

Serial Number 1950/135

**THE DAIRY PRODUCE EXPORT CONTAINERS
REGULATIONS 1950**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 9th day of
August, 1950

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, doth hereby make the following regulations.

REGULATIONS

PRELIMINARY

1. (1) These regulations may be cited as the Dairy Produce Export Containers Regulations 1950.

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

2. In these regulations, unless the context otherwise requires,—

“The Act” means the Agriculture (Emergency Powers) Act, 1934 :

“Board” means the New Zealand Dairy Board :

“Butter boxes” means butter boxes of the type prescribed by or authorized under the Dairy Produce Regulations 1938* in which butter may be packed for export and exported, and includes box boards in shooks cut ready for assembling into butter boxes :

“Cheese crates” means cheese crates of the type prescribed by or authorized under the Dairy Produce Regulations 1938 in which cheese may be packed for export and exported, and includes parts of cheese crates and boards in shooks cut ready for assembling into cheese crates :

“Commission” means the New Zealand Dairy Products Marketing Commission established under the Dairy Products Marketing Commission Act, 1947 :

“Containers” means butter boxes, cheese crates, and milk powder containers, either complete or in parts :

“Licensee” means any person licensed under these regulations to manufacture butter boxes or cheese crates, either complete or in parts, or both butter boxes and cheese crates, either complete or in parts; and includes the proprietor of a manufacturing dairy where that proprietor manufactures his own butter boxes or cheese crates, or both :

* Statutory Regulations 1938, Serial number 1938/91, page 396.

“Manufacturing dairy” means any premises registered as a cheese factory, standardized cheese factory, creamery, whey butter factory, or dried milk factory as provided by the Dairy Produce Regulations 1938 :

“Milk powder container” means any container, other than a metal or wooden container, in which milk powder may be packed for export and exported :

“Minister” means the Minister of Agriculture :

“Price Tribunal” means the Price Tribunal constituted under the Control of Prices Act, 1947 :

“Proprietor” means the owner of a manufacturing dairy, whether jointly or severally, and includes the owner’s agent or manager, and, in the case of a company, includes the manager, secretary, or other principal officer thereof :

“Season”, when used with reference to matters affecting proprietors, means the period of twelve months commencing on the 1st day of August in any year ; and, when used with reference to matters affecting licensees, means the period of twelve months commencing on the 21st day of May in any year :

“Vendor” means any person who in the ordinary course of business sells or offers for sale, either on his own account or on behalf of any other person, any container.

3. Any contract entered into by the Board pursuant to these regulations that, if made between private persons,—

- (a) Must be by deed, shall, when made by the Board, be in writing under the common seal of the Board :
- (b) Must be in writing signed by the parties to be charged therewith, may, when made by the Board, be in writing signed by any person acting on behalf of and under the express or implied authority of the Board :
- (c) May be made orally, may, when made by the Board, be made orally by any person acting on behalf of and under the express or implied authority of the Board.

4. Any notice, licence, demand, or other document to be given, issued, made, or executed by the Board shall be sufficient if verified by the signature of the secretary of the Board for the time being or issued under the common seal of the Board.

SUPPLY OF CONTAINERS

5. (1) In order to ensure a regular supply of containers for all proprietors requiring them, the Board shall, from the commencement of these regulations, be the sole and exclusive agent of every proprietor for the purpose of purchasing containers.

(2) It shall not be lawful for any proprietor to purchase containers except through the Board as his agent.

6. No proprietor shall pack butter, cheese, or milk powder intended for export beyond New Zealand, or ship butter, cheese, or milk powder for export beyond New Zealand, in a container which was not purchased by the Board pursuant to these regulations.

7. (1) Any proprietor manufacturing butter, cheese, or milk powder for export beyond New Zealand and requiring containers in which to pack that butter, cheese, or milk powder shall, on or before the 1st day of April in every year, notify the Board of the number of butter boxes, cheese crates, and milk powder containers respectively which he estimates that he will require for the next ensuing season.

