked) continue in force until and including the 31st day of July in the next succeeding year :

Provided that upon the registration of any person on or after the 1st day of May in any year and prior to the 1st day of August next following there may also be issued to such person, if he so desires, a certificate that shall take effect upon the issue thereof and (unless previously revoked) continue in force until and including the 31st day of July in the same year.

**8 : 8.** Every certificate of registration or renewal thereof issued on or after the 1st day of August in any year or prior to the 1st day of May in any year shall take effect upon the issue thereof and (unless previously revoked) continue in force until and including the 31st day of July next following the issue thereof.

**8 : 9.** When any certificate has been damaged, lost, or destroyed, a duplicate certificate (endorsed as such) shall be issued on payment of the prescribed fee, provided that the previous certificate has been returned to the Board or that it is proved to the satisfaction of the Board that such previous certificate has been lost or destroyed.

## PART 9.—REMOVAL OF NAMES FROM REGISTER.

**9 : 1.** The Board may cause to be removed from the register the name of every person who—

- (a) Is proved to the satisfaction of the Board to have died ; or
- (b) Has been registered under these regulations in error ; or
- (c) Fails to apply for the renewal of his certificate or certificates of registration within three months of the date when his certificate or certificates or the last issued certificate of renewal thereof expired ; or
- (d) Has in the opinion of the Board contravened the provisions of the Dairy Industry Act, 1908, the Dairy-produce Regulations 1938, the Sale of Food and Drugs Act, 1908, or the regulations thereunder or any other Act regulating the manufacture and sale of dairy-produce ; or
- (e) Has been punished by fine or imprisonment for any offence which in the opinion of the Board renders him unfit to be registered under these regulations ; or
- (f) Being the manager of any manufacturing dairy registered as a creamery or a cheese-factory, in the opinion of the Board makes or causes to be made any butter or cheese in that dairy of a quality inferior to the quality that could be attained having regard to all relevant circumstances ; or
- (g) Has been guilty of such improper conduct as renders him in the opinion of the Board unfit to be registered under these regulations.

**9 : 2.** The powers conferred by paragraphs (d) and (g) of Regulation 9 : 1 hereof shall be exercisable in respect of the matters therein respectively referred to, whether such matters shall have taken place before or after the date of registration.

**9 : 3.** The Board may direct the amendment of any entry in the register indicating the kind or class of certificate with which any person is registered if in its opinion such entry has been made in error, and in such case the provisions of Regulations 9 : 5 to 9 : 9 (both inclusive) hereof shall apply with all necessary modifications.

**9 : 4.** The Board may direct the amendment of any entry in the register indicating the kind and class of certificate with which any person is registered by directing an entry to be made that such person is entitled to be registered with a further certificate of a different kind or class if in the opinion of the Board the person concerned is competent to perform the duties of manager of a manufacturing dairy for which the additional certificate is required :

Provided always that the person desiring such amendment shall apply to the Board and furnish evidence of his competency, and the provisions of these regulations relating to registration and applications for registration shall apply with all necessary modifications.

**9 : 5.** Every person whose name has been directed to be removed from the register shall, wherever possible, be notified by the Registrar to that effect.

**9 : 6.** No removal of the name of any person from the register (except in the case of a person proved to have died or whose name is removed pursuant to paragraph (c) of Regulation 9 : 1 hereof) shall take place until after the time for appeal under Regulation 10 : 1 of these regulations has expired if no appeal is then pending ; or, in case an appeal is then pending, then until after the decision of the Board of Appeal has been given.

**9 : 7.** Every person whose name is proposed to be removed from the Register shall, wherever possible, be notified by the Registrar to that effect and of the ground of the proposed removal and shall be entitled to submit to the Board any considerations or evidence relating to the proposal so to remove his name.

