

Serial Number 1939/162.



**THE DAIRY (MILK-SUPPLY) REGULATIONS 1939.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 13th day of September, 1939.

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.**

**REGULATION 1.—PRELIMINARY.**

(1) These regulations are arranged as follows :—

- Regulation 1.—Preliminary.
- Regulation 2.—Construction and Sanitation of Dairies.
- Regulation 3.—Construction of Milk-houses.
- Regulation 4.—Erection of Milking-plant in Dairies.
- Regulation 5.—Protection of Milk or Cream from Contamination.
- Regulation 6.—Protection of Milk or Cream from Milk-borne Disease Infection.
- Regulation 7.—Cooling of Milk.
- Regulation 8.—Unconditional Registration of Dairies.
- Regulation 9.—Conditional or Temporary Registration of Dairies.
- Regulation 10.—Cancellation of Certificates of Registration.
- Regulation 11.—Sale of Milk or Cream generally.
- Regulation 12.—Sale of Milk or Cream in Bottles or Cartons.
- Regulation 13.—Conveyances.
- Regulation 14.—Fees.
- Regulation 15.—Services of Notices.
- Regulation 16.—Penalty.

(2) These regulations may be cited as the Dairy (Milk-supply) Regulations 1939.

(3) These regulations shall come into force on the 1st day of October, 1939.

(4) In these regulations, unless inconsistent with the context,—

“ The said Act ” means the Dairy Industry Act, 1908 :

“ Cow-shed ” means any building used solely for the daily milking of cows, and includes any building used both for the daily milking of cows and the housing or stalling of dairy cattle :

“ Inspector ” means any Inspector appointed under the said Act :

“ Milk ” means the milk of cows :

“ Occupier,” in respect of a dairy, includes every person having for the time being the management or control thereof :

“ Registered dairy ” means premises registered as a dairy pursuant to these regulations.

(5) In these regulations, if not inconsistent with the context, the following expressions have the meanings assigned to them by the said Act, namely :—

“ Conveyance ” includes every description of cart, wagon, truck, or other vehicle :

“ Dairy ” means—

(a) A milk-house, milk-shop, dairy factory, and any other place where dairy-produce is collected, deposited, treated, separated, prepared, or manufactured, or is sold or offered or exposed for sale ; and includes

(b) A farm, stock-yard, milking-yard, paddock, shed, stable, stall, and any other place where cows from which the milk-supply of a dairy is obtained are depastured or kept :

“ Owner ” means the owner, whether jointly or severally, and includes the owner’s agent or manager ; it includes also, in the case of a company, the manager, secretary, or other principal officer thereof.

(6) These regulations shall not apply to any dairy if no milk or cream produced therein is intended for sale or sold or offered for sale for human consumption, or to any milk or cream that is neither intended for sale, sold, nor offered for sale for human consumption ; and the meaning of the words “ dairy,” “ milk,” and “ cream,” wherever used herein, shall be deemed to be restricted accordingly.

(7) These regulations shall not apply to any dairy which is used solely as a supplying dairy within the meaning of the Dairy Produce Regulations 1938.

(8) The respective regulations referred to in the First Schedule hereto are revoked.

(9) All certificates, registers, and generally all acts of authority and all applications and all other documents, matters, acts, and things which originated or had effect under the regulations hereby revoked, and are of continuing effect at the time of the coming into force of these regulations, shall enure for the purposes of these regulations as if they had originated under these regulations, and shall, where necessary, be deemed to have so originated.

(10) All matters and proceedings commenced under the regulations hereby revoked and pending or in progress at the time of the coming into force of these regulations may be continued, completed, and enforced under these regulations.

## REGULATION 2.—CONSTRUCTION AND SANITATION OF DAIRIES.

(1) No person shall occupy or use as a dairy any premises that do not conform with the provisions of this regulation.

(2) Notwithstanding the provisions of clause (1) of this regulation, nothing in this regulation, in so far as it relates to the construction of the buildings and other premises specified therein, shall apply to any building or other premises which on the coming into force of these regulations is occupied or used as a cow-shed and its appurtenances if such building or other premises is, in the opinion of the Inspector, satisfactory for the purpose for which it is so occupied or used.

(3) No person shall after the coming into force of these regulations erect or construct, or re-erect or reconstruct, any buildings or premises for use as a cow-shed and its appurtenances upon any site unless such site is approved in writing for that purpose by the Inspector.

(4) No person shall use any cow-shed for any purpose other than the milking of cows and the housing and stalling of dairy cattle.

(5) In every cow-shed where dairy cattle are housed or stalled over the night the available air-space for each animal shall not be less than 500 cubic feet.

