

1966/28



**THE EGG MARKETING AUTHORITY REGULATIONS 1953,
AMENDMENT NO. 9**

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 21st day of March 1966

Present:

THE RIGHT HON. KEITH HOLYOAKE, C.H., PRESIDING IN COUNCIL

PURSUANT to the Primary Products Marketing Act 1953, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations:

REGULATIONS

1. (1) These regulations may be cited as the Egg Marketing Authority Regulations 1953, Amendment No. 9, and shall be read together with and deemed part of the Egg Marketing Authority Regulations 1953* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Subclause (1) of regulation 2 of the principal regulations is hereby amended as follows:

(a) By inserting, after the definition of the term "Authority", the following definitions:

"'Chick levy' means the levy on day-old pullet chicks imposed by these regulations:

"'Chicks' means domestic fowls or ducks one month old or less:"

(b) By inserting, after the definition of the term "chilled", the following definitions:

"'Custom hatching' means the hatching of chicks not the property of the operator:

"'Day-old chick' means a chick which has never been fed:"

*S.R. 1953/156

Amendment No. 1: S.R. 1954/89
Amendment No. 2: S.R. 1954/124
Amendment No. 3: S.R. 1955/130
Amendment No. 4: S.R. 1956/32
Amendment No. 5: S.R. 1957/184
Amendment No. 6: S.R. 1959/70
Amendment No. 7: S.R. 1960/136
Amendment No. 8: S.R. 1962/88

- (c) By inserting, after the definition of the term "General Manager", the following definitions:
 " 'Hatchery' means any place, building, or premises equipped with an incubator for the incubation of eggs:
 " 'Hatching eggs' means eggs used for the production of chicks:
 " 'Incubator' means any apparatus situated at a hatchery for the purposes of artificially hatching eggs:"
- (d) By inserting, after the definition of the term "Minister", the following definition:
 " 'Operator' means the person who is in charge of the operations of a hatchery and, where applicable, includes the owner of the hatchery:"
- (e) By revoking the definition of the expression "sale by retail" (as substituted by regulation 2 of the Egg Marketing Authority Regulations 1953, Amendment No. 7) and the definition of the expression "sale by wholesale", and substituting the following definitions:
 " 'Sale by retail' means a sale of eggs otherwise than a sale by wholesale, whether in the form in which the eggs were previously bought or as a manufactured product or part of a manufactured product; and includes the supply as a meal or part of a meal in any restaurant, hotel, boarding house, or eating house, or in any institution or place used for the accommodation or care or medical treatment of any person; and also includes a sale made to any person for a purpose other than resale:
 " 'Sale by wholesale' means a sale made to any person for the purpose of sale by retail:"
- (f) By inserting, after the definition of the term "Sale by wholesale", the following definitions:
 " 'Sexed chick' means a chick the sex of which has been determined by a physical examination or otherwise:
 " 'Undergrade eggs' means eggs of a quality inferior to the minimum standards prescribed by the Authority from time to time:
 " 'Underweight eggs' means eggs of a weight less than the minimum weight for pullet grade eggs as prescribed in these regulations:"

3. The principal regulations are hereby amended by revoking regulation 13 and substituting the following regulation:

"13. Before a distributor's licence is issued the applicant shall establish to the satisfaction of the Authority that he has all reasonable facilities, including suitable premises, for satisfactorily carrying on the business of the grading, storage, and distribution of eggs by way of sale by wholesale, whether the facilities and premises are operated or situated within the marketing area or part thereof for which the applicant desires a licence, or otherwise."

4. Paragraph (a) of subclause (1) of regulation 14 of the principal regulations is hereby amended by omitting the words "five dozen", and substituting the words "10 dozen".

5. The principal regulations are hereby amended by inserting, after regulation 27, the following regulation:

“27A. The Authority may from time to time as it thinks fit, for the purpose of providing greater efficiency in the production and marketing of eggs, enter into contracts with producers or any class or number of producers for the supply of eggs for sale either by wholesale or by retail in accordance with these regulations, on such terms as the Authority may from time to time with the approval of the Minister determine including, and without derogation from the generality of the foregoing provisions of this regulation, the payment of special allowances to producers with whom it has entered into contracts for the supply of eggs pursuant to this regulation.”

6. Regulation 37 of the principal regulations is hereby amended by adding, as subclause (2), the following subclause:

“(2) All books, accounts, documents, and other papers required by this regulation to be made available for inspection shall be retained by the owner thereof for a period of not less than two years.”

