

Serial Number 1938/82.



**THE DAIRY-PRODUCE (SPECIAL MILK PRODUCTS)
REGULATIONS 1938.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 13th day of July, 1938.

Present :

THE RIGHT HON. M. J. SAVAGE PRESIDING IN COUNCIL.

PURSUANT to the Primary Products Marketing Act, 1936, and the Agriculture (Emergency Powers) Act, 1934, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

1. (1) These regulations may be cited as the Dairy-produce (Special Milk Products) Regulations 1938.

(2) In these regulations, unless inconsistent with the context,—
“ Dairy Regulations ” means the Dairy-produce General Regulations 1933* :

“ Minister ” means the Minister of Marketing

“ Prescribed period ” means any period of twelve months commencing on the first day of August in the year 1937 or in any subsequent year :

“ Registered ” means registered under the Dairy Regulations :

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

(3) Terms defined by the Dairy Regulations shall have the respective meanings assigned to them by those regulations.

2. These regulations shall apply to the milk products specified in the Schedule hereto when manufactured by the persons, firms, and companies respectively set out in the said Schedule from milk delivered during any prescribed period to the persons, firms, and companies hereinbefore referred to.

3. The Minister shall as soon as possible after the end of each prescribed period ascertain—

(a) On the basis of the price at which creamery butter manufactured from milk or cream delivered to a manufacturing dairy registered as a creamery during the prescribed period and intended for export from New Zealand is acquired by the Crown pursuant to Part II of the said Act, the average

* Gazette, 18th May, 1933, Vol. II, page 1341.

rate per pound of butterfat which the owner or occupier of a reasonably efficient manufacturing dairy registered as a creamery could have paid for the butterfat in the milk or cream delivered to such owner or occupier during the prescribed period had he purchased such milk or cream for the purpose of being manufactured into creamery butter; and

- (b) On the basis of the prices actually received for creamery butter so acquired by the Crown and sold in the United Kingdom, the average rate per pound of butterfat which such owner or occupier could have paid for the butterfat in the milk or cream delivered to such owner or occupier during the prescribed period if such milk or cream had been manufactured into creamery butter which had been sold by such owner or occupier in the United Kingdom at those prices.

4. The respective average rates ascertained by the Minister pursuant to clause 3 hereof shall be accepted by all parties as final and conclusive.

5. If it appears that as a result of the acquisition by the Crown of creamery butter pursuant to Part II of the said Act the average rate ascertained by the Minister in respect of any prescribed period pursuant to paragraph (a) of clause 3 hereof is greater than the average rate so ascertained pursuant to paragraph (b) of the said clause 3, the Minister shall cause to be paid out of the Dairy Industry Account to the respective persons, firms, and companies named in the Schedule hereto—

- (a) In respect of the prescribed period commencing on the first day of August, 1937, the difference between such rates calculated in respect of the total quantity of butterfat contained in the whole milk respectively purchased by them during the prescribed period for the manufacture of the milk products (except the substance referred to in the said Schedule as "Café au lait") to which these regulations apply which whether during or after the prescribed period are exported from New Zealand; and

- (b) In respect of any other prescribed period, the difference between such rates calculated in respect of the total quantity of butterfat purchased during the prescribed period and contained in the milk products to which these regulations apply (including the substance referred to in the said Schedule as "Café au lait") which whether during or after the prescribed period are exported from New Zealand or are sold for consumption within New Zealand.

6. If it appears that the average rate ascertained by the Minister in respect of any prescribed period pursuant to paragraph (a) of clause 3 hereof is less than the average rate ascertained as aforesaid pursuant to paragraph (b) of the said clause 3, each of the respective persons, firms, and companies named in the Schedule hereto shall, on being required by the Minister so to do, pay to the Crown for the credit of the Dairy Industry Account the difference between such rates calculated as set out in the last preceding clause hereof, and every amount so payable shall until so paid be deemed to be a debt due to the Crown.

7. Each of the respective persons, firms, and companies named in the Schedule hereto shall from time to time on request by the Minister or any person authorized by him in that behalf furnish to the Minister or other duly authorized person all such statements and other information, and produce for his inspection all such books, records, and documents as the Minister or such authorized person may deem necessary to enable the amount payable to or by each of the said persons, firms, and companies to be correctly computed.

SCHEDULE.

Kind of Special Milk Product.	Name of Firm or Company.
Condensed milk ..	The New Zealand Co-operative Dairy Co., Ltd.
Evaporated milk ..	
"Glaxo" ..	New Zealand Milk Products, Ltd.
"Ankoria" baby-food ..	Glaxo Laboratories (N.Z.), Ltd.
Whole-milk powder ..	The New Zealand Co-operative Dairy Co., Ltd.
Export stilton cheese not exceeding 20 tons	The New Zealand Co-operative Dairy Co., Ltd.
"Café au lait" ..	The persons carrying on business as Saxelby's Stilton Cheese Proprietary.
	New Zealand Milk Products, Ltd.

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 21st day of July, 1938.

These regulations are administered by the Primary Products Marketing Department.