

Serial Number 1940/191.



—

THE DAIRY SUPPLY CONTROL ORDER 1940.

IN pursuance of the powers vested in me by the Primary Industries Emergency Regulations 1939, I, William Lee Martin, Minister of Agriculture, hereby make the following Order.

—

O R D E R.

1. This Order may be cited as the Dairy Supply Control Order 1940.
2. (1) In this Order, unless inconsistent with the context,—
 - “ Prescribed period ” means the period from the 31st day of August, 1939, until the 31st day of May, 1940 :
 - “ Supplying dairy ” means any dairy within the meaning of the Dairy Industry Act, 1908, on which milk or cream has at any time during the prescribed period been produced and supplied to the owner of a creamery or a cheese-factory.
- (2) Terms defined by the Dairy-produce Regulations 1938* have the respective meanings assigned to them by those regulations.
- (3) This Order in its application to creameries shall from time to time apply only to a creamery to which at any time since the 1st day of June, 1940, suppliers have ceased or may hereafter cease to deliver milk or cream and have in lieu of such delivery delivered milk to any cheese-factory or cheese-factories and only if the quantity of milk or cream the delivery of which has ceased or shall have ceased as aforesaid exceeds $2\frac{1}{2}$ per cent. computed as butterfat of the total amount of milk and cream actually received at the creamery during the financial year of the owner thereof ended last before the date of this Order.
- (4) If any question arises as to whether a creamery is one to which by virtue of the last preceding subclause hereof this Order applies, the Director of the Dairy Division of the Department of Agriculture or the Assistant Director of the said Division shall issue a direction to decide the question, and such direction shall have the same force and effect as if it were a provision contained in this Order.
3. Every person who, at the date of this Order, is the occupier of a supplying dairy from which milk has at any time during the prescribed period been supplied to the owner of a cheese-factory or who, at any time after the date of this Order, becomes the occupier of that supplying dairy shall, so long as he continues in occupation of that supplying

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

dairy, carry on the business of supplying to the owner of that cheese-factory milk derived from not less than substantially the same number of cows as that from which the milk-supply of that supplying dairy was obtained during the prescribed period, and shall not transfer any part of the supply produced on that supplying dairy to the owner of any other manufacturing dairy or to any other person.

4. The Director of the Dairy Division of the Department of Agriculture and the Assistant Director of the said Division are hereby severally authorized to grant complete or partial exemption from compliance with the requirements of clause 3 of this Order in any case in which the granting of any such exemption is, in the opinion of the Director or the Assistant Director, necessary or advisable.

5. Every person who, at the date of this Order, is the occupier of a supplying dairy from which milk or cream has at any time during the prescribed period been supplied to the owner of a creamery to which this Order applies or who, at any time after the date of this Order, becomes the occupier of that supplying dairy shall, so long as he continues in occupation of that supplying dairy, carry on the business of supplying to the owner of that creamery milk or cream derived from not less than substantially the same number of cows as that the milk or cream of which was supplied to that supplying dairy during the prescribed period, and shall not transfer any part of such supply to the owner of any manufacturing dairy other than to the owner of a cheese-factory.

6. In any case in which a conflict may appear to exist as to whether an occupier of a dairy is bound by the provisions of clause 3 of this Order or is bound by the provisions of clause 5 of this Order, the provisions of clause 3 shall prevail.

7. The Deputy Chairman of the Executive Commission of Agriculture is hereby authorized to grant complete or partial exemption from compliance with the requirements of clause 5 of this Order in any case in which the granting of any such exemption is, in the opinion of the Deputy Chairman, necessary or advisable, and to make such other order to meet the circumstances of any special case as is in his opinion necessary or advisable.

8. No person shall wilfully or knowingly do or cause or permit to be done anything whereby he may be prevented from or impeded in carrying out any obligation imposed upon him by or under this Order.

Dated at Wellington, this 19th day of August, 1940.

W. LEE MARTIN,
Minister of Agriculture.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 22nd day of August, 1940.

These regulations are administered in the Department of Agriculture.

(Notice No. Ag. 3767.)