



THE DAIRY REGISTRATION AND INSPECTION AMENDING REGULATIONS 1939.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 29th day of March, 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.

1. These regulations may be cited as the Dairy Registration and Inspection Amending Regulations 1939.

2. These regulations shall be read together with and form part of the regulations relating to the inspection and registration of dairies made under the Dairy Industry Act, 1898, on the 24th day of December, 1900,* and enuring under the Dairy Industry Act, 1908 (hereinafter called the principal regulations).

3. These regulations shall come into force on the seventh day after notification in the *Gazette* of the making hereof.†

4. Regulations 21 and 21A of the principal regulations as enacted respectively by amending regulations made on the 21st day of December, 1925,‡ and the 21st day of October, 1935,§ are revoked, and the following regulation is substituted :—

“ 21. (1) No person shall sell or offer for sale or expose for sale, or have in possession for sale for human consumption, 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.

* *Gazette*, 10th January, 1901, Vol. I, page 66.

† See end note.

‡ *Gazette*, 7th January, 1926, Vol. I, page 19.

§ *Gazette*, 12th December, 1935, Vol. III, page 3784.

“(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 cream obtained as cream from an unregistered dairy, or 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.”

5. Regulation 25 of the principal regulations is revoked, and the following substituted :—

“25. (1) No person being the owner or occupier of a dairy or the owner of a conveyance (which term where used in this regulation has the same meaning as in the Dairy Industry Act, 1908), 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 or decaying vegetable matter, or any manure, excrement, filth, pigs’ wash, pigs’ food, or brewers’ grains.

“(2) 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 of milk or cream, or containers for milk or cream to or from or about a dairy, any thing or substance deleterious to milk or cream, including the things and substances enumerated in clause (1) of this regulation.

“(3) Notwithstanding anything in clauses (1) and (2) of this regulation, it shall be lawful for any person to use the same conveyance for the carrying of milk or cream or containers for milk or cream to or from or about a dairy 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.

“(4) 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.”

6. Regulation 26 of the principal regulations is revoked.

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 5th day of April, 1939.

These regulations are administered by the Department of Agriculture.

(Notice No. Ag. 3649.)