(6) The ground space of every cow-shed, including the stalls, shall be constructed of concrete, and the walls shall be constructed of concrete to a height of not less than 4 ft. The floor shall be constructed with an adequate open drain or gutter made of concrete running the whole length of the floor along and behind the stalls, and shall drain into a concrete sump by means of an open concrete drain at least 14 in. wide and at least 4 in. deep. The angles between the bottom and sides of the said gutter and drain and the edges thereof respectively shall be rounded off, and the drain shall be extended beyond the building for a distance of not less than 30 ft. Such gutter, drain, and sump shall at all times be kept cleaned and in a sanitary condition to the satisfaction of the Inspector.

(7) The interior surface of the walls and all other concrete-work in the cow-shed and its appurtenances (including any portion of the top surface of any such wall which is exposed) shall be finished to a smooth plane surface with a steel tool.

(8) Every cow-shed shall, to the satisfaction of the Inspector, be provided with adequate windows or openings for daylight and with adequate ventilation, and all means of lighting and ventilation shall at all times be maintained in clean, clear, and efficient order and condition, and the whole premises kept clean to the satisfaction of the Inspector.

(9) The interior walls and roof of every cow-shed shall be thoroughly painted with two coats of suitable oil paint, and shall from time to time be repainted when so directed by the Inspector.

(10) The bails of every cow-shed shall be thoroughly painted with two coats of suitable oil paint or thoroughly oiled, and shall from time to time be repainted or re-oiled when so directed by the Inspector.

(11) All droppings, manure, excrement, filth, and other impurities or offensive matter shall be scraped, swept, or otherwise collected together and removed from cow-sheds used for the daily milking

of cows immediately after each milking, and from every other cow-shed at intervals throughout the day, and always immediately before milking is commenced.

(12) The ground space of every stock-yard and of every race or other yard used in connection with any cow-shed shall be concreted to the satisfaction of the Inspector, and every such stock-yard, race, or other yard shall at all times be kept drained, cleaned, and in a sanitary condition to the satisfaction of the Inspector.

(13) Every dairy shall be provided with a supply of pure water, to the satisfaction of the Inspector, for the purposes of watering the dairy cattle kept thereon.

(14) If the Inspector shall at any time consider that the water used in or upon any dairy for any purpose, or the food supplied to the dairy cattle in or upon any dairy, is unfit for use, he may, by notice in writing under his hand given to the occupier, require the occupier to remedy the defect within the time specified in that behalf in such notice or to abstain from using such water in or upon such dairy for all or any of the purposes connected therewith, and also to abstain from using such food.

(15) Immediately on receipt of such notice the occupier shall proceed to comply with the requirements thereof.

### REGULATION 3.—CONSTRUCTION OF MILK-HOUSES.

(1) Save as provided in this regulation, no person shall use any milk-house or other building for the collection, deposit, treatment, or storage of milk or cream unless such milk-house or building complies with the requirements of this regulation.

(2) Every such milk-house or building shall conform with the following provisions, that is to say—

- (a) The floor shall be constructed of concrete or other impervious material, finished with a smooth surface and so graded as to carry all fluids spilt thereon to discharge into an adequate and efficient drain to the satisfaction of the Inspector :
- (b) The internal surface of the walls shall be lined and finished with an even surface of tiles, concrete, or other material impervious to water, and shall from time to time, if and when so directed by the Inspector, be painted with suitable oil paint, and shall at all times be kept clean by washing with water :
- (c) The material of which the floor is constructed shall be carried up the wall to a height of not less than 4 ft. in such manner that the angles between the floor and the walls are rounded off, and if the material used is concrete it shall be finished to a smooth plane surface with a steel tool :
- (d) The ceiling or roof shall be constructed with a smooth surface and so as to be dust-proof :
- (e) Ventilation openings or windows shall be provided in at least two walls, and the total area of such openings shall be not less than one-eighth part of the total floor area. Such openings or windows shall be so fitted with perforated zinc or other suitable material as to exclude flies.

(3) Every such milk-house or building shall—

- (a) Be well and properly drained to the satisfaction of the Inspector ; but no such building shall drain directly into any sewer unless such sewer is properly trapped to the satisfaction of the Inspector ;
- (b) Be erected on a site approved by the Inspector in writing ;
- (c) Be at all times kept thoroughly clean and free from objectionable odours ; and
- (d) Be at all times kept free from rats, mice, insects, and other vermin.

(4) Where on any dairy premises a separator-room, milk-house, engine-room, and cow-shed, or any two or more of them, are under the same roof, every such room shall be separated from every other such room or shed by a draught-proof partition extending through the width and height of the premises to be separated, and containing no opening except openings of such sizes as are required to provide for the transmission of necessary connecting-pipes to the milking-machine or for the transmission of motive power.

(5) If such motive power be transmitted by belting, then every two of such rooms or shed between which the belting runs shall be separated by a passage-way open at both ends and not less than 2 ft. wide throughout its length, and each wall of such passage-way shall be a draught-proof partition complying with the requirements of the last preceding clause of this regulation.

