

Serial Number 1951/203

THE EGG MARKETING REGULATIONS 1951

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 19th day of
September 1951

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HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Marketing Act 1936, and the Agriculture (Emergency Powers) Act 1934, and, as regards the revocation of the regulations specified in Part II of the Second Schedule hereto, pursuant to the Emergency Regulations Continuance Act 1947, and the Poultry Act, 1924, 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 Regulations 1951.

(2) These regulations shall come into force on the 1st day of October 1951.

2. (1) In these regulations, unless the context otherwise requires,—

“The said Act” means the Marketing Act 1936 :

“Approved cool store” means a store approved under these regulations for the purpose of chilling eggs :

“Chilled”, in relation to eggs, means artificially reduced in temperature to less than 50° Fahrenheit :

“Department” means the Marketing Department established by the said Act :

“Director” means the Director of the Marketing Department :

“Distributor’s licence” means a wholesale distributor’s licence issued under these regulations :

“Eggs” means the eggs of domestic fowls or ducks, and includes any such eggs which have been chilled or preserved :

“Egg pulp” means the product obtained by mixing the yolks of eggs and the albumen of eggs, with or without the admixture of any other substance, and includes any such product in its natural state or when chilled or preserved :

“Licensed distributor” means the holder of a distributor’s licence :

“Manufacturer’s licence” means an egg pulp manufacturer’s licence issued under these regulations :

“ Marketing area ” means any of the areas named and defined in the First Schedule hereto, or defined pursuant to regulation 13 hereof, and includes any such area that has been altered and redefined pursuant to the said regulation :

“ Minister ” means the Minister of Marketing :

“ National Committee ” means the National Egg Marketing Committee established by these regulations.

“ Producer ” means the occupier of a poultry run for the time being registered under the Poultry Runs Registration Act 1933 :

“ Purchase ” includes a contract for purchase, agreement to purchase, and offer to purchase ; and “ sale ” includes a contract for sale, agreement to sell, and offer for sale :

“ Sale by retail ” means a sale other than a sale by wholesale, and 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 resale :

“ Wholesale distributor ” means a person engaged in the business of selling eggs, either on behalf of the producer or otherwise, for the purpose of sale by retail.

(2) In these regulations, unless the context otherwise requires, any reference to eggs shall be deemed to include a reference to egg pulp.

3. These regulations shall not apply to—

(a) Any sale of eggs for the purpose of hatching :

(b) Any sale of eggs (but not egg pulp) by way of sale by retail where delivery of the eggs is taken by the purchaser on the premises on which the eggs were produced.

National Egg Marketing Committee

4. (1) There is hereby established a committee to be called the National Egg Marketing Committee.

(2) The National Committee shall be a body corporate with perpetual succession and a common seal, and shall be capable of holding real and personal property, of suing and being sued, and of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer.

5. (1) The National Committee, the members of which shall be appointed by the Minister, shall consist of :—

(a) Two members, of whom one shall reside in the North Island and one in the South Island, whose names shall be selected by the Minister from a panel of names submitted by the New Zealand Poultry Board established under the Poultry Runs Registration Act 1933 ; and

(b) Two other members.

(2) The panel of names submitted under paragraph (a) of subclause (1) hereof shall consist of eight names of persons of whom four shall reside in the North Island and four shall reside in the South Island.

6. (1) Except as otherwise provided by these regulations, every member of the National Committee shall be appointed for a term of two years but may from time to time be reappointed.

(2) Notwithstanding anything to the contrary in these regulations, every member of the National Committee, unless he sooner vacates his office otherwise than by effluxion of time, shall continue to hold his office until his successor comes into office.

(3) With respect to the first members of the National Committee the following provisions shall apply :—

(a) The members shall be appointed for a term of three years but two of the members, of whom one shall have been appointed under paragraph (a) of subclause (1) of regulation 5 hereof and one shall have been appointed under paragraph (b) of that subclause, shall retire at the end of two years from the date of their appointment :

(b) The members so to retire shall be determined by agreement of the members concerned, and, failing agreement, the members then to retire shall be determined by lot. For the purposes of this paragraph the members concerned shall be deemed to be the members appointed to the Committee in the same manner as the member who is to retire.

7. (1) Any member of the National Committee may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Minister.

(2) Any member of the National Committee may at any time resign his office by written notice given to the Minister.

