



**THE DAIRY INDUSTRY REGULATIONS 1977,
AMENDMENT NO. 2**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 3rd day of May 1982

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Dairy Industry Act 1952 and 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.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Dairy Industry Regulations 1977, Amendment No. 2, and shall be read together with and deemed part of the Dairy Industry Regulations 1977* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

2. Grading—(1) Regulation 41 (3) of the principal regulations is hereby amended by revoking paragraph (b), and substituting the following paragraph:

“(b) Where any person, or any institution or organisation (whether incorporated or not), holds a certificate from the Director that he is satisfied that that person, institution, or organisation has the facilities, and that person, or the personnel of that institution or organisation, has or have the training and

experience to carry out grading in accordance with conditions specified in that certificate, by that person, institution, or organisation.”

(2) The said regulation 41 is hereby further amended by inserting, after subclause (3), the following subclauses:

“(3A) The Director may at any time cancel a certificate given under subclause (3) (b) of this regulation; but may at any time issue a further certificate to the person, institution, or organisation, concerned.

“(3B) Where, after the cancellation of a certificate given under subclause (3) (b) of this regulation, dairy produce manufactured by a manufacturer by whom any dairy produce graded by the former holder of that certificate was manufactured is graded by a grader, the Director may require—

“(a) That manufacturer; or

“(b) That former holder—

to pay all or any specified part of the costs of the analysis, grading, and certification involved in the grading of the dairy produce so submitted; and in that case that amount shall be recoverable in any Court of competent jurisdiction as a debt due to the Crown.”

3. Regrading of dairy produce—Regulation 42 of the principal regulations is hereby amended by adding the following subclause:

“(3) Where any dairy produce that was graded by the holder of a certificate given under regulation 41 (3) (b) of these regulations is regraded, the Director may require the holder (or, as the case requires, the former holder) of that certificate to pay all or any specified part of the costs of and incidental to the analysis, grading, and certification involved in the regrading; and in that case that amount shall be recoverable in any Court of competent jurisdiction as a debt due to the Crown.”

4. Returns, statements, and records relating to dairy produce—

Subclauses (2) to (7) of regulation 59 of the principal regulations are hereby revoked.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

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

These regulations amend the Dairy Industry Regulations 1977 so as to empower the Director of the Dairy Division to authorise dairy companies to grade their own produce; to empower him to recover the costs of the grading of dairy produce formerly graded by a person or body whose authority to grade has been revoked from that person or body or from the manufacturer; and to revoke provisions relating to the making of returns by the manufacturers of dairy produce.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 6 May 1982.

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