

Serial Number 1949/13

THE DAIRY-PRODUCE REGULATIONS 1938, AMENDMENT
NO. 3

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 23rd day of
February, 1949

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL 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, doth hereby make the following regulations.

REGULATIONS

1. These regulations may be cited as the Dairy-produce Regulations 1938, Amendment No. 3.
2. These regulations shall be read together with and deemed part of the Dairy-produce Regulations 1938* (hereinafter called the principal regulations).
3. These regulations shall come into force on the seventh day following notification in the *Gazette* of the making thereof.
4. Clause (1) of Regulation 1 of the principal regulations is hereby amended by revoking the words and figures "Regulation 35—Grading Fees".
5. Regulation 35 of the principal regulations is hereby revoked.
6. Clause (3) of Regulation 36 is hereby revoked.

DAIRY-PRODUCE GRADING LEVY

7. In these regulations, unless the context otherwise requires,—
 - "Financial year" means with respect to any owner the financial year of that owner :
 - "Grading owner" means an owner by whom butter or cheese has been submitted for grading at any port named in the first column of the table subjoined to Regulation 9 hereof at any time since the commencement of the then last preceding financial year :
 - "Owner" means the owner of a manufacturing dairy registered as a creamery, whey-butter factory, or cheese-factory.

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

8. For the purpose of defraying the cost of grading butter and cheese, every owner shall, subject to the provisions hereinafter contained, be charged with an annual levy computed at the rates and in the manner following, namely :—

- (a) In respect of butter, at a rate of 0.0263d. per pound and computed on the total number of the pounds of creamery butter and whey butter manufactured by the owner during any financial year as disclosed by the accounts and balance-sheet of the owner for that year :
- (b) In respect of cheese, at a rate of 0.0124d. per pound and computed on the total number of the pounds of cheese manufactured by the owner during any financial year as disclosed by the accounts and balance-sheet of the owner for that year.

9. Forthwith after the coming into force of these regulations, every grading owner shall deliver or cause to be delivered to the office of the District Chief Clerk of the Department of Agriculture at the place named in the second column of the table subjoined to this regulation opposite the name of any port named in the first column of the said table at which he has submitted butter or cheese for grading a copy of the accounts and balance-sheet of that grading owner for the financial year ended at any time in the year 1948.

Table

<i>First Column.</i> Name of Port.	<i>Second Column.</i> Office of District Chief Clerk.
Auckland	Auckland.
New Plymouth, Patea, Wanganui, Gisborne, Napier, and Wellington	Palmerston North.
Lyttelton and Timaru	Christchurch.
Dunedin and Bluff	Dunedin.

10. Not later than the 1st day of October, 1949, and not later than the same day in each year thereafter, every grading owner shall deliver or cause to be delivered to the appropriate office of the District Chief Clerk named in the second column of the table subjoined to Regulation 9 hereof a copy of the accounts and balance-sheet of that grading owner for the then last preceding financial year.

11. Every copy of accounts and balance-sheet to be delivered to a District Chief Clerk in accordance with Regulation 9 or Regulation 10 hereof shall be in the form prescribed by the Dairy Industry Accounts Regulations 1939.

12. If no butter or cheese has been so submitted for grading by an owner at any time since the commencement of the then last preceding financial year, the accounts and balance-sheet of that owner for that financial year shall be delivered to the office of such District Chief Clerk and by such date as the Director by notice given to that owner shall appoint.

13. The amount of the levy chargeable to an owner in respect of any financial year shall be provisionally assessed and computed on the total number of the pounds of creamery butter, whey butter, or cheese manufactured by the owner during the then last preceding

financial year as disclosed by the accounts and balance-sheet of that owner for that last preceding financial year, and a statement showing the provisional assessment, any deduction or addition authorized by Regulation 14 hereof, and the amount presently payable shall be delivered to the owner by the appropriate District Chief Clerk in the month of December in each year, and the amount so shown shall be due and payable by the owner on the 20th day of the month of January next following.

14. On receipt by the appropriate District Chief Clerk of the accounts and balance-sheet of any owner for the financial year in which the statement under Regulation 13 hereof was delivered, the actual amount of levy chargeable for that financial year as disclosed by such accounts and balance-sheet shall be finally determined, and any over-payment or under-payment shown by such determination shall be deducted from or added to the provisional assessment in respect of the then current financial year.

15. Notwithstanding the provisions of Regulations 13 and 14 hereof, for the purposes of the provisional assessment and final determination of the levy chargeable to an owner in respect of the financial year ending in the year 1949, a deduction shall be made from the total number of the pounds of creamery butter, whey butter, or cheese manufactured by that owner of the number of pounds of creamery butter, whey butter, or cheese manufactured during the period (if any) from the end of the last preceding financial year of that owner which ended before the 1st day of August, 1948, up to but not including the 1st day of August, 1948, and the statement showing the provisional assessment of each owner in respect of the financial year ending in the year 1949 shall allow as a deduction any moneys paid by that owner under Regulation 35 or under clause (3) of Regulation 36 hereby revoked for the grading of his butter or cheese after the 31st day of July, 1948, and before the coming into force of these regulations, and shall show the amount presently payable and shall be delivered to the owner as soon as practicable after the coming into force of these regulations, and the amount so shown shall be due and payable by the owner on the 20th day of the month next following the month in which the statement is delivered.

T. J. SHERRARD,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 24th day of February, 1949.

These regulations are administered in the Department of Agriculture.

(Notice No. Ag. 4608.)