

Serial Number **1951/243**

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**THE DAIRY FACTORIES (LICENSING) REGULATIONS 1936,  
AMENDMENT NO. 2**

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B. C. FREYBERG, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington, this 31st day of  
October 1951

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, hereby makes the following regulations.

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**REGULATIONS**

1. (1) These regulations may be cited as the Dairy Factories (Licensing) Regulations 1936, Amendment No. 2, and shall be read together with and deemed part of the Dairy Factories (Licensing) Regulations 1936\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the seventh day after the date of their notification in the *Gazette*.

2. Regulation 9 of the principal regulations is hereby amended by adding the following subclauses as subclauses (2) to (8) :—

“ (2) Where a licence has been granted before or after the commencement of this subclause the Director may, at any time after the grant of the licence, by written notice of variation given to the licensee not less than three months before the date on which the notice is to take effect, vary the licence—

“ (a) By imposing any such term or condition as a term or condition of the licence ; or

“ (b) By amending or revoking any term or condition of the licence which has been imposed under this regulation.

“ (3) The licensee may, by written notice of objection given to the Director within fourteen days after the date of the giving of the notice of variation, object to the notice of variation in whole or in part.

“ (4) Where any notice of objection is given to the Director as aforesaid, he shall either withdraw the notice of variation to the extent required by the notice of objection or shall offer to refer the notice of objection to a committee of three persons to be appointed by the Minister. The provisions of regulation 7 of these regulations shall apply to the notice of objection as if it were an application for a licence.

\* *Gazette*, 5 March 1936, Vol. I, page 422.

Amendment No. 1 : Statutory Regulations 1949, Serial number 1949/114, page 453.

“(5) Upon security for the payment of the costs of the committee’s investigation being completed by the licensee, the Director shall, as soon as practicable, refer the notice of objection together with a copy of the notice of variation to a committee of three persons who shall be appointed by the Minister; and, so far as the licensee has objected to the notice of variation, it shall be of no effect until it is confirmed under paragraph (b) of subclause (7) of this regulation, and then only so far as it is so confirmed; but the notice of variation shall be of full force and effect so far as the licensee has not objected thereto.

“(6) Where any notice of objection and copy of notice of variation is referred to a committee as aforesaid, the committee shall make such investigations as it thinks fit and shall consider such representations as may be made to it by the owners of any other dairy factories in the locality, and shall report the result of its investigations to the Director, who may thereafter, if he so desires, refer the matter to the committee again for a further report. In particular, the committee shall advise the Director upon the following matters in relation to the notice of variation and notice of objection:—

“(a) The effect of the variation of the terms and conditions of the licence on the operations of the licensee and the prospect of carrying on successfully the manufacture of dairy produce in the licensed premises under the licence as so varied; and

“(b) The effect on licensees and owners of other dairy factories in the locality, in respect of competition for supply and on the quality of dairy produce manufactured, of continuing the licence without the variations to which the licensee has objected; and

“(c) Whether in the opinion of the committee the notice of variation should take effect according to its terms or should be withdrawn or further varied.

“(7) As soon as practicable after the Director has received the report of the committee and any further report which he has requested the committee to furnish, he shall, at his discretion, either—

“(a) Give written notice to the licensee withdrawing the notice of variation to the extent required by the notice of objection; or

“(b) By written notice to take effect not less than three months after the date on which it is given to the licensee do either or both of the following:—

“(i) Confirm so far as he thinks fit any variation or variations of the licence which were specified in the notice of variation and have become of no effect by reason of the objection:

“(ii) Further vary the licence in any manner authorized by subclause (2) of this regulation for the purpose of giving effect to all or any of the recommendations of the committee.

“(8) Any notice to be given to any person under this regulation may be so given by sending it by post in a registered letter addressed to him at his last known or usual place of business and, when sent by post as aforesaid, shall be deemed to have been given at the time at which the letter would have been delivered in the ordinary course of post.”

3. (1) Subclause (1) of regulation 12 of the principal regulations is hereby amended as follows :—

(a) By adding to paragraph (b) the word “ or ” :

(b) By adding the following paragraph :—

“ (c) Any change in or addition to the kind of dairy produce manufactured under the licence in the licensed premises.”

(2) Regulation 12 of the principal regulations is hereby further amended by revoking subclause (2), and substituting the following subclause :—

“ (2) The provisions of regulations 4 to 7 of these regulations shall, so far as they are applicable and with the necessary modifications, apply to any application for approval under this regulation as if the application were an application for a licence under these regulations.”

4. Subclause (3) of regulation 16 of the principal regulations is hereby amended as follows :—

(a) By adding to paragraph (b) the word “ or ” :

(b) By adding the following paragraph :—

“ (c) Any change in or addition to the kind of dairy produce manufactured under the licence in the licensed premises.”

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

#### EXPLANATORY NOTE

[This note is not part of the regulations, but is intended to indicate their general effect.]

Clause 2 of these regulations confers on the licensing authority power to vary a licence by imposing further terms and conditions or by amending existing terms and conditions ; and gives a licensee who is prejudiced by a variation the right to have the matter investigated by an advisory committee similar to that which may investigate a refusal to grant a licence. Clauses 3 and 4 require the prior approval of the licensing authority to any change in or addition to the kind of dairy produce manufactured under a licence in any licensed premises.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette* : 1st day of November 1951.

These regulations are administered in the Department of Agriculture.

(Notice No. Ag. 5166.)