7. Regulation 66 of the principal regulations (as amended by subclause (2) of regulation 7 of the Egg Marketing Authority Regulations 1953, Amendment No. 8) is hereby further amended by adding to subclause (3) the following proviso:

“Provided that all undergrade and underweight eggs consigned or forwarded to a licensed distributor for sale shall be disposed of by the licensed distributor on behalf of the consignor thereof as directed by the Authority from time to time.”

8. (1) The principal regulations are hereby further amended by revoking the First Schedule (as amended by regulation 3 of the Egg Marketing Authority Regulations 1953, Amendment No. 2, and by regulation 6 of the Egg Marketing Authority Regulations 1953, Amendment No. 7) and substituting the First Schedule set out in the Schedule to these regulations.

(2) Regulation 3 of the Egg Marketing Authority Regulations 1953, Amendment No. 2, and regulation 6 of the Egg Marketing Authority Regulations 1953, Amendment No. 6, are hereby revoked.

9. The principal regulations are hereby further amended by adding the following regulations:

“Registration of Hatcheries

“71. (1) As from the day one month after the date of the commencement of this regulation, no person shall own or operate a hatchery unless an application to register the hatchery has been lodged with the Authority by the operator in such form as the Authority may require, and a certificate of registration has been issued in respect thereof by the Authority.

“(2) Before a certification of registration may be issued in respect of any hatchery, the operator shall establish to the satisfaction of the Authority that he has all reasonable facilities, including satisfactory premises, for satisfactorily carrying on the business of a hatchery.

“(3) Each hatchery registered by the Authority shall be allocated a separate registration number, and where more than one hatchery is operated by any one operator, each such hatchery shall be assigned a separate registration number.

“(4) Each certificate of registration of a hatchery shall authorise the operator to carry on the business of a hatchery at the premises specified in the certificate (notwithstanding that any such premises may from time to time be altered whether structurally or by way of additions thereto) but not elsewhere, subject to such terms or conditions as may be stated in the certificate.

“(5) No registration number shall be used by the operator of a hatchery in relation to or in connection with that hatchery other than the number allocated thereto in accordance with this regulation.

“(6) No operator of a registered hatchery shall have any connection with or use his name or permit his name to be used or use the name under which he carries on business or permit such name to be used in relation to or in connection with any hatchery which is not registered under these regulations.

“72. (1) A certificate of registration of a hatchery shall remain valid until the 31st day of December in the year of issue, but may be renewed until the 31st day of December in the year next following, and from year to year thereafter.

“(2) A certificate of registration of a hatchery may be renewed by the Authority by notice in writing to the operator of the hatchery upon application for renewal being made in writing by the operator not later than the 15th day of December before the currency of the certificate or any renewal thereof is due to expire.

“73. (1) No operator of a hatchery shall transfer the certificate of registration thereof except with the approval in writing of the Authority.

“(2) Application for the transfer of a certificate of registration of a hatchery shall be made to the Authority in writing, signed by the transferor and transferee, not later than seven days before the date of transfer.

“74. The Authority may, in its discretion,—

“(a) Grant or refuse to grant a certificate of registration in respect of any hatchery:

“(b) By notice in writing to the operator, revoke the certificate of registration of any hatchery without prejudice to the liability (if any) of the operator to any penalty to which he may be liable under the Act or these regulations:

“(c) Grant or refuse to grant the transfer or renewal of any certificate of registration.

“75. (1) The operator of a hatchery shall keep and maintain up-to-date records of the following particulars in relation to his hatchery:

“(a) The number of hatching eggs set;

“(b) The number of chicks hatched;

“(c) The number of pullet chicks sexed, sold, held for own use, custom hatched, or otherwise disposed of,—

and such other records as may be required by the Authority from time to time.

“(2) All such records shall be available for inspection at all reasonable times by any person duly authorised in that behalf by the Authority, who may take copies of or extracts from any such records.

“(3) The operator of a hatchery shall retain for a period of two years all records which he is required by the Authority to keep and maintain.

“(4) The operator of every hatchery shall, not later than the 15th day of each month, furnish to the Authority on forms supplied for the purpose a return of such particulars relating to the operations of the hatchery during the last preceding calendar month as the Authority may require.

“*Chick Levy*

“76. (1) Subject to the provisions of these regulations, there shall be paid to the Authority in respect of each day-old pullet chick hatched or imported into New Zealand, with the exception of chicks exported or held for the production of poultry meats before the laying stage, a levy at such rate, not exceeding one shilling and sixpence, as may be determined by the Authority from time to time with the approval of the Minister and notified in the *Gazette*.

“(2) In respect of pullet chicks imported into New Zealand, the levy shall be a debt recoverable from the importer and shall be due and payable to the Authority immediately upon the arrival of the chicks in New Zealand.