(3) If any member of the National Committee dies, or retires, or resigns, or is removed from office, the Minister may appoint some person to fill the vacancy. Any such appointment shall be made in the same manner as the appointment of the vacating member :

Provided that if the vacating member was appointed under paragraph (a) of subclause (1) of regulation 5 hereof the number of names of persons in the panel submitted to the Minister shall be four all of whom shall reside in the same Island as the vacating member.

(4) The powers of the National Committee shall not be affected by any vacancy in the membership thereof.

8. The Chairman of the National Committee shall be appointed by the Minister from among the members thereof.

9. (1) The Chairman shall preside at all meetings of the National Committee at which he is present.

(2) In the absence of the Chairman from any meeting of the National Committee the members present shall appoint one of their number to be the Chairman of that meeting.

(3) At all meetings of the National Committee the quorum necessary for the transaction of business shall be three.

(4) All questions arising at any meeting of the National Committee shall be decided by a majority of the votes of the members present.

(5) The Chairman shall have a deliberative vote but no casting vote.

(6) Subject to the provisions of these regulations the National Committee may regulate its procedure in such manner as it thinks fit.

(7) A resolution in writing signed, or assented to by letter or telegram, by all the members of the National Committee shall be as valid and effectual as if it had been passed at a meeting of the National Committee.

10. (1) The National Committee shall have and may exercise such powers and functions in relation to the marketing and distribution of eggs as may be delegated to it by the Minister or by the Department or as may be conferred on it by these regulations.

(2) The National Committee shall also from time to time make to the Minister such recommendations as it thinks fit relating to the marketing of eggs, particularly with respect to the matters specified in regulation 29 hereof, and shall consider and report to the Minister upon any questions relating to the marketing of eggs referred to it by the Minister.

11. (1) The National Committee may from time to time appoint such advisory or technical committees as it thinks fit to advise the National Committee on such matters concerning the marketing of eggs as are referred to them by the National Committee.

(2) Each advisory or technical committee may, in addition, furnish to the National Committee reports on any matter relating to the marketing of eggs in respect of which the members of the advisory or technical committee have special knowledge or experience.

(3) Any person may be appointed to be a member of an advisory or technical committee under this regulation notwithstanding that he is not a member of the National Committee.

12. There shall be payable to the members of the National Committee and to the members of any advisory or technical committee appointed under these regulations such remuneration and such travelling expenses and travelling allowances as the Minister of Finance from time to time approves in that behalf.

Marketing Areas

13. (1) For the purposes of these regulations there are hereby established the egg marketing areas described in the First Schedule hereto.

(2) The Minister may from time to time by notice under his hand published in the *Gazette* :—

- (a) Extend the First Schedule hereto by redefining and including therein as marketing areas such further areas as he shall think fit under a name to be set out in the notice ; or
- (b) Alter and redefine the boundaries of any marketing area by including an additional area therein, or excluding an area therefrom ; or
- (c) Declare that any area shall no longer be a marketing area for the purposes of these regulations.

Licensing of Wholesale Distributors

14. No person shall after the coming into force of these regulations carry on the business of a wholesale distributor of eggs within any marketing area unless he is the holder of a wholesale distributor's licence relating to that area.

15. Every application for a distributor's licence shall be made in writing addressed to the Director and signed by or on behalf of the applicant.

16. Every applicant for a distributor's licence shall establish to the satisfaction of the Minister that he has all reasonable facilities, including satisfactory premises, for satisfactorily carrying on the business of the grading and distribution of eggs by way of sale by wholesale within the marketing area for which the applicant desires a licence.

17. Every distributor's licence shall be signed by the Minister and shall authorize the licensee to carry on the business of a wholesale distributor of eggs on the premises (notwithstanding that any such premises may from time to time be altered, whether structurally or by way of additions thereto) and within the marketing area specified in the licence, but not elsewhere, subject to the following terms and conditions :—

- (a) That to any retailer who requires not less than five dozen eggs or not less than 20 lb. of egg pulp and who tenders the appropriate wholesale price in payment thereof, the licensee will, unless no supplies are then available for sale, sell any such eggs or egg pulp and make delivery thereof on his regular rounds or itinerary to the premises of the retailer or to such other reasonable place of delivery as may be specified by the retailer in that behalf :
- (b) That the licensee will make available to any retailer during ordinary business hours supplies of eggs at the premises of the licensee, and will not, except on the ground that no supplies are then available for sale, refuse to supply any retailer who requires them not less than five dozen eggs or 20 lb. of egg pulp and who tenders the appropriate wholesale price in payment therefor :
- (c) That the licensee will not sell or otherwise dispose of any eggs to any person other than a retailer, except with the prior consent in writing of the Director.