(2) The Board shall thereupon be at liberty to direct whether those butter boxes, or any of them, shall be supplied in shooks or nailed up, and to arrange for the supply of those butter boxes and other containers, or any of them, from licensees or other vendors within or outside New Zealand upon such terms as the Board thinks fit.

8. On the first day of each month every proprietor shall forward to the Board a statement showing—

- (a) The total number of butter boxes, cheese crates, and milk powder containers (separately stated) which he has on hand at that date :
- (b) The total number of butter boxes, cheese crates, and milk powder containers (separately stated) which he has used during the immediately preceding month :
- (c) An estimate of the number of butter boxes, cheese crates, and milk powder containers (separately stated) which he will require for the month in which the statement is prepared and for the next succeeding month.

9. No vendor shall have any direct right of action against a proprietor in regard to any matters arising out of containers supplied. All remedies of the vendor shall be available solely against the Board.

10. Any claim of a proprietor or the Board in respect of containers short delivered or containers not conforming to the requirements of the Dairy Produce Regulations 1938 or of the Board, or in respect of any other matter arising out of the supply of containers, shall be made and prosecuted by the Board. The Board shall be entitled to an indemnity, to its satisfaction, to be furnished by the proprietor before any such claim is made or prosecuted.

11. Nothing contained in these regulations shall give any proprietor a right of action against the Board in any case where the Board finds it impracticable for any reason to procure from vendors the containers required by the proprietor.

PRICES TO LICENSEES

12. The prices to be paid to licensees for butter boxes supplied or to be supplied under these regulations shall be ascertained in each season as follows :—

- (a) The Board shall ascertain on the basis of its actual cost the value of timber held in stock for the manufacture of butter boxes by each licensee at the commencement of the season, and, having regard to the reasonable quantity of timber which the licensee should use for the manufacture of butter boxes, the Board shall estimate the value of the timber required by the licensee for the manufacture of butter boxes :

- (b) The Price Tribunal shall, before the commencement of each season, fix a manufacturing allowance which will be paid to licensees for the manufacture of each butter box made, and that allowance shall remain in force throughout the season unless altered during the season by the Tribunal :
- (c) The provisional price to which each licensee shall be entitled at the commencement of the season for the butter boxes supplied by him to the Board shall be obtained by adding the timber value estimated pursuant to paragraph (a) of this regulation to the manufacturing allowance for the time being fixed pursuant to paragraph (b) of this regulation. The provisional price shall be subject to adjustment as hereinafter provided.
- 13.** The prices to be paid to licensees for cheese crates, either complete or in parts, supplied or to be supplied under these regulations shall be ascertained as follows :—
- (a) Where the licensee purchases the timber to be used by him during the season for the manufacture of cheese crates, either complete or in parts,—
- (i) The Board shall ascertain on the basis of its actual cost the value of timber held in stock for the manufacture of cheese crates, either complete or in parts, by each licensee at the commencement of each season, and, having regard to the reasonable quantity of timber which the licensee should use for the manufacture of cheese crates, either complete or in parts, the Board shall estimate the value of the timber required by the licensee for the manufacture of cheese crates, either complete or in parts :
- (ii) The Price Tribunal shall, before the commencement of each season, fix manufacturing allowances which will be paid to each licensee for the manufacture of each cheese crate, complete or in parts, to be supplied by him, and those allowances shall remain in force throughout the season unless altered during the season by the Tribunal :
- (iii) The provisional prices to which each licensee shall be entitled at the commencement of each season for the cheese crates, complete and in parts, supplied by him to the Board shall be obtained by adding the timber value estimated pursuant to subparagraph (i) of this paragraph to the appropriate manufacturing allowance for the time being fixed pursuant to subparagraph (ii) of this paragraph. The provisional prices shall be subject to adjustment as hereinafter provided :
- (b) Where the licensee produces the timber to be used by him during the season for the manufacture of cheese crates he shall be entitled at the commencement of the season to such provisional prices for the cheese crates, complete and in parts, supplied by him to the Board as the Price Tribunal determines. Those provisional prices shall remain in force throughout the season unless altered during the season by the Tribunal, but shall be subject to adjustment as hereinafter provided.