**9 : 8.** Every certificate of registration issued to any person whose name is directed to be removed from the register or in respect of whose name an amendment is directed to be made amending the entry indicating the kind or class of certificate with which such person is registered shall on the expiration of the time for appeal if no appeal is then pending, or, in the case of an appeal, if the decision of the Board is confirmed by the Board of Appeal, be deemed to be revoked.

**9 : 9.** Every holder of a certificate of registration deemed to be revoked as aforesaid shall forthwith, without the need of any demand, surrender such certificate of registration to the Board.

#### PART 10.—APPEAL AGAINST DECISION OF BOARD.

**10 : 1.** The right of appeal conferred by section 5 of the Dairy Industry Amendment Act, 1933, on any person who is aggrieved by the operation of these regulations in relation to registration, or an application for registration, or the removal of his name from the register, or in respect of whose name an amendment is directed or declined to be made amending the entry in the register indicating the kind and class of certificate with which such person is registered, shall be exercisable within twenty-one days after notice of the decision of the Board has been posted to him by the Registrar.

**10 : 2.** Such appeal shall be made by notice in duplicate signed by the appellant in accordance with form numbered 6 in the Second Schedule hereto and accompanied by the prescribed fee, and the appellant shall specify therein the name of the person whom he appoints to act as assessor on his behalf at the hearing of his appeal, and such assessor shall give in writing his consent to act. Such of the provisions of these regulations as the Board thinks fit may be printed on the said form but shall not be deemed to be part thereof.

**10 : 3.** Within twenty-one days after receipt of such notice of appeal the Registrar shall inform the appellant of the name of the Magistrate before whom the appeal will be heard and of the assessor appointed by the Minister or other person or authority nominated by the Minister for that purpose, and shall at the same time forward to such Magistrate a copy of the Board's decision and the notice of appeal therefrom together with a notice of the name of the assessor appointed by the Minister or his nominee.

**10 : 4.** The Magistrate and assessors shall hear and determine such appeal at such convenient time and place as may be decided by the Magistrate, being not more than forty-two days after the receipt by the Board of the notice of appeal.

**10 : 5.** The Magistrate shall cause at least five days' previous notice of such time and place to be given to the assessors, the Board, and the appellant.

**10 : 6.** At the hearing of the appeal the appellant himself may appear or be represented by some person on his behalf, and the Board may be represented by any member thereof or other person appointed by the Board.

**10 : 7.** The Board of Appeal may, in its discretion, receive any evidence that it thinks fit (whether on oath or otherwise) and may act on any statement, document, information, or matter which in the opinion of the Board of Appeal may assist it to deal with the matters before it, whether the same would be legally admissible in a Court of law or not.

**10 : 8.** In matters not expressly provided for in these regulations the procedure of the Board of Appeal shall be such as the Magistrate may determine.

**10 : 9.** The Board of Appeal may from time to time adjourn the hearing or consideration or determination of the appeal as it thinks fit.

**10 : 10.** The Board of Appeal may either confirm the decision of the Board or order the registration of the appellant or the restoration of his name to the register or the amendment or restoration of an entry in the Register, or give such other direction as the case may require, and the determination of the Board of Appeal shall be final and conclusive.

**10 : 11.** The determination made in respect of the appeal shall be in writing signed by the Magistrate and the assessors, and a copy of such order shall be given to the appellant and to the Board, and the Board shall at once give effect to such order. No determination shall be invalid by reason of the omission or refusal of any assessor to sign the same.

**10 : 12.** If the decision appealed against is not confirmed by the Board of Appeal the fee paid on giving notice of appeal shall, subject to appropriation by Parliament of funds for the purpose, be refunded to the appellant.

**10 : 13.** An assessor appointed by the Board may be paid such fee, not exceeding £2 2s., as may be considered reasonable by the Minister for each day or part of a day he is engaged hearing an appeal or appeals, together with his reasonable actual expenses incurred in attending to hear such appeal or appeals.