18. Before any distributor's licence is issued the applicant for the licence shall, if required so to do by the Minister, give security for compliance with the terms and conditions of the licence and the requirements of these regulations, by executing a bond in favour of His Majesty the King, for such sum and subject to such conditions as the Minister may think fit.

19. The Minister may in his absolute discretion after consultation with the National Committee :—

- (a) Grant or refuse a distributor's licence to any applicant ; or
- (b) By notice in writing given to the licensee revoke the distributor's licence issued to him without prejudice to the liability (if any) of the licensee to the penalty imposed by section 26 of the said Act, or to his liability under any bond executed by the licensee ; or
- (c) Grant or refuse the transfer of any such licence.

20. No licensed distributor shall carry on the business of a wholesale distributor of eggs or egg pulp within any marketing area in any premises other than the premises specified in his licence.

21. Every licensed distributor shall from time to time, without the need for any specific demand, furnish in writing signed by him and delivered to the Director at the times specified in his licence the information indicated by the conditions contained in the said licence, and, in addition, every licensed distributor shall, on demand by the Director, furnish to the Director within such time as may be specified, and in writing signed by the person supplying the information, such information or returns relating to the sale or supply of eggs or egg pulp by or to the wholesale distributor as the Director may from time to time require.

Licensing of Manufacturers of Egg Pulp

22. No person shall, after the coming into force of these regulations, carry on the business of a manufacturer of egg pulp unless he is the holder of an egg pulp manufacturer's licence granted by the Minister under these regulations.

23. Every application for a manufacturer's licence shall be made in writing addressed to the Director and signed by or on behalf of the applicant.

24. Every applicant for a manufacturer's licence shall establish to the satisfaction of the Minister that he has all reasonable facilities, including satisfactory premises, for satisfactorily carrying on the business of the manufacture of egg pulp.

25. Every manufacturer's licence shall be signed by the Minister and shall authorize the licensee to carry on the business of a manufacturer of egg pulp on the premises (notwithstanding that any such premises may from time to time be altered, whether structurally or by way of additions thereto) specified in the licence, but not elsewhere, subject to such terms and conditions as may be specified in the licence.

26. Before any manufacturer's licence is issued the applicant for the licence shall, if required so to do by the Minister, give security for compliance with the terms and conditions of the licence and the requirements of these regulations, by executing a bond in favour of His Majesty the King, for such sum and subject to such conditions as the Minister may think fit.

27. The Minister may in his absolute discretion after consultation with the National Committee :—

- (a) Grant or refuse a manufacturer's licence to any applicant ; or
- (b) By notice in writing given to the licensee revoke the licence issued to him without prejudice to the liability (if any) of the licensee to the penalty imposed by section 26 of the said Act, or to his liability under any bond executed by the licensee ; or
- (c) Grant or refuse the transfer of any such licence.

28. No person who is the holder of a manufacturer's licence shall carry on the business of a manufacturer of egg pulp in any premises other than the premises specified in his licence or in any manner contrary to the terms and conditions of his licence.

Powers of Minister

29. (1) The Minister may from time to time, give such directions as he thinks fit for the purpose of regulating, controlling, or prohibiting the sale or purchase of eggs within any egg marketing area (whether by wholesale or retail) by any person specified in the directions or by a person of any class so specified.

(2) Without limiting the general power hereinbefore conferred, it is hereby declared that directions may be given under this regulation in respect of any egg marketing area for all or any of the following purposes :—

- (a) Prescribing the persons or class of persons to whom any sale of eggs within the area is required or authorized to be made :

- (b) Prescribing the persons or class of persons from whom any purchase of eggs within the area is required or authorized to be made :
- (c) Prescribing the quantities or the maximum or minimum quantities of eggs that are required or authorized to be included in any sale, purchase, or delivery made within the area :
- (d) Requiring that any eggs or class of eggs sold within the area shall be branded or marked in such manner, by such persons, and within such times as may be specified in the directions, and prohibiting the sale or purchase within the area of eggs not branded or marked in accordance with the directions :
- (e) Prescribing conditions upon or subject to which any sale or purchase of eggs within the area is required or authorized to be made.