(6) Nothing in this regulation in so far as it relates to the situation and construction of milk-houses shall apply to any premises which on the coming into force of these regulations are used for the collection, deposit, treatment, or storage of milk or cream if such premises are, in the opinion of the Inspector, in a satisfactory sanitary condition.

#### REGULATION 4.—ERECTION OF MILKING-PLANT IN DAIRIES.

(1) No person, being the owner or occupier of a dairy, shall install any appliance in his dairy in a position which, or use any such appliance in a manner which, having regard to the nature of the appliance, is, in the opinion of the Inspector, likely to contaminate any milk or cream produced or for the time being deposited in such dairy or which in any other respect is, in the opinion of the Inspector, unsatisfactory.

(2) Every firm, agent, or person about to erect for use in any dairy a new or used milking-machine, vacuum pump, an engine intended to drive a milking-machine, or a water-heater other than an electric heater, or any owner or occupier of a dairy about to erect in his dairy a milking-machine, vacuum pump, an engine intended to drive a milking-machine, or a water-heater other than an electric heater, or about to re-erect a milking-machine, vacuum pump, an engine intended to drive a milking-machine, or a water-heater other than an electric heater, any of which he has previously used, shall forthwith notify the Inspector for the district.

(3) No person shall erect or re-erect in any dairy a used milking-machine or vacuum-pump until the same has been inspected and passed by the Inspector.

(4) No person shall in any dairy which does not comply with the requirements of these regulations erect any milking-machine or milking-machinery, or any engine intended to drive a milking-machine.

REGULATION 5.—PROTECTION OF MILK OR CREAM FROM  
CONTAMINATION.

(1) No person shall use any milk-house or permit the same to be used for any purpose other than for the collection, deposit, treatment, or storage of milk or cream, or for any purpose incompatible with the preservation of the cleanliness of the milk-house and of the milk-vessels and the milk or cream for the time being deposited therein, or in any manner likely to cause contamination of the milk or cream for the time being deposited therein.

(2) No owner of a dairy shall erect or construct, and no occupier of a dairy shall erect, construct, or permit to remain, any cess-pool, closet, manure, pan or pit-privy, urinal, sewerage drain, gully, or drain trap in or within a distance of 30 ft. from any part of any cow-shed or milk-house.

(3) Notwithstanding the provisions of clause (2) of this regulation, any owner or occupier of a dairy may, with the approval in writing of the Inspector, erect, construct, or permit to remain any water-closet which is properly flushed and trapped to an adequate sewer, gully, or drain trap within such distance from any part of any cow-shed or milk-house as may be specified in that behalf by the Inspector.

(4) No person shall allow to remain in or adjacent to any milk-house or cow-shed any article, matter, or substance of a character likely to endanger the purity or quality of the milk or cream produced, deposited, or stored therein, and every occupier of a dairy shall at all times maintain the surroundings of such milk-house or cow-shed in a clean and sanitary condition.

(5) Every person having for the time being the actual possession or custody of all milking-machines, cans, coolers, or other vessels whatsoever used in or about any dairy, whether for the receiving or storing or for the distribution of milk or cream, shall thoroughly cleanse or cause such milking plant and appliances to be thoroughly cleansed immediately after use by being first rinsed with cold water, then thoroughly washed in a warm, suitable, detergent solution, and finally scalded with boiling water or steamed.

(6) No person, being the owner or occupier of a registered dairy, shall use or cause or permit to be used in or about his registered dairy any bucket, can, shute, pipe, cooler, or other similar appliance made of copper, brass, steel, or iron (whether galvanized or not), or made of any substance containing a material proportion of copper, steel, or iron, through or in which milk or cream is passed or placed, unless all surfaces of any such appliance which are brought into direct contact with any such milk or cream are properly coated with tin or other suitable covering to the satisfaction of the Inspector.

(7) No person shall take milk or cause or permit milk to be taken from any cow until her udder and teats have been thoroughly cleansed by washing with clean water and then dried.

(8) No person shall use or allow to be used on the teats of cows in milk or on any dairy utensils any poisonous or odorous disinfectant or any other substance likely to taint milk or cream.

(9) No person shall milk any cow or handle any vessel used for or containing any milk or cream unless the hands of such person are first thoroughly washed and dried and thereafter maintained in a state of cleanliness until the milking and handling of milk or cream are completed.

(10) Every person employed or engaged in the production, storage, preparation, packing, bottling, carriage, or distribution of milk or cream shall at all times when so employed or engaged maintain his clothing and person in a state of cleanliness.

(11) The occupier of every dairy shall provide, or cause to be provided in or adjacent to his dairy premises, an adequate water-supply and a suitable plant for the boiling of sufficient water for the cleansing of the milk vessels and dairy utensils and appliances, together with all other facilities required for all the purposes mentioned in these regulations.

