

1967/184



**THE DAIRY PRODUCE REGULATIONS 1938,
AMENDMENT NO. 26**

—
BERNARD FERGUSSON, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 26th day of July 1967

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Dairy Industry Act 1952, 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 Produce Regulations 1938, Amendment No. 26, and shall be read together with and deemed part of the Dairy Produce Regulations 1938* (hereinafter referred to as the principal regulations).

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

2. Fees for testing dairy glassware—Subclause (9) of regulation 13 of the principal regulations is hereby amended—

- (a) By omitting the expression “2d.”, and substituting the expression “2c”:
- (b) By omitting the expression “3d.”, and substituting the expression “2c”:
- (c) By omitting the expression “1s.” in both places where it occurs, and substituting in each case the expression “10c”.

*S.R. 1938/91 (Reprinted with Amendments Nos. 1 to 8: S.R. 1954/33)

Amendment No. 9: 1954/72
 Amendment No. 10: 1954/121
 Amendment No. 11: 1955/195
 Amendment No. 12: 1956/182
 Amendment No. 13: 1956/195
 Amendment No. 14: 1957/68
 Amendment No. 15: 1957/217
 Amendment No. 16: 1957/239
 Amendment No. 17: 1958/180
 Amendment No. 18: 1959/117
 Amendment No. 19: 1959/195
 Amendment No. 20: 1962/15
 Amendment No. 21: 1962/31
 Amendment No. 22: 1962/140
 Amendment No. 23: 1965/7
 Amendment No. 24: 1965/75
 Amendment No. 25: 1965/190

3. Payment for graded milk or cream—(1) The principal regulations are hereby further amended by revoking regulation 18, and substituting the following regulation:

“18. (1) For the purposes of this regulation the term ‘manufacturing dairy to which this regulation applies’ means any premises registered as a manufacturing dairy under these regulations other than premises registered as a private dairy, sugar of milk factory, tinning house, packing house, or cream-receiving depot.

“(2) Where payment is to be made to any supplier in respect of all graded milk supplied to and accepted by the owner of any manufacturing dairy to which this regulation applies such payment shall be at the rate of at least 1c per pound of butterfat less for milk graded as First Grade than for milk graded as Finest Grade, and shall be at least 3c per pound of butterfat less for milk graded as Second Grade than for milk graded as Finest Grade.

“(3) Payment to each supplier of whole milk cream shall be so made that the rate shall be at least $\frac{1}{2}$ c per pound of butterfat more for cream graded as Finest Grade than for that graded as First Grade, and at least 2c per pound of butterfat less for cream graded as Second Grade than for that graded as First Grade.

“(4) Payment to each supplier of whey cream shall be so made that the rate shall be at least 2c per pound of butterfat less for whey cream graded as Second Grade than for that graded as First Grade.

“(5) All whole milk cream or whey cream containing less than 36 percent, but not less than 35 percent, by weight, of butterfat shall be paid for at a rate of at least 1c per pound of butterfat less than the rate that would otherwise have been payable for it according to its grade, and all such cream containing less than 35 percent, by weight, of butterfat shall be paid for at a rate of at least 2c per pound of butterfat less than the rate that would otherwise have been payable for it according to its grade.

“(6) In every case where payment for graded milk is made by way of more than one part-payment, any differentiation in the rate of payment required to be made under subclauses (1) and (2) of this regulation shall be made on the first part-payment made in respect of such milk.

“(7) In every case where payment for whole milk cream or whey cream is made by way of more than one part-payment, any differentiation in the rate of payment required to be made under subclauses (3), (4), and (5) of this regulation shall, in connection with each lot of such cream, be made on the first part-payment made in respect of such lot.

“(8) No owner of any manufacturing dairy to which this regulation applies shall make or cause or permit to be made any credit allowance, whether in money or money’s worth or otherwise, or any bonus payment or other payment to or for the benefit of any person supplying milk, whole milk cream, or whey cream to such owner so as to compensate wholly or in part for any differentiation in price prescribed by this regulation.

“(9) The owner of every manufacturing dairy to which this regulation applies shall, for a period of at least one year after the making of any entry therein, cause all relevant books and records of such manufacturing dairy to be kept available for examination by an Inspector, or by any officer of the Department of Agriculture authorised by the Director in that behalf, for the purpose of ascertaining all particulars of grades allotted to milk, whole milk cream, or whey cream supplied to any such manufacturing dairy, and of payments made for such milk or cream, and any Inspector or any officer so authorised may at any reasonable time make such examination after giving to the owner written or oral notice of his intention so to do.

“(10) No person shall falsify the record of the payment for any milk or cream supplied to any manufacturing dairy to which this regulation applies.

“(11) Notwithstanding anything to the contrary in this regulation, all graded milk which is tested pursuant to subclause (24) of regulation 13 of these regulations and found to contain any antibiotic shall be paid for at a rate of not less than 5c per pound of butterfat less than the rate that would otherwise have been payable for such milk according to its grade:

“Provided that nothing in this subclause shall apply in any case where the quantity of antibiotic contained in the milk does not exceed such quantity as may from time to time be specified in that behalf by the Director.”

- (2) The following regulations are hereby consequentially revoked:
- (a) Regulation 10 of the Dairy Produce Regulations 1938, Amendment No. 4:
 - (b) Regulations 6 and 7 of the Dairy Produce Regulations 1938, Amendment No. 8:
 - (c) Regulation 5 of the Dairy Produce Regulations 1938, Amendment No. 11:
 - (d) The Dairy Produce Regulations 1938, Amendment No. 16:
 - (e) Regulation 4 of the Dairy Produce Regulations 1938, Amendment No. 22.

4. Dairy produce grading levy—(1) Regulation 8 of the Dairy Produce Regulations 1938, Amendment No. 3 (as amended by regulation 2 of the Dairy Produce Regulations 1938, Amendment No. 25) is hereby further amended—

- (a) By omitting from paragraph (a) the words “at a rate of 0.0550d.”, and substituting the words “at a rate of 0.0458c”:
 - (b) By omitting from paragraph (b) the words “at a rate of 0.0257d.”, and substituting the words “at a rate of 0.0214c”.
- (2) The following regulations are hereby consequentially revoked:
- (a) Regulation 10 of the Dairy Produce Regulations 1938, Amendment No. 10:
 - (b) The Dairy Produce Regulations 1938, Amendment No. 25.

P. J. BROOKS,
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 convert into decimal currency, expressions in pounds, shillings, and pence which do not convert exactly.

In addition, regulation 18 of the principal regulations is consolidated.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 27 July 1967.

These regulations are administered in the Department of Agriculture.