(3) In addition to the powers conferred by this regulation the Minister may give directions thereunder for regulating and controlling the sale and purchase of eggs in any other part of New Zealand, and may prohibit the sale of eggs in any case where the prohibition of any such sale is, in his opinion, necessary for the proper regulation and control of the sale of eggs in any part of New Zealand.

30. The Minister may, by notice under his hand, prohibit the sale, otherwise than by or on behalf of the Department, during such period as may be specified in that behalf in the notice of any eggs which have been chilled or preserved.

31. The Minister may, by notice under his hand, direct the sale in any marketing area or marketing areas of eggs consigned for sale to a licensed distributor carrying on business in any other marketing area.

32. (1) The Minister may give public notice of the exercise of any of his powers under these regulations or of any direction given by him under these regulations, and all persons shall be bound thereby.

(2) The Minister may, without public notice, give notice to any person of any such direction, and every person to whom the notice is given shall be bound thereby.

(3) Except where otherwise specially provided, any notice required to be given to any person for the purposes of these regulations may be given by causing it to be delivered to that person, or to be left at his usual or last known place of abode or business or at the address specified by him in any application or other document received from him by the Minister, or to be posted in a letter addressed to him at that place of abode or business or at that address.

(4) If any such notice is sent to any person by registered letter, it shall be deemed to have been delivered to him when it would have been delivered in the ordinary course of post, and in proving the delivery it shall be sufficient to prove that the letter was properly addressed and posted.

(5) Except where otherwise specially provided, any notice required to be given for the purposes of these regulations shall be sufficient if it purports to be given by or on behalf of the Minister, and is authenticated by the signature or name of the Minister.

(6) Every public notice or notice under these regulations shall take effect when it is published or given, or at such later time as may be specified in that behalf in the notice.

(7) Any notice under these regulations may be at any time varied or revoked by a subsequent notice.

Provisions in Respect of Sale and Marketing of Eggs

33. Except as otherwise provided by these regulations, no person resident or carrying on business within any marketing area shall sell or offer for sale, or shall purchase or offer to purchase, any eggs unless :—

- (a) The vendor is a licensed distributor carrying on business in that marketing area under a licence relating to or operative in that area ; or
- (b) The vendor has acquired the eggs from a licensed distributor as aforesaid ; or
- (c) The eggs have been released for distribution by a licensed distributor.

34. With respect to eggs produced in any area other than a marketing area the following provisions shall apply :—

- (a) Every licensed distributor may sell any such eggs in accordance with the terms of his licence, but not otherwise :
- (b) Any person carrying on business as a retailer in any part of an area that is not included in a marketing area may sell any such eggs in accordance with the following provisions of this paragraph but not otherwise, that is to say :—
 - (i) He may sell any such eggs to a licensed distributor carrying on business in any marketing area ; or
 - (ii) He may sell any such eggs to a retailer carrying on business in any area other than in a marketing area ; or
 - (iii) He may sell any such eggs by way of retail sale for delivery in any area other than in a marketing area :
- (c) Any producer may sell any such eggs by way of wholesale in any area other than in a marketing area, but shall not sell any such eggs by way of wholesale within a marketing area otherwise than to a licensed distributor.

35. No licensed distributor shall—

- (a) Consign or forward for sale any eggs to any marketing area outside the marketing area in which the premises to which his licence relates are situated except with the prior approval of the Director ;
- (b) Except with the prior approval in writing of the Director, store any eggs which have been preserved, chilled, or frozen, or any egg pulp which has been chilled or frozen and then only in such quantity as may be specified in any such approval ;
- (c) Sell or dispose of any eggs by public auction ;
- (d) Forward any eggs to any other licensed distributor for sale without the prior approval of the Director ; or
- (e) Refuse to accept delivery of any eggs consigned or forwarded to him for sale in accordance with these regulations or in accordance with the prior approval of the Director given pursuant to these regulations in respect of any eggs delivered for sale by any other authorized distributor :

Provided that nothing in this paragraph shall oblige any licensed distributor to accept any eggs which, in the opinion of the Director, are unfit for human consumption.

36. Before any licensed distributor sells any eggs that have been chilled, or preserved by any means other than chilling, he shall ensure that the eggs are stamped with the word “ chilled ” or “ preserved ” as the case may be.

37. No producer whose poultry run is situated outside any marketing area shall sell by way of sale by wholesale within any marketing area otherwise than through the agency of a licensed distributor any eggs produced in that run.