(12) No occupier of a dairy shall keep any pigs or poultry or allow any pigs or poultry to wander or remain or be in any cow-shed or milk-house or any other building or place where dairy-produce is produced, collected, deposited, treated, separated, prepared, or manufactured, or sold or offered or exposed for sale or within a distance of 50 yards, in the case of any pigs, or 30 ft. in the case of any poultry, from any part of such cow-shed, milk-house, or other building.

(13) For the purposes of clause (12) of this regulation the term "poultry" means domestic fowls, ducks, geese, and turkeys, and includes the carcasses of any such birds.

(14) There shall at all times be an absolute obligation on the occupier of a dairy to take effective precautions to ensure that the requirements set out or implied in clause (12) of this regulation are not infringed in any respect.

#### REGULATION 6.—PROTECTION OF MILK OR CREAM FROM MILK-BORNE DISEASE INFECTION.

(1) No occupier of a dairy shall—

(a) If suffering from an infectious disorder, or having recently been in contact with a person so suffering, milk any cow or handle any vessel used for or containing milk or cream, or in any way take part or assist in the production, storage, or distribution of milk or cream; or

(b) Allow or permit any person so suffering or having recently been in contact with a person so suffering as aforesaid to milk any cow or to handle any vessel used for or containing any milk or cream or allow such person in any way to take part in or assist in the production, storage, or distribution of milk or cream,—

unless and until, in either case, all danger of the communication of the infection to the milk or cream or of its contamination has ceased.

(2) It shall be the duty of every occupier of a dairy to notify the Inspector forthwith—

(a) If any member of his family or any person employed about his farm is attacked by or is suffering from any contagious disease:

(b) If any of the cows of such occupier appear to be suffering from any disease or disorder of any nature tending to contaminate or injuriously affect the milk.

(3) If the Inspector considers it advisable in the interests of the public health so to do, he shall notify the occupier of such dairy that any milk or cream derived from cows depastured on such dairy

shall not be removed therefrom, or may give such other notification as the Inspector thinks necessary in the interests of public health. Such notification shall remain in force until revoked in writing by the Inspector.

(4) No occupier of a registered dairy shall purchase, supply for sale to others, sell, or expose for sale in or about any dairy premises, or mix with milk or cream produced on any dairy premises occupied by him, any milk or cream derived from any cow—

- (a) Which is or is suspected to be diseased or in an unhealthy condition; or
- (b) Which has calved less than four clear days previously.

#### REGULATION 7.—COOLING OF MILK.

(1) All milk shall, immediately after milking, be removed from the cow-shed or stock-yard and once, at least, carefully strained through some apparatus sufficient for the purpose, and forthwith thereafter shall be cooled by being run over a water-cooler, or by such other means of cooling as may be approved by the Inspector in writing, so that its temperature does not exceed 65° F.

(2) Every occupier of a dairy shall comply with the requirements of this regulation in respect of all milk produced on the dairy of which he is the occupier.

#### REGULATION 8.—UNCONDITIONAL REGISTRATION OF DAIRIES.

(1) No person shall use any cow-shed or other building or place for the purpose of producing milk or cream for sale for human consumption unless such premises are registered as a dairy pursuant to these regulations.

(2) Every person desiring to obtain unconditional registration in respect of any dairy premises to which this regulation applies shall make application in writing to an Inspector in or to the effect of the form numbered 1 in the Second Schedule hereto at least one month prior to the date on which the applicant proposes to commence operations. Copies of the form of application may be obtained at the office of any Inspector.

(3) As soon as practicable after the receipt of such application the Inspector shall make an inspection of the dairy premises described in such application, and if he finds that such premises are correctly described in the application and comply with the requirements of these regulations he shall grant a certificate of unconditional registration in respect thereof.

(4) Every certificate of unconditional registration shall be in the form numbered 2 in the Second Schedule hereto, and shall continue in force, unless previously cancelled in accordance with these regulations, until the 31st day of March following the date of registration, and shall then expire:

Provided that if the holder of any such certificate of unconditional registration shall apply in each succeeding year for a renewal of such certificate in pursuance of clause (5) of this regulation, then such certificate shall, unless previously cancelled, remain in force for further successive periods of twelve months longer than it would have done but for each such application.



(5) Every occupier of a registered dairy in respect of which a certificate of unconditional registration is in force shall, if he desires the registration to continue after the 31st day of March in any year, make application to the Inspector not later than the 1st day of March in that year for the renewal of the certificate of unconditional registration, but no renewal of such certificate shall take effect in respect of such dairy prior to the 1st day of April in that year.

(6) Every application for a renewal of a certificate of unconditional registration in respect of any dairy shall be in the form numbered 3 in the Second Schedule hereto, or to the like effect. Copies of such form may be obtained at the office of any Inspector.

(7) The renewal of a certificate of unconditional registration pursuant to the foregoing provisions of this regulation shall be evidenced by the issue of a receipt for the prescribed fee payable for such renewal pursuant to Regulation 14 hereof.