#### PART 11.—FEES.

**11 : 1.** The fees payable under these regulations shall be as follows :—

	s.	d.
(a) On every application for registration .. .. .	10	0
(b) On every application for the issue of a certificate of registration or for the renewal of such certificate .. .. .	10	0
(c) On every notice of appeal .. .. .	10	0
(d) On application for the issue of a duplicate certificate in the case of the original having been lost, damaged, or destroyed .. .. .	5	0
(e) On inspection of the register for each name in respect of which the entries are inspected .. .. .	1	0
(f) For a certified copy of the entries in the register in respect of any one name .. .. .	2	6
(g) For a certificate of the absence of an entry in the register .. .. .	2	6

**11 : 2.** Notwithstanding the provisions of the last preceding regulation, no fee shall be payable in respect of any application for registration with a certificate of a kind or class different from that with which the applicant is theretofore registered or for the issue of any such certificate.

**11 : 3.** Where a fee is made payable on application or on notice of any appeal given pursuant to Regulation 10 : 2 hereof the application or notice of appeal shall not be entertained until such fee is paid, and where a fee is made payable pursuant to paragraphs (e), (f), and (g) of Regulation 11 : 1 hereof such fee shall be paid at the time when inspection of the register is made or at the time of application for a certified copy of the entry therein, or for a certificate of the absence of an entry therein as the case may be.

PART 12.—TRAVELLING EXPENSES AND ALLOWANCES.

**12 : 1.** There shall be paid to every member of the Board all locomotion expenses actually and reasonably incurred by him in respect of his attendance on the business of the Board, including the provision of first-class accommodation by rail, steamer, motor-vehicle, or other public conveyance and including sleeping-berths on trains, and deck-cabins on steamers :

Provided that where any member of the Board uses his own private motor-vehicle in respect of his attendance on the business of the Board there may be paid to such member as locomotion expenses a mileage-allowance at such rate as is approved by the Minister, but not exceeding a rate of 4½d. for each mile travelled by him in respect of such attendance.

**12 : 2.** When his attendance on the business of the Board requires a member to absent himself from his usual place of residence at night such member shall receive an hourly travelling-allowance for the period during which he is so absent, at the rate of £1 for twenty-four hours.

**12 : 3.** Such period shall be computed from and to the exact hours nearest to the times of departure from and return to the member's usual place of residence, and in computing the time for which an allowance is payable a portion of an hour, if less than half an hour, shall not be taken into account, but half an hour or more shall be reckoned as one hour.

**12 : 4.** Where a member travelling on the business of the Board departs from and returns to his usual place of residence on the same day actual and reasonable expenses only shall be paid.

**12 : 5.** No locomotion expenses, travelling-allowance, or board expenses shall be paid in respect of any occasion on which locomotion expenses, travelling-allowance, or board expenses are payable to the member from any other person, body corporate, or public or administrative body.

**12 : 6.** Regulations 12 : 1 to 12 : 4 (both inclusive) hereof shall not apply to any member being an officer of the Public Service.

**12 : 7.** No payment under Regulations 12 : 1 to 12 : 4 (both inclusive) hereof shall be made unless such payment is first approved by a resolution of the Board passed either before or after the business of the Board is attended to which gives rise to the claim.

**12 : 8.** No payment to any member for locomotion expenses, travelling-allowance, or board expenses under these regulations shall be made until such member has signed a claim setting out the particulars of the amounts payable, and unless such claim is accompanied by a certificate signed by the member stating that on the days claimed for he was engaged in attendance on the business of the Board and incurred the expenses set out in the claim, and that the claim is correct in all



particulars, and further stating and undertaking that the member has not already been paid any sum and will not claim or accept any sum by or from any other person or body corporate or public or administrative body in respect of the same locomotion expenses, travelling-allowance, or board expenses or in respect of locomotion expenses, travelling-allowance, or board expenses on the same occasion.