14. Every vendor shall, forthwith on delivery by him of any container pursuant to these regulations, furnish to the Board a delivery note containing particulars of the delivery.

15. Not later than the last day of every month every vendor shall furnish to the Board a detailed statement of the sum claimed by him to be due for containers delivered by him during the period from the 20th day of the then last preceding month up to and including the 20th day of the month by the last day of which the statement is to be furnished.

16. When any such statement as aforesaid is duly furnished and is approved by the Board as correct, payment of the amount thereof shall be made by the Board to the vendor on the 20th day of the month following the month by the last day of which the statement is required to be furnished.

17. At any time during the season or after the close of the season the Board, in consultation with the Price Tribunal, may consider any evidence—

- (a) That the actual prices paid at the time of purchase by any licensee for timber to be used in the manufacture of butter boxes or cheese crates were higher or lower than the relevant value of the timber estimated pursuant to paragraph (a) of regulation 12 or subparagraph (i) of paragraph (a) of regulation 13 hereof, as the case may be; or
- (b) That in the manufacture of butter boxes or cheese crates by any licensee overtime was reasonably and justifiably worked or additional expenditure was actually and reasonably incurred in kiln drying any timber and that by reason of the rate of wages paid for overtime or of the additional expenditure so incurred in kiln drying timber the actual cost of manufacture was higher than the relevant manufacturing allowance fixed pursuant to paragraph (b) of regulation 12 or subparagraph (ii) of paragraph (a) of regulation 13 hereof, as the case may be; or
- (c) That in the manufacture by any licensee of cheese crates, either complete or in parts, to which paragraph (b) of regulation 13 applies overtime was reasonably and justifiably worked or additional expenditure was actually and reasonably incurred in kiln drying any timber and that by reason of the rate of wages paid for overtime or of the additional expenditure so incurred in kiln drying timber the relevant price for the time being fixed pursuant to paragraph (b) of the said regulation 13 was less than the total cost of manufacture,—

and may thereupon make such adjustment of the provisional price or prices payable to that licensee as the Board deems just and equitable. Any such adjustment may, in the discretion of the Board, be retrospective so as to relate to butter boxes or cheese crates already delivered and paid for.

18. Any sum found to be due to the Board by a licensee in consequence of any such adjustment as aforesaid shall be payable by the licensee to the Board on demand, and in default of payment may be recovered by the Board as a debt owing by the licensee to the Board.

PRICES TO PROPRIETORS OF MANUFACTURING DAIRIES

19. Every proprietor shall pay to the Board a delivered price for butter boxes, a delivered price for cheese crates, and a delivered price for milk powder containers supplied under these regulations. For the purposes of these regulations, when delivery is made by rail or sea it shall be deemed to be made when the containers are delivered to the railway station or wharf, as the case may be, nearest to the manufacturing dairy to which the containers are supplied.

20. (1) The delivered prices shall be arrived at as follows:—

- (a) Forthwith after the end of every season the Board shall ascertain separately in respect of butter boxes, cheese crates, and milk powder containers the outlay made and incurred by the Board and properly referable to the accounts of that season in respect of the following matters, namely:—
- (i) The purchase of butter boxes, cheese crates, and milk powder containers from licensees and other vendors within or outside New Zealand (including any adjustment relating to the price of timber) and the supply of butter boxes, cheese crates, and milk powder containers to proprietors:
 - (ii) The sum fixed by the Board as a reserve for depreciation of butter boxes, cheese crates, and milk powder containers stored by or on behalf of the Board pursuant to these regulations:
 - (iii) The expenses incurred by the Board in carrying out the powers and duties conferred and imposed on the Board by these regulations, including such portion or proportion of the overhead expenses of the Board's office as may be fixed by the Board:
- (b) The Board shall then ascertain separately in respect of butter boxes, cheese crates, and milk powder containers the amount by which the total sum paid or payable by proprietors for butter boxes, cheese crates, or milk powder containers delivered by the Board in that season exceeds, or is less than, the outlay for that season in respect of the acquisition of butter boxes, cheese crates, and milk powder containers ascertained by the Board pursuant to paragraph (a) of this regulation:
- (c) The Board shall then estimate separately in respect of butter boxes, cheese crates, and milk powder containers the average price at which butter boxes, cheese crates, and milk powder containers are obtainable by the Board during the next ensuing season from licensees or other vendors, allowing a reserve for the purpose of meeting any adjustment that may subsequently be made in prices payable to licensees or other vendors and in respect of the depreciation of butter boxes, cheese crates, and milk powder containers stored by it pursuant to these regulations:
- d) The Board shall then estimate separately in respect of butter boxes, cheese crates, and milk powder containers, the average cost of transport of butter boxes, cheese crates, and milk powder containers between factory or store and point of delivery to the proprietors of manufacturing dairies,