38. No person shall, except through the agency of a licensed distributor, bring or cause to be brought into any marketing area for the purpose of resale any eggs produced outside the marketing area.

39. Notwithstanding anything contained in the foregoing provisions of these regulations, any licensed distributor may, with the prior approval of the Director, purchase or sell eggs for the manufacture of egg pulp or for chilling or for preserving at such prices and under such conditions as may from time to time be determined and duly notified by the Director in accordance with the provisions of the said Act.

40. The provisions of section 5 of the Marketing Amendment Act, 1937 (as to the delegation of powers by the Minister), shall apply with respect to all or any of the powers conferred on the Minister by these regulations.

Information by Egg Vendors

41. (1) The Director or any other officer of the Department may require any person having for the time being possession or control of any eggs intended for sale (whether any such person is the owner of the eggs or not) to answer any inquiries relative to the source of production of the eggs or their ownership or their intended destination, and to carry out any instructions given by the officer for the purpose of giving effect to any directions given by or on account of the Minister for the purposes of these regulations.

(2) Every person commits an offence against these regulations who refuses or fails to answer any inquiries put to him in accordance with this regulation, or who gives any false or misleading information in relation thereto, or who refuses or fails to comply with any instructions given by any officer of the Department acting under the authority of this regulation.

Chilled Eggs

42. (1) No person shall use any premises other than an approved cool store for the purpose of chilling eggs.

(2) No person shall deliver or cause to be delivered to any other person any eggs for the purpose of being chilled in any premises other than an approved cool store.

43. The owner or occupier of any premises who desires to use the premises for the purpose of chilling eggs shall apply in writing to the Director for approval of the premises under these regulations.

44. (1) No premises shall be approved as a cool store under these regulations unless, in the opinion of the Director,—

(a) They are equipped with all necessary appliances for controlling temperature and humidity; and

(b) They are sanitary, and in all other respects suitable for use as an approved cool store.

(2) For the purposes of this regulation no premises shall be deemed to be suitable for use as an approved cool store unless any portion thereof used or intended to be used for the storage of articles likely to affect the quality of eggs deposited in a cool store is effectively separated from the portion thereof used or intended to be used for the deposit of eggs for the purpose of being chilled.

45. The Director may grant or refuse any application for the approval of a cool store under these regulations, and his decision shall be notified in writing to the applicant.

46. The owner or occupier of an approved cool store shall cause the store to be at all times maintained in an efficient and sanitary state for the purposes for which it is approved.

47. The approval of any premises as an approved cool store may be revoked by the Director by writing addressed to the owner or occupier of the cool store.

48. A certificate under the hand of the Director relating to any premises shall be *prima facie* evidence that the premises are, or as the case may be, are not, for the time being or at any time mentioned in the certificate approved as a cool store under these regulations.

49. No person, who is the owner or occupier of an approved cool store, shall accept delivery at his cool store for the purpose of being chilled any eggs of which he is not the owner and which are not accompanied by the certificate of the owner of the eggs required by regulation 55 hereof.

50. No person shall deliver or cause to be delivered to any approved cool store for the purpose of being chilled any eggs of which he is the owner and which are not of the standard of quality prescribed by regulation 53 hereof.

51. No person who is the owner or occupier of an approved cool store shall deposit in his cool store for the purpose of being chilled any eggs of which he is the owner and which are not of the standard of quality prescribed by regulation 53 hereof.

52. No person shall deliver or cause to be delivered to any approved cool store, and no person who is the owner or occupier of an approved cool store shall accept delivery at the store of any eggs for the purpose of being chilled unless the eggs are packed in a package or container fitted with standard fillers and standard flats or standard filler-flats and the package or container and all fittings therein are clean and odourless.

53. All eggs intended for deposit at an approved cool store shall be of the standard of quality of an egg, the shell of which is free from stain and dirt, the yolk of which is translucent, firm, and free from blood spots, and in which no process of putrefaction and no development of the ovum has begun.

54. Every person shall before delivery of any eggs to, or deposit of any eggs in, an approved cool store for the purpose of being chilled, test or cause to be tested all eggs of which he is the owner by the process known as candling for the purpose of determining whether they are of the standard of quality prescribed in regulation 53 hereof.