“(3) In respect of each sale comprising less than 301 day-old chicks, the levy shall be a debt recoverable by the Authority from the operator of the hatchery from which the sale was made, and shall be due and payable by the operator not later than the 15th day of the month next succeeding the month during which the sale was made.

“(4) In respect of each sale comprising more than 300 day-old chicks, the levy shall be a debt recoverable by the Authority from the buyer, and shall be due and payable by the buyer not later than the 20th day of the third month after the month during which the sale was made.

“(5) On each sale by him comprising more than 300 day-old chicks the operator of a hatchery:

“(a) If he has been appointed as a collection agent of the Authority pursuant to subclause (1) of regulation 77 of these regulations, shall, at the time of the sale, issue to the buyer of the chicks a debit note for, or including the amount of the levy payable under these regulations, and shall forward to the Authority such particulars of such sales and debit notes as the Authority may require:

“(b) If he has not been so appointed as a collection agent, shall, at the time of such sale, issue to the buyer of the chicks a debit note on behalf of the Authority for the amount of the levy payable under these regulations, and shall forward to the Authority a copy of each such debit note at the same time as the monthly return, required to be furnished by subclause (4) of regulation 75 hereof, in respect of the month during which the sale was made.

“(6) Where, on any sale, day-old chicks are supplied free of charge additional to the number of chicks sold, to compensate for possible sexing errors, undergrade chicks, or deaths of chicks sold, in accordance with normal trade practice, no levy shall be payable in respect of the number of such additional chicks not exceeding 4 per cent of the number of chicks sold.

“(7) No levy shall be payable in respect of day-old chicks supplied free of charge, in replacement of chicks sold not earlier than 14 days previously and in respect of which the levy was payable.

“(8) When any chicks are not sexed at day-old, half of the number of the chicks shall be deemed to be pullet chicks in respect of which the levy shall be due in accordance with these regulations.

“(9) For the purposes of this regulation a sale of day-old chicks shall be deemed to include the custom hatching of the chicks and the retention of the chicks by the operator of the hatchery for his own use or for later sale as other than day-old chicks.

“77. (1) The Authority may in writing, from time to time, appoint as collection agents for the Authority any operators who undertake to collect all chick levy payments due in respect of sales of day-old chicks made by those operators.

“(2) The Authority shall grant to every operator, in respect of the payment to the Authority of chick levies collected by him, such or all of the following allowances as may be applicable:

“(a) A collection fee of $2\frac{1}{2}$ per cent of the amount of all chick levies paid by the due dates specified in regulation 76 hereof:

“(b) A cash discount of $2\frac{1}{2}$ per cent of the amount of all chick levies due under subclause (4) of regulation 76 hereof and paid not later than the 15th day of the month next succeeding the month during which the chicks were sold:

“(c) An agency commission of $2\frac{1}{2}$ per cent of the amount of all chick levies paid by any operator while appointed as a collection agent of the Authority pursuant to subclause (1) of this regulation.

“(3) Any person who buys more than 300 day-old chicks at any one time and who, not later than the 15th day of the month next succeeding the month during which the chicks were purchased, pays to the Authority or to the operator from whom the chicks were purchased the amount of chick levy due in respect of the chicks, shall receive from the Authority or from the operator, as the case may be, a cash discount of $2\frac{1}{2}$ per cent of the amount of chick levy due in respect of the purchase.

“78. The Authority may from time to time at its discretion exempt any person from the payment of a levy or any part of a levy due under regulation 76 of these regulations on the grounds of undue hardship or for any cause deemed by the Authority to be sufficient.”

Reg. 8

SCHEDULE

NEW FIRST SCHEDULE TO PRINCIPAL REGULATIONS

Reg. 10

“FIRST SCHEDULE

EGG MARKETING AREAS

EACH egg marketing area named in this Schedule shall comprise that area of land particularly described, together with the land extending outwards therefrom to a distance of 3 chains.

1. *Auckland Egg Marketing Area*—All that area of land comprising the Cities of Auckland and Takapuna, the Boroughs of Birkenhead, Devonport, Ellerslie, Mount Albert, Mount Eden, Mount Roskill, Mount

SCHEDULE—*continued*

Wellington, New Lynn, Newmarket, Northcote, Onehunga, One Tree Hill and Otahuhu, as from time to time constituted, and all that land in the City of Manukau bounded on the south commencing at a point where Ascot Road meets the high-water mark of Manukau Harbour; thence in an easterly direction proceeding along Ascot Road to meet Massey Road; thence in an easterly and north-easterly direction to the point where Massey Road joins the boundary of the Borough of Otahuhu at Mangere Railway Station.