**12 : 9.** Any person who, at the request of the Board, attends any meeting of the Board for the purpose of giving evidence that may assist the Board to deal with any matter before it may be paid all reasonable and actual locomotion and subsistence expenses incurred by him in so attending at a meeting of the Board.

**12 : 10.** Any person who, at the request of the Board or the Board of Appeal, attends at the hearing of any appeal under Part 10 of these regulations for the purpose of giving evidence on behalf of the Board may be paid a fee of 15s. for each day or part of a day on which he so attends at the hearing of an appeal, together with all reasonable and actual locomotion and subsistence expenses incurred by him in so attending at the hearing of the appeal.

**12 : 11.** Any person appointed to be an examiner or to supervise an examination for the purposes of these regulations may be paid such fee, not exceeding £2 2s., as may be considered reasonable by the Minister for each day or part of a day on which he is engaged in conducting an examination of applicants for registration under these regulations or in supervising an examination, together with all actual and reasonable locomotion expenses incurred by him in respect of his attendance on the business of an examiner or supervisor :

Provided that where any such person uses his own private motor-vehicle in travelling on the business of an examiner or supervisor there may be paid to such person as locomotion expenses a mileage-allowance at such rate as is approved by the Minister, but not exceeding a rate of 4½d. for each mile travelled by him in respect of such attendance.

Provided, further, that the fact that a person acts both as examiner and as supervisor shall not entitle him to a greater fee than £2 2s. per day.

**12 : 12.** The last preceding regulation shall not apply to any examiner or supervisor being a member of the Board or an officer of the Public Service.

#### PART 13.—OFFENCES AND PENALTY.

**13 : 1.** Every person commits a breach of these regulations who—

- (a) Makes any false or fraudulent representations or produces to the Board or the Registrar any false certificate or testimonial for the purpose of securing registration under these regulations ; or
- (b) Fails or refuses to surrender to the Board his certificate of registration on demand in writing purporting to be made by the authority of the Board ; or
- (c) Fails or refuses to surrender to the Board on its revocation any certificate of registration issued to him under these regulations ; or
- (d) Fails to observe or perform any duty directly or by implication placed upon him by these regulations.

**13 : 2.** Every person who commits a breach of these regulations is liable to a penalty not exceeding £50.

## SCHEDULES.

FIRST SCHEDULE.  
REGULATIONS REVOKED.

Date of Order in Council.	Short Title.	Published in <i>Gazette</i> .	
		Year.	Page.
12th February, 1934 ..	The Dairy Factory Managers Regulations 1934	1934	431
13th March, 1934 ..	The Dairy Factory Managers Regulations 1934, Amendment No. 1	1934	610
3rd December, 1935 ..	The Dairy Factory Managers Regulations 1934, Amendment No. 2	1935	3579
		Statutory Regulations Serial Number.	
2nd September, 1936 ..	The Dairy Factory Managers Regulations 1934, Amendment No. 3	13/1936	
14th February, 1939 ..	The Dairy Factory Managers Regulations 1934, Amendment No. 4	1939/10	

## SECOND SCHEDULE.

[Form No. 1 (Reg. 5 : 3).

## REGISTER OF DAIRY FACTORY MANAGERS.

Registered No.	Name.	Postal Address.	Qualification for Registration.	Kind of Certificate.	Date of Registration	Remarks.

[Form No. 2 (Reg. 7 : 1).

*The Dairy Factory Managers Regulations 1941.*

## FORM OF APPLICATION FOR REGISTRATION.

THIS form is to be filled in and signed by the applicant and posted to—

The Registrar,  
Dairy Factory Managers Registration Board,  
Department of Agriculture,  
Wellington C. 1.

Should any original document or examination certificates be sent with this application it is desirable that the letter be registered.

1. Full name [*Forenames, surname*].
2. Postal address : .....
3. Date of birth : .....

4. Standard of education attained : .....
5. State kind and number of grader's certificate held : .....
6. Practical experience in major operations in respect of a creamery and/or a cheese-factory :—

Name and Locality of Manufacturing Dairy.	Length of Time employed.		Position held.
	Years.	Months.	

