



## THE DAIRY FACTORY SUPPLY REGULATIONS 1989

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PAUL REEVES, Governor-General

### ORDER IN COUNCIL

At Wellington this 11th day of December 1989

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. Title and commencement**—(1) These regulations may be cited as the Dairy Factory Supply Regulations 1989.

(2) These regulations shall come into force on the 1st day of February 1990.

**2. Protection of factory supply in certain cases**—(1) In these regulations, unless the context otherwise requires—

“Board” means the New Zealand Dairy Board:

“Manufacturing dairy” means premises—

(a) Used or intended to be used for the manufacture of milk, cream, butter, cheese, or any other product of milk or cream; and

(b) Registered under the Dairy Industry Regulations 1977 as a dairy factory; and

(c) In respect of which a licence under the Dairy Factories (Licensing) Regulations 1936 to use premises as a dairy factory is held:

“Supplying dairy”, in relation to a manufacturing dairy, includes another manufacturing dairy that supplies milk or cream to the manufacturing dairy.

(2) Where,—

(a) At any time after the 31st day of December 1986, the occupier of a supplying dairy supplied milk or cream produced in it to the owner or manager of a manufacturing dairy; and

(b) Before the 1st day of February 1990, the owner or manager of the manufacturing dairy stopped buying milk or cream produced in the supplying dairy because of having disposed of the business of the manufacturing dairy to the owner or owners of another manufacturing dairy or of other manufacturing dairies,—

subclauses (3) and (4) of this regulation shall apply to the supplying dairy for the period commencing on the 1st day of February 1990 and ending immediately before the 1st day of July after the 3rd anniversary of the disposal.

(3) While this subclause applies to a supplying dairy because of the disposal of the business of a manufacturing dairy to the owner or owners of a single manufacturing dairy, the occupier of the supplying dairy shall not supply any milk or cream produced in the supplying dairy to any person who is not the owner or manager of that single manufacturing dairy.

(4) At any time—

(a) While this subclause applies to a supplying dairy because of the disposal of the business of a manufacturing dairy to the owner or owners of 2 or more manufacturing dairies; and

(b) After receiving from the owner or owners of those manufacturing dairies a written notice requiring the occupier of the supplying dairy to supply to the owner or manager of a specified manufacturing dairy only (where 2 or more such notices have been received, being the notice most recently received),—

the occupier of the supplying dairy shall not supply any milk or cream produced in the supplying dairy to any person who is not the owner or manager of the manufacturing dairy specified.

(5) Where,—

(a) At any time after the 31st day of December 1986, the occupier of a supplying dairy supplied milk or cream produced in it to the owner or manager of a manufacturing dairy; and

(b) Before the 1st day of February 1990, the owner or manager of the manufacturing dairy refused to continue to buy milk or cream produced in the supplying dairy; and

(c) The refusal arose out of—

(i) An order or determination made by the Board under the Dairy Factory Supply Regulations 1936; or

(ii) A written agreement made with the owner or owners of another manufacturing dairy or 2 or more other manufacturing dairies,—

subclause (6) of this regulation shall apply to the supplying dairy for the period commencing on the 1st day of February 1990 and ending

immediately before the 1st day of July after the 3rd anniversary of the refusal.

(6) At any time—

(a) While this subclause applies to a supplying dairy; and

(b) After receiving from the Board or (as the case may be) the other party or parties to the agreement concerned a written notice requiring the occupier of the supplying dairy to supply the owner or manager of a specified manufacturing dairy only (where 2 or more such notices have been received, being the notice most recently received),—

the occupier of the supplying dairy shall not supply any milk or cream produced in the supplying dairy to any person who is not the owner or manager of the manufacturing dairy specified.

**3. Revocations**—The following regulations are hereby revoked:

(a) The Dairy Factory Supply Regulations 1936:

(b) The Dairy Factory Supply Regulations 1936, Amendment No. 1:

(c) The Dairy Factory Supply Regulations 1936, Amendment No. 2:

(d) The Dairy Factory Supply Regulations 1936, Amendment No. 3:

(e) The Dairy Factory Supply Regulations 1936, Amendment No. 4:

(f) The Dairy Factory Supply Regulations 1936, Amendment No. 5:

(g) The Dairy Factory Supply Regulations 1936, Amendment No. 6:

(h) The Dairy Factory Supply Regulations 1936, Amendment No. 7:

(i) The Dairy Factory Supply Regulations 1936, Amendment No. 8.

MARIE SHROFF,  
Clerk of the Executive Council.

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#### EXPLANATORY NOTE

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

These regulations, which come into force on 1 February 1989, revoke the Dairy Factory Supply Regulations 1936 and their amendments, but preserve the effect of a provision binding suppliers of dairy companies that have amalgamated since 31 December 1986 to continue to supply the newly formed company for 3 years after amalgamation.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 14 December 1989.

These regulations are administered in the Ministry of Agriculture and Fisheries.