

Serial Number 1952/237



THE DAIRY PRODUCE REGULATIONS 1938, AMENDMENT NO. 8

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 17th day of
December 1952

Present:

THE HON. K. J. HOLYOAKE PRESIDING IN COUNCIL

PURSUANT to the Dairy Industry Act 1908, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. These regulations may be cited as the Dairy Produce Regulations 1938, Amendment No. 8, and shall be read together with and deemed part of the Dairy Produce Regulations 1938* (hereinafter referred to as the principal regulations).

2. Regulation 15 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclauses:—

“(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.

“(1A) No person who is not registered as the holder of a milk grader’s certificate for the time being in force shall grade any milk supplied to any manufacturing dairy to which this regulation applies.”

3. Regulation 15 of the principal regulations, as amended by regulation 8 of the Dairy Produce Regulations 1938, Amendment No. 4, is hereby further amended—

(a) By omitting from paragraph (f) of subclause (5) the words “cheese factory, standardized cheese factory, creamery, whey butter factory, or skimming station”, and substituting the words “manufacturing dairy to which this regulation applies”:

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

Amendment No. 1: Statutory Regulations 1942, Serial number 1942/18, page 47.
Amendment No. 2: Statutory Regulations 1948, Serial number 1948/102, page 310.
Amendment No. 3: Statutory Regulations 1949, Serial number 1949/13, page 52.
Amendment No. 4: Statutory Regulations 1949, Serial number 1949/115, page 455.
Amendment No. 5: Statutory Regulations 1950, Serial number 1950/174, page 801.
Amendment No. 6: Statutory Regulations 1951, Serial number 1951/102, page 335.
Amendment No. 7: Statutory Regulations 1951, Serial number 1951/167, page 571.

(b) By omitting from subclause (8) the words "cheese factory, standardized cheese factory, creamery, whey butter factory, or skimming station", and substituting the words "manufacturing dairy to which this regulation applies".

4. Regulation 16 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclauses:—

"(1) For the purposes of this regulation—

" 'Curd test' means the examination of a curd made from a sample of milk and prepared without pasteurization and without the use of a starter, but in other respects substantially by the method usual in the manufacture of cheese in New Zealand:

" '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:

" 'Microscopic test' means a direct microscopic count by the Breed method:

" 'Reductase test' means the methylene-blue reductase test as commonly applied in the dairy industry:

" 'Sediment test' means the examination of a sample of milk for sediment in such manner as may from time to time be approved:

" 'Senses test' means the examination of a sample of milk by the milk grader's senses of sight, taste, and smell.

"(1A) Subject to the provisions of subclause (16) hereof, as soon as practicable after the arrival at any manufacturing dairy to which this regulation applies of any milk supplied thereto, and in every case on the day on which the milk is received, the owner of the manufacturing dairy shall, subject to the provisions of regulation 15 hereof, grade that milk or cause it to be graded in accordance with the provisions of this regulation."

5. Regulation 16 of the principal regulations is hereby further amended—

(a) By omitting from subclause (4) the words "a creamery or skimming station", and substituting the words "a manufacturing dairy to which this regulation applies other than a cheese factory or a standardized cheese factory":

(b) By revoking subclause (7):

(c) By inserting, after subclause (11), the following subclause:—

"(11A) In the application of the sediment test the Director may from time to time, in respect of the quantity of sediment present in a sample of milk supplied to any manufacturing dairy to which this regulation applies, fix and approve standards according to which the grade to be assigned to the milk shall be determined.":

- (d) By revoking subclause (13), and substituting the following subclause:—

“(13) In the case of milk supplied to a manufacturing dairy to which this regulation applies other than a cheese factory or a standardized cheese factory, all grading shall, subject to subclause (14) of this regulation, be based on—

“(a) The curd test; or

“(b) The reductase test combined with the senses test in manner prescribed by subclause (11) of this regulation; or

“(c) The microscopic test, together with the senses test; or

“(d) The curd test, together with either the reductase test or the microscopic test; or

“(e) The curd test, or any of the combined tests prescribed by paragraph (b), paragraph (c), or paragraph (d) of this subclause, together with the sediment test.”:

- (e) By omitting from subclauses (14) and (22), as amended by paragraph (a) of regulation 9 of the Dairy Produce Regulations 1938, Amendment No. 4, the words “cheese factory, standardized cheese factory, creamery, or skimming station”, and substituting the words “manufacturing dairy to which this regulation applies”:

- (f) By omitting from subclause (19), as amended by paragraph (a) of regulation 9 of the Dairy Produce Regulations 1938, Amendment No. 4, the words “registered as a cheese factory, standardized cheese factory, creamery, or skimming station”, and substituting the words “to which this regulation applies”.

6. Regulation 18 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclauses:—

“(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.

“(1A) Payment to each supplier in respect of all graded milk supplied to and accepted by the owner of any cheese factory or standardized cheese factory shall be so made that—

“(a) Where payment is made on any other basis than that referred to in paragraph (b) of this subclause the rate shall be at least $\frac{1}{2}$ d. per pound of butterfat less for milk graded as Second Grade than for milk graded as First Grade; or

“(b) In any case where payment is made on the calculated quantity of cheese produced determined by reference to the percentage of butterfat and casein contained in the milk the rate shall be at least 0.2d. per pound of calculated cheese less for milk graded as Second Grade than for milk graded as First Grade.”

7. Regulation 18 of the principal regulations, as amended by regulation 10 of the Dairy Produce Regulations 1938, Amendment No. 4, is hereby further amended—

- (a) By omitting from subclause (3) the words “creamery or skimming station”, and substituting the words “manufacturing dairy to which this regulation applies other than a cheese factory or a standardized cheese factory”;
- (b) By omitting from subclause (9) and also from subclause (11) the words “cheese factory, standardized cheese factory, creamery, whey butter factory, or skimming station”, and substituting in each case the words “manufacturing dairy to which this regulation applies”;
- (c) By omitting from subclause (10) the words “registered as a cheese factory, standardized cheese factory, creamery, whey butter factory, or skimming station”, and substituting the words “to which this regulation applies”.

8. The following regulations are hereby revoked—

- (a) Regulation 8 of the Dairy Produce Regulations 1938, Amendment No. 1;
- (b) Regulation 8 of the Dairy Produce Regulations 1938, Amendment No. 4;
- (c) Paragraph (a) of regulation 9 and paragraph (b) of regulation 10 of the Dairy Produce Regulations 1938, Amendment No. 4.

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 provide that the provisions of the principal regulations relating to the grading of milk and payment according to grade shall apply to the following additional classes of manufacturing dairies—namely, condensed or preserved milk factories, casein factories, dried milk factories, precipitating stations, and milk receiving depots. The regulations also vary the provisions relating to the tests to be applied in grading milk.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 18 December 1952.

These regulations are administered in the Department of Agriculture.

(Notice No. Ag. 5375.)