#### REGULATION 9.—CONDITIONAL OR TEMPORARY REGISTRATION OF DAIRIES.

(1) If upon inspection of any dairy premises in respect of which an application for a certificate of unconditional registration has been made, the Inspector finds that such premises do not comply with the requirements of these regulations, he may, pending the completion of the premises to his satisfaction and in accordance with these regulations, or pending the carrying-out by the applicant to the satisfaction of the Inspector of such alterations to the premises sought to be registered or the remedying of such defects in respect of the premises as are specified in that behalf by the Inspector by notice in writing given to the applicant, grant a certificate of conditional registration in respect of such premises in the form numbered 4 in the Second Schedule hereto.

(2) The occupier of any dairy premises in respect of which a certificate of conditional registration has been granted pursuant to clause (1) of this regulation may, upon completion of the premises in accordance with these regulations, or upon carrying out the alteration or remedying the defects specified by the Inspector with respect to such premises in any notice given to such occupier pursuant to clause (1) of this regulation, notify the Inspector in writing that he desires an inspection to be made of such premises for the purpose of obtaining a certificate of unconditional registration in respect thereof.

(3) As soon as practicable after the receipt of such notice the Inspector shall make an inspection of such dairy premises, and if the Inspector finds that the premises comply with the provisions of these regulations he shall, without further fee, issue to the applicant a certificate of unconditional registration in respect of such premises, which shall take effect from the date of issue thereof and shall continue in force until the 31st day of March next following the date of issue, and immediately upon the issue of such certificate the certificate of conditional registration in respect of such premises shall expire.

(4) If at any time it appears to the Inspector for any district that the available supplies of milk or cream for sale for human consumption from dairies registered in that district pursuant to Regulation 8 hereof, or pursuant to the foregoing provisions of this regulation, are inadequate

to supply the requirements of the consumers in the whole or any part of that district, he may for the purpose of meeting such deficiency grant a certificate of temporary registration in respect of any cow-shed or other building or place to be used for the production of milk or cream for sale for human consumption in the said form numbered 4 in the Second Schedule hereto and in accordance with the provisions hereinafter contained in this regulation.

(5) Before any certificate of temporary registration is granted in respect of any dairy premises pursuant to clause (4) of this regulation the Inspector shall require the occupier of such dairy premises to complete and deliver to the Inspector an application for registration in or to the effect of the said form numbered 1 in the Second Schedule hereto.

(6) In granting any certificate of temporary registration in respect of any dairy premises the Inspector may waive compliance by the holder of such certificate of such of the provisions of these regulations as the Inspector in his discretion shall think fit.

(7) Notice of any waiver by the Inspector pursuant to clause (6) of this regulation shall be given in writing to the occupier forthwith on the issue of the certificate of temporary registration in respect of his dairy, and any such waiver may in like manner, at any time during the currency of such certificate, be amended, varied, or revoked.

(8) Every certificate of conditional registration or temporary registration granted pursuant to this regulation shall be granted for such period, not exceeding a period expiring on the 31st day of March next following the date of issue thereof, as may be specified in that behalf in such certificate, and shall, subject to the provisions of these regulations so far as the same may be applicable to the dairy and to the owner or occupier thereof, continue in force during the period stated in the certificate.

#### REGULATION 10.—CANCELLATION OF CERTIFICATES OF REGISTRATION.

(1) In any case where an occupier of a registered dairy fails to comply with the requirements of these regulations, or commits a breach thereof, any Inspector may, by writing under his hand, call upon such person to show cause why the certificate of registration issued in respect of that dairy should not be cancelled.

(2) If upon inquiry the Inspector is satisfied that the certificate of registration should be cancelled, he shall call upon the person he believes to be the holder thereof to deliver up the same, and, upon receipt, shall cancel such certificate by writing across the face thereof the word "Cancelled" and adding the name of the Inspector and date.

(3) It shall be the duty of the Inspector to retain every certificate so cancelled, and to record the fact of such cancellation.

(4) Any person refusing so to deliver up such certificate shall be guilty of an offence against these regulations.

(5) The fact that any person is unable to deliver up a certificate when required so to do by the Inspector shall not affect the right of the Inspector to treat the certificate as having been cancelled and to record the fact of such cancellation.

(6) Any occupier of premises a certificate issued in respect of which has been cancelled or deemed to have been cancelled may subsequently apply again for a fresh certificate on proof of compliance with these regulations in all respects.

(7) The cancellation of a certificate shall be without prejudice to the liability of any person to be proceeded against for a breach of these regulations.

REGULATION 11.—SALE OF MILK OR CREAM GENERALLY.

(1) No person shall sell or offer for sale or expose for sale, or have in possession for sale for human consumption (whether by itself or mixed with any other food or drink), any milk or cream produced upon or obtained from a dairy which has not been registered under these regulations (hereinafter in this regulation referred to as an unregistered dairy):

Provided that it shall be a defence to any person charged with a breach of this clause if he proves that the sale or offer with which he is charged was authorized under some subsequent clause of this regulation.