2. *Christchurch Egg Marketing Area*—All that area in the Canterbury Land District, comprising part of the City of Christchurch and parts of Heathcote, Halswell, Paparua and Waimairi Counties, bounded by a line commencing at a point on the mean high-water mark of the sea at its intersection with the production of the middle line of Beach Road, in North New Brighton; thence south-easterly along the mean high-water mark, across the mouth of the Estuary of the Avon and Heathcote Rivers, to and along the mean high-water mark to its intersection with the production of the middle line of Park Road in Sumner; thence along that production to and south-westerly along the middle of Scarborough Road and Heberden Road to the junction of Evans Pass Road and Wakefield Avenue; thence westerly along a right line to the middle of Paterson Avenue and its junction with the middle of Cashmere Road; thence north-westerly along a right line to the middle of Main South Road at its junction with the middle of Marshes Road; thence north-easterly along a right line to the middle of Harewood Road at its junction with the middle of Pound Road; thence easterly along a right line to the middle of Main North Road at its junction with the middle of Radcliffe Road; thence south-easterly along a right line to a point on the mean high-water mark of the sea in line with the production of the middle of Beach Road, being the point of commencement, and including the Borough of Lyttelton as as from time to time constituted.

3. *Dunedin Egg Marketing Area*—All that area of land within the City of Dunedin and the Boroughs of Green Island and St. Kilda, as from time to time constituted.

4. *Gisborne Egg Marketing Area*—All that area of land within a radius of 5 miles from the Gisborne Post Office.

5. *Hamilton Egg Marketing Area*—All that area of land within the City of Hamilton, as from time to time constituted.

6. *Hawke's Bay Egg Marketing Area*—All that area of land within the Cities of Napier and Hastings and the Boroughs of Havelock North and Taradale, as from time to time constituted.

7. *Invercargill Egg Marketing Area*—All that area of land within the City of Invercargill, as from time to time constituted.

8. *Masterton Egg Marketing Area*—All that area of land within the Borough of Masterton, as from time to time constituted.

9. *Nelson Egg Marketing Area*—All that area of land within the City of Nelson, as from time to time constituted.

10. *New Plymouth Egg Marketing Area*—All that area of land within the City of New Plymouth, as from time to time constituted.

11. *Palmerston North Egg Marketing Area*—All that area of land within the City of Palmerston North, as from time to time constituted.

SCHEDULE—*continued*

12. *Tauranga Egg Marketing Area*—All that area of land commencing at a point where the south-eastern boundary of Section 15, Block I, Te Tumu Survey District, meets the coastline of the Bay of Plenty; thence in a north-westerly direction by the said coastline to the entrance to the Tauranga Harbour near Mount Maunganui; thence along the shores of the Tauranga Harbour and including the islands of Motuopuhi (or Rat Island) and Motuhua to a point where the western boundary of Section 6s (Apatā Settlement) meets the aforesaid Tauranga Harbour; thence by a right line in a south-westerly direction to the north-east corner of Whakamarama No. 1c 3b; thence in a south-easterly direction by a right line to the south-east corner of Allotment 509, Te Papa Parish, in Block VI, Otānewainuku Survey District; thence by a straight line to Trig. Station J3 in Block IV, Otānewainuku Survey District, and from there by a straight line to the commencing point.

13. *Timaru Egg Marketing Area*—All that area of land within the City of Timaru, as from time to time constituted.

14. *Wanganui Egg Marketing Area*—All that area of land within the City of Wanganui, as from time to time constituted.

15. *Wellington Egg Marketing Area*—All that area in the Wellington Land District comprising the Cities of Wellington, Lower Hutt, and Porirua, the Boroughs of Eastbourne, Petone, Tawa, and Upper Hutt, as from time to time constituted, and that portion of the Hutt County south and west of a line commencing at a point on the sea coast at Pukerua Bay, on the northern boundary of Block VI, Paekakariki Survey District; thence south-easterly along a right line to Trig. Station Diggins and a right line to the intersection of No. 2 National State Highway and Upper Hutt - Waikanae Road; thence southerly along a right line to Trig. Station High Misty, situated in Block V, Rimutaka Survey District; thence south-easterly along a right line passing through Trig. Station Pencarrow situated in Block V, Pencarrow Survey District, to the sea coast near Pencarrow Head."

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.

The main purpose of these regulations is to provide for the registration of poultry hatcheries and to authorise a levy by the Egg Marketing Authority on pullet chickens hatched.

The regulations also prescribe new egg marketing areas.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 24 March 1966.

These regulations are administered in the Department of Agriculture.