7. If already the holder of a dairy factory manager's certificate give particulars—No. . . ; class : . .
8. If the holder of a University degree or diploma in dairying or other special educational qualifications, state particulars : .....
9. State kind of certificate applied for, whether first-class butter and/or first-class cheese.
10. The application fee of ten shillings (10s.) is enclosed.

[Usual signature of applicant.]  
[Date.]

References to be forwarded—

- (1) Present employer (original, one copy).
- (2) Previous employers (certified copies only).

[Form No. 3 (Reg. 8 : 4).

*The Dairy Factory Managers Regulations 1941.*

Certificate No. ....

CERTIFICATE OF REGISTRATION AS A DAIRY FACTORY MANAGER.

THIS is to certify that ....., of ....., employed by ..... as ....., having satisfied the Dairy Factory Managers Registration Board that he is qualified to be registered under the above-entitled regulations, was on the ..... day of ....., 19.., duly registered under the number ..... as a dairy factory manager with a ..... class ..... certificate.

This certificate, unless sooner revoked, expires on the 31st day of July, 19..

Dated this ..... day of ....., 19..

....., Chairman.  
....., Registrar.

(NOTE.—This certificate remains the property of the Board, and must be surrendered on demand.)

[Form No. 4 (Reg. 8 : 5).

*The Dairy Factory Managers Regulations 1941.*

APPLICATION FOR RENEWAL OF CERTIFICATE OF REGISTRATION.

I, ....., of ....., hereby apply for a renewal of my certificate of registration (No. ....) as a dairy factory manager in respect of a [*Insert creamery and/or cheese-factory*].

Present employer : .....

Present position : .....

I enclose fee of 10s. for the renewal of such certificate.

Dated this ..... day of ....., 19..

[Signature of applicant.]

*This application should be posted to the Registrar, Dairy Factory Managers Registration Board, Department of Agriculture, Wellington, so as to be in his hands on or before 1st May.*

[Form No. 5 (Reg. 8 : 5).

*The Dairy Factory Managers Regulations 1941.*

THIS is to certify that the certificate of registration as a dairy factory manager with a . . . . . class . . . . . certificate issued to [*Full name*], of [*Address*], under the official number . . . . . is hereby renewed, subject to the provisions of the above-entitled regulations, until the 31st day of July, 19.., unless sooner revoked.

Dated this . . . . . day of . . . . ., 19..

. . . . ., Chairman.  
. . . . ., Registrar.

[Form No. 6 (Reg. 10 : 2).

*The Dairy Factory Managers Regulations 1941.*

## NOTICE OF APPEAL.

THIS form is to be filled in and signed by the appellant and posted to the Registrar, Dairy Factory Managers Registration Board, Department of Agriculture, Wellington.

1. Appellant's name (in full) : . . . . .
2. Postal address : . . . . .
3. I am an applicant for a (the holder of a)—  
Butter certificate and cheese certificate.  
Butter certificate.  
Cheese certificate.

[*Strike out words not applicable.*]

4. Date of appeal : . . . . .
5. Name (in full) of person appointed by appellant to act as assessor at the hearing of the appeal : . . . . .

STR,—

I hereby give notice of appeal against the decision of the Dairy Factory Managers Registration Board [*State here decision appealed against*] on the following grounds : [*If space insufficient use sheets of foolscap. State facts concisely in numbered paragraphs.*] The prescribed fee of 10s. is enclosed.

[*Signature of appellant.*]

I HEREBY consent to act as assessor for the purpose of this appeal.

[*Signature of assessor for appellant.*](N.B.—*This notice of appeal is to be furnished in duplicate.*)

T. R. AICKIN,  
Acting Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 8th day of May, 1941.

These regulations are administered in the Department of Agriculture.

(Notice No. Ag. 3832.)