(2) In any proceedings for a breach of clause (1) of this regulation the onus of proof that any milk or cream was not obtained from an unregistered dairy shall be upon the person charged.

(3) In any proceeding for breach of this regulation, if it be proved that any person carrying on the trade of purveyor of milk has during any period sold for human consumption milk or cream in excess of the quantities thereof proved to be obtained during that period by such person from registered dairies or in possession of such person at the commencement of the period, such proof shall be *prima facie* evidence of a breach by such person of the provisions of clause (1) of this regulation, notwithstanding that no evidence may be tendered of any specific sale of milk or cream other than that obtained from a registered dairy.

(4) It shall be lawful for any person to sell or offer for sale milk or cream obtained from an unregistered dairy if such milk or cream is proved to be sold or offered for sale respectively for the manufacture of condensed milk, dried milk, butter, or cheese, and to a person carrying on the business of manufacturing condensed milk, dried milk, butter, or cheese.

(5) It shall be lawful for any person to sell or offer for sale milk or cream obtained from an unregistered dairy if such milk or cream is sold or offered for sale respectively in the form of condensed milk, dried milk, butter, or cheese.

(6) It shall be lawful for any person who is the owner or occupier of premises registered as a creamery under the Dairy-produce Regulations 1938, and who, if a vendor of milk for human consumption, does not at such premises receive any milk obtained from an unregistered dairy, to sell and offer for sale upon or from the said premises—

- (i) Cream obtained as cream from an unregistered dairy which is not registered as a manufacturing dairy of any class under the Dairy-produce Regulations 1938; or
- (ii) Cream received from premises which are registered under the last-mentioned regulations as a skimming-station, and at which all the milk received is separated:

Provided that every such sale and offer for sale shall be subject to the following conditions:—

- (a) Such cream shall be cream to which has been assigned the grade of "Finest" pursuant to the provisions in that behalf of the Dairy-produce Regulations 1938 :
  - (b) Such cream shall be pasteurized so as to conform to the standard of pasteurized cream contained in the regulations made under the Sale of Food and Drugs Act, 1908, on the 20th day of August, 1935, and published in the *Gazette* on the 22nd day of the same month, at page 2339, or in any regulations made in substitution therefor and for the time being in force :
  - (c) Every package containing such cream shall be labelled in conformity with the regulations for the time being in force under the Sale of Food and Drugs Act, 1908 :
  - (d) Every sale of cream under this regulation shall be subject in all respects to the provisions of the Health Act, 1920, the Sale of Food and Drugs Act, 1908, and all regulations thereunder respectively for the time being in force.
- (7) Subject to compliance with the Health Act, 1920, the Sale of Food and Drugs Act, 1908, and all regulations thereunder respectively for the time being in force, any person to whom pasteurized cream is sold under the authority of clause (6) of this regulation may resell such cream for human consumption.

(8) No person shall purchase or offer to purchase for resale for human consumption, or receive for sale for human consumption, or mix with milk or cream intended for sale for human consumption and produced upon or received upon any dairy premises occupied by him, any milk or cream the sale by him of which would be an offence against this regulation.

#### REGULATION 12.—SALE OF MILK OR CREAM IN BOTTLES OR CARTONS.

(1) No person, being the owner or occupier of a registered dairy, shall—

- (a) Use any bottle as a container for milk or cream unless such bottle is sterilized in accordance with these regulations prior to each occasion on which it is so used ; or
- (b) Prepare any milk or cream for sale in bottles except on premises which comply with these regulations ; or
- (c) At any stage of the process of bottling milk or cream carry out such process, or cause or permit such process to be carried out, otherwise than in a clean and hygienic manner ; or
- (d) Sell or offer for sale any milk or cream in bottles which have not been sterilized in accordance with these regulations ; or
- (e) Prepare for sale or sell or offer for sale in bottles any milk or cream other than that obtained from his registered dairy except with the previous approval in writing of the Inspector.

(2) No person, being the owner or occupier of a registered dairy, shall bottle or cause to be bottled any milk or cream except in a milk-house or in some other building being part of his registered dairy, approved for the purpose in writing by an Inspector and complying with the requirements of Regulation 3 hereof.

(3) (i) Where on any registered dairy a machine bottle-filler is used for the purpose of bottling any milk or cream such machine shall be so constructed that it may be readily taken apart and cleaned.

(ii) The owner or occupier of the dairy on which any such machine is installed shall cause the same to be thoroughly cleaned to the satisfaction of the Inspector immediately after each occasion on which the machine is used for the bottling of any milk or cream.

(4) The owner or occupier of a registered dairy shall cleanse and sterilize, or cause to be cleansed and sterilized on his registered dairy and in accordance with the provisions of clause (5) hereof, all bottles used as containers for milk or cream produced in his dairy after each occasion on which such bottles are so used before they are again used for the same purpose.