and in the case of butter boxes may apportion this cost as it thinks fit according to whether butter boxes or box boards in shooks are delivered to the proprietors :

- (e) The Board shall then estimate separately in respect of butter boxes, cheese crates, and milk powder containers the cost for the next ensuing season to the Board of acting as the agent of the proprietors and carrying out the powers and duties conferred and imposed on the Board by these regulations, including such portion or proportion of the overhead expenses of the Board's office as may be fixed by the Board :
- (f) Taking into account the respective surpluses or deficiencies ascertained under paragraph (b) and the respective prices, charges, and costs estimated under paragraphs (c), (d), and (e) of this regulation, the Board shall forthwith fix and notify delivered prices for butter boxes, cheese crates, and milk powder containers.

(2) Notwithstanding the provisions of paragraph (f) of subclause (1) of this regulation, the delivered prices notified pursuant to that paragraph may from time to time be modified by the Board if in its opinion any change of circumstances makes it proper that a modification should be made.

21. If by reason of the default of any proprietor or by reason of the means of transport of butter, cheese, or milk powder adopted by any proprietor the Board is required to pay additional freight rates in respect of the delivery by rail of containers to that proprietor or is unable to take advantage of any minimum railway freight rates for containers, the Board may in its discretion decide that an additional payment of such sum as the Board thinks proper shall be made by that proprietor in respect of the containers on which the additional freight rates were incurred or in respect of which a freight rate in excess of the minimum was payable.

22. Invoices for containers supplied to any proprietor by a licensee or other vendor or by the Board in any month shall be rendered to that proprietor by the Board as delivery notes are received by the Board from the licensee or other vendor, and a monthly statement shall be rendered by the Board to that proprietor within seven days after the end of that month or so soon thereafter as may be practicable. The amount shown as owing in the statement shall be due and payable by that proprietor to the Board on the 20th day of the month in which the statement is rendered.

23. If on the due date of payment any proprietor fails to pay to the Board the full amount of any account for butter boxes, cheese crates, or milk powder containers supplied through the Board, then—

- (a) The Board may notify the Commission of the amount due by the proprietor, and thereupon the Commission shall be entitled, without further authority than this regulation, to deduct the amount owing from any moneys that are then payable or may after the receipt of the notice become payable to the proprietor out of the Dairy Industry Account, and to pay the amount to the Board, whose receipt shall be a sufficient discharge therefor ; or
- (b) The Board may sue for and recover the amount as a debt owing by the proprietor to the Board : or

- (c) The Board may decline to permit the supply of any butter boxes, cheese crates, or milk powder containers to the proprietor so long as the default continues.

FURTHER POWERS OF BOARD

24. It shall be lawful for the Board, with the approval of the Minister, to import containers in such quantities as the Minister may approve, whether for immediate delivery to proprietors or for storage as hereinafter provided.

25. It shall be lawful for the Board, with the approval of the Minister, to store or arrange for the storage of any containers acquired by the Board pursuant to these regulations, at such places and under such conditions as the Board thinks fit.

26. (1) Notwithstanding anything contained in the foregoing provisions of these regulations, the Board may in its discretion, if in its opinion it is desirable that the proprietor of any manufacturing dairy, or the proprietors of manufacturing dairies in any portion of New Zealand to be defined by the Board, should be exempted from the provisions of these regulations, permit that proprietor, or, as the case may require, those proprietors, to obtain containers otherwise than as hereinbefore provided and to use them for packing and exporting butter, cheese, or milk powder.