55. In every case in which the owner or occupier of an approved cool store is not the owner of any eggs intended to be deposited in his store for the purpose of being chilled, the owner of the eggs shall deliver the eggs in a package or container bearing some distinctive mark of identification, and shall on delivery at the cool store of the eggs deliver to the owner or occupier of the cool store a certificate, signed by the owner of the eggs, identifying the package or container, setting out the number of eggs contained in the package or container, and certifying that the eggs have been tested for quality as required by these regulations and are of the standard of quality so prescribed.

56. (1) The owner or occupier of every approved cool store shall make and file at his cool store or his office a record of the following particulars in relation to all eggs deposited in his cool store for chilling, that is to say,—

- (a) The date on which the eggs were deposited in the cool store ;
- (b) The name of the owner of the eggs ;
- (c) The number of eggs to which any such entry relates ;
- (d) The respective dates on which any such eggs are from time to time delivered from the cool store ; and
- (e) The names of the persons to whom any such eggs are delivered and the number of eggs delivered from time to time to each such person.

(2) The entries required by paragraphs (a), (b), and (c) of subclause (1) hereof shall be made not later than the day following the date of deposit, and the entries required by paragraphs (d) and (e) of that subclause shall be made not later than the day following the date of delivery.

(3) The owner or occupier of every approved cool store shall keep all records required by this regulation and all certificates required by regulation 55 hereof for a period of twelve months after the making of the records or the receipt of the certificate as the case may be, and all such records and certificates shall be open for inspection by any person authorized in writing in that behalf by the Director.

Cool Stores

57. (1) For the purposes of this regulation the term “ cool store ” means any premises used for the storage of any foodstuffs in a chilled or frozen condition, but does not include any refrigerator used exclusively for domestic purposes.

(2) Except with the permission of the Director or of a person acting with authority of the Director, no eggs shall be stored in any cool store whether an approved cool store or not, for a longer period than fourteen days without being chilled.

(3) If any eggs deposited in a cool store are kept therein for a longer period than fourteen days or for two or more periods exceeding fourteen days in the aggregate in contravention of this regulation, the owner of the eggs, the person having control thereof immediately prior to their deposit in cool store, the owner or occupier of the cool store, and the manager or other person in charge thereof at the time of deposit, shall be severally guilty of an offence against this regulation.

Branding of Eggs

58. Where, pursuant to the powers conferred on him by paragraph (d) of subclause (2) of regulation 29 hereof, the Minister has given any directions as to the branding or marking of eggs with a distinctive brand or mark it shall be an offence against these regulations for any person to brand or mark, or to cause or permit to be branded or marked, any eggs to which the direction is not applicable with an identical brand or mark or with any brand or mark that is so similar thereto as to be likely to deceive or otherwise to induce any person to believe that any such eggs have been branded or marked in accordance with the direction of the Minister.

59. The Minister may also give any directions as to the branding or marking of egg pulp with a distinctive brand or mark, and it shall be an offence against these regulations for any person to brand or mark, or cause or permit to be branded or marked, any egg pulp to which the direction is not applicable with an identical brand or mark or with any brand or mark that is so similar thereto as to be likely to deceive or otherwise to induce any person to believe that any such egg pulp has been branded or marked in accordance with the direction of the Minister.

Grading

60. (1) No licensed distributor shall sell by way of sale by wholesale any eggs other than duck eggs and eggs marked "preserved" which have not been graded in accordance with these regulations.

(2) No retailer within any marketing area shall sell by way of retail any eggs other than duck eggs and eggs marked "preserved" unless the eggs have been graded in accordance with these regulations.

(3) The grading of all eggs which by these regulations are required to be graded shall be carried out—

(a) By the licensed distributor by whom the eggs are intended to be sold by way of sale by wholesale; or

(b) By the retailer by whom any such eggs are purchased otherwise than from a licensed distributor and intended to be sold by way of sale by retail.

(4) The onus of proof that any eggs, the grading of which is required by these regulations, were purchased from a licensed distributor shall be upon the retailer.

61. (1) All eggs the grading of which is required by these regulations shall be graded into one of the four grades following—that is to say, Heavy Grade, Standard Grade, Medium Grade, and Pullet Grade.

(2) Heavy Grade eggs shall include all eggs the weight of which is not less than $2\frac{1}{4}$ oz.

(3) Standard Grade eggs shall include all eggs the weight of which is less than $2\frac{1}{4}$ oz. but not less than $1\frac{15}{16}$ oz.