(5) All such bottles shall be—

(a) First rinsed in cold water; then

(b) Thoroughly washed in a warm suitable detergent solution; then

(c) Thoroughly rinsed in hot water; then

(d) Placed in a sterilizing-chest and there subjected to steam at a temperature as indicated by a thermometer placed at the bottom of the chest of not less than 210° F. for a period of not less than fifteen minutes; and then

(e) Removed from the sterilizing-chest and placed in a dust-proof compartment to drain.

(6) Where on any registered dairy cartons are used as containers for milk or cream no owner or occupier of such dairy shall use as any such container any carton which has been previously used for that or any other purpose.

(7) The owner or occupier of a registered dairy shall keep or cause to be kept in sealed hygienic containers until required for use in sealing bottles which have been filled with milk or cream all cap-disks intended for use for that purpose, and no person shall remove or tamper with any cap-disk at any time after it has been affixed to any bottle containing any milk or cream and before delivery of the bottle to the consumer.

(8) No person, being the owner or occupier of a registered dairy, shall use or permit to be used for sealing any bottle containing milk or cream any cap-disk which has been previously used for that or any other purpose.

(9) No person while engaged in the actual distribution of milk or cream shall have in his possession any cap-disk for sealing any bottle containing any milk or cream.

#### REGULATION 13.—CONVEYANCES.

(1) Every conveyance used in or about any dairy for the conveyance of milk or cream shall at all times be maintained in a thoroughly clean and sanitary condition to the satisfaction of the Inspector.

(2) Every conveyance used for the distribution of milk or cream shall have the name of the occupier of the registered dairy legibly printed on both sides of the conveyance in block letters not less than  $2\frac{1}{2}$  in. in height and  $\frac{1}{4}$  in. in thickness of line.

(3) No person, being the occupier of a dairy or the owner of a conveyance or the person for the time being having possession or control thereof, shall use or cause or permit to be used for the carrying of milk or cream or any container for milk or cream to or from or about a dairy any conveyance which has previously been used for the purpose of carrying any thing or substance deleterious to milk or cream, including any live or dead animal, any animal matter or decaying vegetable matter, or any manure, excrement, filth, pigs' wash, pigs' food, or brewers' grains.

(4) No person shall place or carry, or cause or permit to be placed or carried, in any conveyance customarily used or intended to be used for the carrying to or from or about a dairy of milk or cream, or containers for milk or cream, any thing or substance deleterious to milk or cream, including the things and substances enumerated in clause (3) of this regulation.

(5) Notwithstanding anything in clauses (3) and (4) of this regulation, it shall be lawful for any person to use the same conveyance for the carrying to or from or about a dairy of milk or cream or containers for milk or cream and for carrying brewers' grains subject to the following conditions :—

(a) That the body of the conveyance intended to be used for the purposes permitted by this clause is completely and effectively lined with metal :

(b) That before such conveyance is brought into use it shall have been inspected and approved in writing by an Inspector :

(c) That such conveyance is at all times maintained in a thoroughly clean and sanitary condition to the satisfaction of an Inspector :

(d) That such conveyance is not used for the carrying of brewers' grains at the same time as milk or cream, or any container for milk or cream, is being carried therein.

(6) Any person acting in contravention of this regulation shall be deemed to commit an offence upon each occasion when a conveyance is used contrary to the provisions thereof.

#### REGULATION 14.—FEES.

(1) The fee to be paid on application for unconditional registration of a dairy under Regulation 8 hereof, on application for temporary registration of a dairy under Regulation 9 hereof, or on application for the renewal of a certificate of unconditional registration subsisting and in force in accordance with these regulations, shall be the sum of 10s. In the event of registration being refused a refund of the fee so paid shall, subject to appropriation by Parliament of funds for that purpose, be made to the applicant.

(2) The fee to be paid on application for every duplicate certificate of registration shall be the sum of 2s. 6d.

(3) No such duplicate certificate shall be issued except upon such documentary evidence of the loss of the original certificate as the Inspector shall deem sufficient.

## REGULATION 15.—SERVICE OF NOTICES.

Any notice or other document required to be served upon any applicant for registration or any owner or occupier of a registered dairy under these regulations shall be deemed to be sufficiently served either by giving the same to him personally or by leaving the same at his usual or last-known place of abode with any person there appearing to be over the age of fourteen years, or by posting the same by registered post addressed to him at his usual or last-known place of abode in New Zealand.

## REGULATION 16.—PENALTY.

Every person who commits a breach of any of the foregoing regulations or in any way obstructs any Inspector shall be deemed guilty of an offence and shall be liable on conviction to a penalty not exceeding £50, and upon conviction the certificate, if any, held by such person shall be deemed to be cancelled.

## SCHEDULES.

FIRST SCHEDULE.  
REGULATIONS REVOKED.