(2) Any such permission as aforesaid may be granted for such period and subject to such conditions as the Board thinks fit.

(3) The Board may at any time, in its discretion, withdraw any permission so granted.

27. The Board may from time to time require any proprietor—

- (a) To maintain such stocks of containers as the Board considers necessary in the interests of individual proprietors and for the welfare of the dairy industry :
- (b) To alter or increase the space available for the storage of his containers if in the opinion of the Board that space is either unsatisfactory or inadequate for the number of containers which the Board considers should be held by the proprietor.

LICENCES FOR MANUFACTURE

28. No person shall manufacture butter boxes or cheese crates in New Zealand except pursuant to a licence issued under these regulations and in the premises specified in the licence.

29. Every application for a licence under these regulations shall be made to the Board in writing, signed by or on behalf of the manufacturer, in or to the effect of the form numbered 1 in the Schedule hereto. One application may be made in respect of the manufacture of both butter boxes and cheese crates, either complete or in parts.

30. Every such licence shall, according to the terms thereof, authorize the licensee to carry on the manufacture, in the premises specified in the licence, of all or any of the following articles, namely :—

- (a) Butter boxes :
- (b) Complete cheese crates :
- (c) Cheese crate ends and centres :
- (d) Cheese crate battens.

31. If any licensee desires to manufacture any butter boxes or cheese crates in premises in addition to or in substitution for the premises specified in his licence, he shall make application to the Board in the prescribed form, and the Board may in its discretion grant him a new licence accordingly.

32. Before granting a licence under these regulations the Board shall take into consideration the following matters :—

- (a) The economic necessity for the establishment in the district of a factory or additional factory of the kind proposed :
- (b) The prospect of carrying on successfully the manufacture, in the premises specified in the application, of all or any of the articles so specified to the extent proposed in the application, having regard to all relevant circumstances :
- (c) The probable effect of competition from the factory in respect of which the applicant seeks a licence on the quality of the goods which might be manufactured therein or in competing factories.

33. The Board may in its discretion refuse a licence, but shall not grant a licence without the prior approval of the Minister.

34. As a condition of the granting of any licence for the manufacture of butter boxes or cheese crates, the licensee shall enter into an agreement with the Board in or to the effect of the form numbered 2 in the Schedule hereto.

35. Every licence granted to an applicant pursuant to these regulations shall be in the form numbered 3 in the Schedule hereto.

36. (1) The Board may, without prejudice to any other remedies it may have against the licensee, revoke any licence—

- (a) If it is established to the satisfaction of the Board that the licensee has made persistent default in any contract entered into with the Board or deemed under these regulations to have been entered into with the Board :
- (b) If the provisional price which the Board is prepared to fix as being the price which the licensee should be paid for butter boxes or cheese crates, or parts of cheese crates, as the case may be, under these regulations is in the opinion of the Board an uneconomic price to pay having regard to all other relevant circumstances :
- (c) If, in the case of a licence granted or deemed to have been granted under the regulations hereby revoked and enuring under these regulations and vested in a licensee not bound by an agreement in or to the effect of the form numbered 2 in the Schedule hereto, the licensee refuses or fails or neglects to enter forthwith into such an agreement with the Board when required by the Board so to do.

(2) Every such revocation as aforesaid shall be effected by notice in writing given by the Board to the licensee, and shall take effect from the receipt by the licensee of the notice or at such later date as the Board specifies in the notice.

37. No licensee shall supply, pursuant to any contract made with him by the Board under these regulations or by the proprietor of any manufacturing dairy, any butter box or cheese crate, either complete

or in parts, that does not conform in every respect to the relevant requirements, as far as they are applicable, prescribed for butter boxes or cheese crates by the Dairy Produce Regulations 1938.