(4) Medium Grade eggs shall include all eggs the weight of which is less than $1\frac{15}{16}$ oz. but not less than $1\frac{9}{16}$ oz.

(5) Pullet Grade eggs shall include all eggs the weight of which is less than $1\frac{9}{16}$ oz. but not less than $1\frac{1}{4}$ oz.

62. (1) No licensed distributor shall sell by way of sale by wholesale, and no retailer shall sell by way of sale by retail, any eggs the grading of which is required by these regulations unless there is prominently displayed on the tray, box, or other receptacle containing the eggs a ticket, placard, or label indicating in the manner herein prescribed the grade allotted to the eggs pursuant to these regulations.

(2) In the case of sale by way of retail, any such ticket, placard, or label shall bear the indication of grade as follows:—

(a) For Heavy Grade eggs the word "Heavy":

(b) For Standard Grade eggs the word "Standard":

(c) For Medium Grade eggs the word "Medium":

(d) For Pullet Grade eggs the word "Pullet".

(3) No person shall, except with permission in writing of the Minister, stamp or mark on any ticket, placard, or label displayed on a tray, box, or other receptacle containing any graded eggs for sale in New Zealand or use in connection with any such eggs sold, offered,

or exposed for sale any words indicative of quality or grade, except the words " Heavy Grade ", " Standard Grade ", " Medium Grade ", and " Pullet Grade ".

(4) No person shall stamp or mark on any ticket, placard, or label displayed on a tray, box, or other receptacle containing any eggs for sale in New Zealand, or use in connection with any eggs sold, offered, or exposed for sale, any words indicative of grade which do not correctly indicate the grade of the eggs.

(5) No person shall offer or expose for sale in the same tray, box, or other receptacle eggs which are required by these regulations to be graded and which are of more grades than one.

General

63. Where it is established to the satisfaction of the Minister that any retailer of eggs—

- (a) Is selling or otherwise disposing of eggs in a manner prejudicial or likely to be prejudicial to the orderly marketing by other retailers of eggs or of any other goods ; or
- (b) Is storing or marketing eggs in such manner as to cause undue deterioration in the quality of the eggs ; or
- (c) Has failed, without reasonable cause, to comply with any general or specific directions, instructions, or rules given or made by or with the authority of the Minister for the purpose of ensuring the fair distribution to the general public of any eggs that may from time to time be available for any such distribution,—

then and in any such case the Minister may in his discretion by notice given to the retailer, prohibit the retailer from selling or distributing eggs from a date to be specified in that behalf in the notice, and any stocks of eggs held by the retailer on the date on which the notice takes effect may be sold or otherwise disposed of only in accordance with the direction of the Minister, and not otherwise.

64. The powers conferred on the Minister by regulation 63 hereof shall not be exercised with respect to any retailer on the ground that he has failed to comply with any direction, instruction, or rule referred to in paragraph (c) thereof unless, prior to his failure to comply therewith, notice of any such direction, instruction, or rule was given to the retailer or an organization on behalf of the retailer or was published in a newspaper circulating in the district in which the retailer carries on business.

65. Every person commits an offence against these regulations who—

- (a) Without lawful excuse acts in contravention of or fails to comply in any respect with any provision of these regulations or any direction given under these regulations :
- (b) With intent to deceive, makes any false or misleading statement or any material omission in any communication with or application to the Minister or any other person (whether in writing or otherwise) for the purposes of these regulations or for any other purpose relating to the sale or purchase of eggs within any egg marketing area.

66. Every person who commits an offence against these regulations shall be liable on summary conviction—

(a) In the case of an individual to imprisonment for a term not exceeding three months, or to a fine not exceeding £200 :

(b) In the case of a body corporate, to a fine not exceeding £1,000.

67. Every licensed distributor shall treat all eggs consigned or forwarded to him for sale as a consignment to be sold on behalf of the consignor, and he may deduct from the proceeds of any such sale only such commission and such other deductions as may from time to time be approved by the Director and duly notified by him to the distributor.

68. (1) Upon the delivery of any parcel or part of a parcel of eggs consigned or forwarded for sale by the consignor to a licensed distributor, the distributor shall forward a return to the consignor within such period after the delivery is effected as may from time to time be determined by the Director.

(2) The return shall show the number of eggs delivered, the grading of the eggs, and the price of the eggs as determined in accordance with this regulation.