Date of Order in Council.	Short Title or Subject-matter.	Published in <i>Gazette</i> .	
		Year.	Page.
24th December, 1900	Regulations relating to Inspection and Registration of Dairies	1901	66
21st December, 1925	Amending Regulations relating to Inspection and Registration of Dairies	1926	19
2nd August, 1926 ..	Ditto .. .. .	1926	2489
3rd February, 1930 ..	.. .. .	1930	336
11th March, 1935 ..	.. .. .	1935	659
21st October, 1935 ..	.. .. .	1935	3784
		Published in Statutory Regulations	
		Year.	Serial Number.
29th March, 1939 ..	Dairy Registration and Inspection Amending Regulations 1939	1939	1939/35

## SECOND SCHEDULE.

[Form 1 (Reg. 8 (2) ).

## APPLICATION FOR REGISTRATION OF A DAIRY.

Application No. ....

I, ....., of ....., do hereby apply for registration of the undermentioned premises as a dairy under the Dairy Industry Act, 1908, and the Dairy (Milk-supply) Regulations 1939, and enclose herewith the fee of ten shillings (10s.) for this purpose. The particulars of such premises are as follows:—

*Premises to be registered.*

Situation of premises: At or near ..... (Section No..., Block No..., in the ..... Survey District [*or similar description*])—

## Cow-shed—

Material of roof and walls : .....  
 Material of floor : .....  
 Length : ..... ft.  
 Width : ..... ft.  
 Height of front wall : ..... ft.  
 Height of back wall : ..... ft.  
 Height of centre of roof from floor : ..... ft.  
 Whether closed or partly open : .....  
 Number of stalls : .....  
 Approximate number of cows milked : .....

## Stock-yard—

Size of enclosure : .....  
 Nature and material of fence : .....

## Milk-house—

Material of building : .....  
 Distance from cow-shed : ..... ft.  
 Distance from stock-yard : ..... ft.  
 Distance from other buildings : ..... ft.

(If the milk-house is part only of a building the foregoing particulars shall relate to the whole building.)

The following additional particulars are submitted, viz. :—

Calf-pens, whether under same roof as cow-shed or detached : .....

Fodder-shed, whether under same roof as cow-shed or detached : .....

Water-supply, how obtained : .....

Food-supply, how obtained : .....

How manure disposed of : .....

## Drains—

How constructed : .....

Where discharged : .....

## Water-closet, &amp;c.—

Distance from cow-shed : ..... ft.

Distance from stock-yard : ..... ft.

Distance from milk-house : ..... ft.

Whether flushed with water or otherwise : .....

## Piggery—

Distance from cow-shed : ..... ft.

Distance from stock-yard : ..... ft.

Distance from milk-house : ..... ft.

## Fowl-house—

Distance from cow-shed : ..... ft.

Distance from stock-yard : ..... ft.

Distance from milk-house : ..... ft.

Dated this ..... day of ....., 19..

.....  
 Signature of Applicant.

[Form 2 (Reg. 8 (4) ).

## CERTIFICATE OF UNCONDITIONAL REGISTRATION OF A DAIRY.

Certificate No...

I HEREBY certify that the premises of [*Full names*], of [*Abode and occupation*], described in application dated ....., 19.., and numbered.., being Section No..., Block No..., in the ..... Survey District [*or similar description*] at or near ....., are unconditionally registered as a dairy in terms of the Dairy Industry Act, 1908, and the Dairy (Milk-supply) Regulations 1939.

Dated this ..... day of ....., 19...

....., Inspector.

....., District.



[Form 3 (Reg. 8 (6) ).

APPLICATION FOR RENEWAL OF CERTIFICATE OF UNCONDITIONAL REGISTRATION OF A DAIRY.

I, ....., of ....., hereby apply for a renewal of Certificate of Unconditional Registration No... in respect of my dairy.

I certify that no alterations, other than those approved by the Inspector, have been made to such dairy since the issue of the above-mentioned certificate.

The average number of cows kept is : .....

I enclose herewith the fee of ten shillings (10s.) for the renewal of such certificate.

Dated this ..... day of ....., 19..

.....  
Signature of Applicant.

[Form No. 4 (Reg. 9 (1) and (4) ).

CERTIFICATE OF CONDITIONAL OR TEMPORARY REGISTRATION OF A DAIRY.

Certificate No...

I HEREBY certify that the premises of [Full names], of [Abode and occupation], described in application dated ....., 19.., and numbered.., being Section No..., Block No..., ..... Survey District [or similar description] at or near ....., are [conditionally] [temporarily] registered as a dairy in terms of the Dairy Industry Act, 1908, and the Dairy (Milk-supply) Regulations 1939.

This certificate, unless sooner cancelled, remains in force until the ..... day of ....., 19..

Dated this ..... day of ....., 19..

.....Inspector.  
.....District.

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in Gazette : 14th day of September, 1939.

These regulations are administered by the Department of Agriculture.

(Notice No. Ag. 3684.)