38. (1) It shall be lawful for the Board to require that every licensee shall maintain moisture testing equipment approved by the Board for the purpose of carrying out regular tests, at the times and in the manner from time to time prescribed by the Board, to determine the moisture content of the timber used by the licensee in the manufacture of such containers as he is licensed to manufacture.

(2) Every licensee who is required to maintain any moisture testing equipment pursuant to this regulation shall keep a special book in which shall be recorded the results of the tests made by him from time to time to determine the moisture content of timber used in the manufacture of such containers as he is licensed to manufacture, and the book shall be open at all times for inspection by any officer of the Board or any person duly authorized in that behalf by the Board.

(3) Notwithstanding anything contained in this regulation, the Board shall be at liberty at any time to carry out tests for the purpose of determining the moisture content of any timber used by any licensee in the manufacture of such containers as he is licensed to manufacture.

39. If any licensee fails, in the opinion of the Board, to comply with any of the provisions of regulations 37 and 38 of these regulations, the Board may in its discretion, in manner provided by regulation 36 hereof, revoke the licence issued to him under these regulations, without prejudice to the liability of the licensee to any penalty under section 3 of the Agriculture (Emergency Powers) Amendment Act, 1936.

40. (1) The Butter Box and Cheese Crate Pool Regulations 1948* are hereby revoked.

(2) All agreements, approvals, licences, permits, and generally all acts of authority, and all other documents, matters, acts, and things which originated under the regulations hereby revoked and are of continuing effect at the commencement of these regulations shall enure for the purposes of these regulations as fully and effectually as if they had originated under the corresponding provisions of these regulations, and accordingly shall, where necessary, be deemed to have so originated.

* Statutory Regulations 1948, Serial number 1948/121, page 365.

SCHEDULE

[Reg. 29.

[Form No. 1.

*The Dairy Produce Export Containers Regulations 1950*APPLICATION FOR LICENCE TO CARRY ON THE MANUFACTURE OF BUTTER BOXES
OR CHEESE CRATES

APPLICATION is hereby made for a licence to carry on the manufacture of [butter boxes] [cheese crates] [cheese crate ends and centres] [cheese crate battens] in premises of which the particulars are set out below :—

1. Particulars of land and location of factory premises :.....
2. Name of owner :.....
3. If owner is a company, name of secretary :.....
4. Postal address of owner :.....
5. Name of and distance to nearest—
 - (a) Post office :.....
 - (b) Telegraph or telephone office :.....
 - (c) Railway station :.....
 - (d) Shipping port :.....
- *6. Number of butter boxes which owner has agreed to supply for the current season, and the number supplied during the season immediately past :.....
- *7. Number of cheese crates, either complete or in parts, which owner has agreed to supply for the current season, and the number supplied during the season immediately past—
 - (i) Complete cheese crates :.....
 - (ii) Cheese crate ends and centres only :.....
 - (iii) Cheese crate battens only :.....
- *8. Maximum output of butter boxes of which the factory is capable under normal conditions in any one season—
 - (a) If manufacturing butter boxes only :.....
 - (b) If manufacturing butter boxes and—
 - (i) Complete cheese crates :.....
 - (ii) Cheese crate ends and centres only :.....
 - (iii) Cheese crate battens only :.....
- *9. Maximum output of cheese crates, complete or in parts, of which the factory is capable under normal conditions in any one season—
 - (a) If manufacturing—
 - (i) Complete cheese crates only :.....
 - (ii) Cheese crate ends and centres only :.....
 - (iii) Cheese crate battens only :.....
 - (b) If manufacturing butter boxes and—
 - (i) Complete cheese crates :.....
 - (ii) Cheese crate ends and centres only :.....
 - (iii) Cheese crate battens only :.....

Dated at, this day of, 19..

Signature of Owner :.....

* Delete the paragraphs or portions thereof which are inapplicable.

SCHEDULE—*continued*[Reg. 34.
[Form No. 2.*The Dairy Produce Export Containers Regulations 1950*

AGREEMENT BETWEEN NEW ZEALAND DAIRY BOARD AND LICENSEE

THIS AGREEMENT made the day of, 19. ., between the New Zealand Dairy Board incorporated under the Dairy Produce Act, 1923, and its amendments (hereinafter referred to as the Board) of the one part And. (hereinafter referred to as the manufacturer) of the other part Whereas regulations are now in force under the Agriculture (Emergency Powers) Act, 1934, in terms of which the Board as the sole agent of the proprietors controls the supply to manufacturing dairies of butter boxes and cheese crates in which butter and cheese for export may be packed And whereas the manufacturer manufactures or is prepared to manufacture [butter boxes] [cheese crates] [cheese crate ends and centres] [and] [cheese crate battens] and has applied for a licence under the said regulations And whereas as a condition of obtaining such a licence it is necessary that the manufacturer should enter into these presents Now this agreement witnesseth and it is hereby agreed and declared as follows :—

1. The manufacturer agrees to supply to the Board in its capacity as agent under the above named regulations if and when ordered by the Board [butter boxes] [cheese crates] [cheese crate ends and centres] [and] [cheese crate battens] made by the manufacturer upon the premises named in the application of the manufacturer for a licence upon the terms and conditions following that is to say :—

(a) The Board shall be at liberty to order up to the maximum output of the manufacturer but not exceeding in any one season the totals following, namely :—

Butter boxes :
Complete cheese crates :
Cheese crate ends and centres :
Cheese crate battens :

[If one total conditional upon another, alter as required.]

- (b) Deliveries shall be made by the manufacturer ex factory as the Board may direct or require but the manufacturer shall not be bound to deliver more than the monthly quantities hereunder set out.
2. The prices to be paid by the Board for all [butter boxes] [cheese crates] [cheese crate ends and centres] [and] [cheese crate battens] supplied by the manufacturer shall be the appropriate prices from time to time fixed under the above mentioned regulations.
3. The manufacturer shall be responsible that all butter boxes, cheese crates and parts thereof strictly conform to the specifications as regards description and quality required by the regulations. The Board shall have the right to reject and return any butter box, cheese crate or part thereof not strictly conforming to specification and the manufacturer without prejudice to any other remedies the Board may have shall be liable to pay to the Board liquidated damages for every butter box or cheese crate or part thereof so rejected after the following rates—namely, for every butter box fourpence, for every cheese crate sixpence, for every set of cheese crate ends and centre threepence, and for every set of cheese crate battens threepence. Should any dispute arise as to whether any butter box or any cheese crate or part thereof rejected was in conformity with specifications the dispute shall be referred to some officer of the Dairy Division of the Department of Agriculture to be appointed for the purpose by the Director of the Dairy Division and the decision of that officer based on his own expert knowledge shall be final.
4. The manufacturer shall deliver the butter boxes or the cheese crates or parts thereof ordered by the Board ex factory to such owners of manufacturing dairies and in such quantities as the Board from time to time directs.

SCHEDULE—*continued*[Reg. 35.
[Form No. 3.*The Dairy Produce Export Containers Regulations 1950*

LICENCE TO CARRY ON THE MANUFACTURE OF BUTTER BOXES OR CHEESE CRATES
PURSUANT to application in this behalf dated the day of, 19. . .
[Name of licensee] is [are] hereby authorized to carry on the manufacture of
[butter boxes] [cheese crates] [cheese crate ends and centres] [cheese crate
battens],* in the premises described in the said application.

This licence shall remain in force subject to the provisions of the Dairy Produce
Export Containers Regulations 1950 or any regulations in substitution therefor.

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Secretary to the New Zealand Dairy Board.

* De cete words not applicable.

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.]

These regulations revoke and re-enact the provisions of the Butter Box and
Cheese Crate Pool Regulations 1948, with amendments. The effect of the amend-
ments is to confer on the New Zealand Dairy Board all necessary powers to
purchase, as agent, and supply to dairy companies requiring them all export
containers for milk powder (other than metal or wooden containers). The powers
so conferred are the same as those already possessed by the Board with respect
to the purchase and supply to dairy companies of butter boxes and cheese crates.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 10th day of August, 1950.

These regulations are administered in the Department of Agriculture.

(Notice No. Ag. 4900.)