(3) Within the period determined for the forwarding of the said return the licensed distributor who has received the eggs shall, out of the pool account established under this regulation, pay to the consignor the price of the eggs as determined by the Department acting with the advice of the National Committee, less such commission for the services of the licensed distributor and such other deductions as may be authorized by these regulations or by the Director pursuant to regulation 67 hereof :

Provided that upon the request of the consignor the licensed distributor may make any such payment upon such later date as is specified in that behalf by the consignor :

Provided also that nothing in this regulation shall be deemed to authorize a sale in breach of any Price Order in force under the Control of Prices Act 1947.

(4) Every licensed distributor in any marketing area shall, according to the conditions laid down from time to time by the Director, pay into a pool account the proceeds of the sale of eggs sold by the distributor under the authority of his licence by way of sale by wholesale, after paying to the consignors of the eggs the sums determined under subclause (3) of this regulation. All such pool accounts shall be subject to inspection by any officer duly authorized by the Director, or by a public accountant duly approved for that purpose by the Minister.

(5) Any licensed distributor who has established a pool account under this regulation may establish within the pool account separate accounts in respect of different classes of eggs sold by him.

(6) When any licensed distributor has a surplus of funds in a pool account after paying for all eggs in respect of which the pool account was established the sums determined under subclause (3) of this regulation, the licensed distributor shall, within such period as may be determined by the Director, pay any such surplus to the Department.

(7) Any moneys paid to the Department under subclause (6) of this regulation shall be held to the credit of the licensed distributor by whom it was paid to the Department and shall be repaid to that distributor for inclusion in his pool account, at such times and in such amounts as the Director may determine.

(8) If any licensed distributor ceases to carry on business, or has his licence revoked, or if for any other reason the distributor ceases to operate the pool account established by him under this regulation, any moneys remaining in the account shall, after the payment thereof of all sums authorized by this regulation, be distributed in such manner as may be directed by the Minister after consultation with the Poultry Board.

Levy

69. (1) Subject to the provisions of these regulations there shall be payable to the Department a levy at the rate of 1d. a dozen on all eggs of domestic fowls sold by a licensed distributor.

(2) The levy shall be deducted by the licensed distributor from the purchase price payable to the producer.

(3) The amount of any levy deducted by a licensed distributor shall constitute a debt due from the wholesaler to the Department and may be recovered accordingly in any Court of competent jurisdiction.

(4) The moneys received by the Department from levies paid under this regulation shall be paid into the poultry industry account established under the Bran and Pollard Levy Regulations 1950* and shall be administered in accordance with those regulations.

Revocations

70. (1) The regulations specified in the Second Schedule hereto are hereby revoked.

(2) All licences, approvals, directions, records, notices, forms, and generally all acts of authority that originated under any of the regulations hereby revoked and are subsisting or in force on the date of the coming into force of these regulations shall enure for the purposes of these regulations as fully and effectually as if they had originated under the corresponding provisions of these regulations, and accordingly shall, where necessary, be deemed to have so originated.

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

SCHEDULES

Reg. 13]

FIRST SCHEDULE

EGG MARKETING AREAS

1. *Nelson Egg Marketing Area*.—All that area of land within the Nelson City area.

2. *New Plymouth Egg Marketing Area*.—All that area of land within a radius of 8 miles of the New Plymouth Post Office.

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

4. *Invercargill Egg Marketing Area*.—All that area of land within the following boundaries: Commencing at a point at the intersection of the Waikiwi Stream and the Makarewa-Invercargill railway; thence in a southerly direction along the railway to the intersection of Waihopai Stream; thence in a southerly direction to the intersection of Kingswell's Creek; thence along Kingswell's Creek to Elles Road, to Macquarrie Street; thence in an easterly direction along Macquarrie Street to the intersection of Boundary Road; thence along Boundary

* Statutory Regulations 1950, Serial number 1950/231, page 1038.

FIRST SCHEDULE—*continued*

Road to Cemetery Road and Racecourse Road to the Waihopai River; thence in a westerly direction along the Waihopai River to Elles Road; thence in a northerly direction along Elles Road to Bainfield Road; thence westerly along Bainfield Road to the intersection of North Road; thence in a northerly direction to the intersection of the Waikiwi Stream and in a westerly direction along the Waikiwi Stream to the Makarewa-Invercargill railway, being the original point of commencement.

5. *Hamilton Egg Marketing Area*.—All that area of land within a radius of 3 miles of the Hamilton Post Office.

6. *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 coast line of the Bay of Plenty; thence in a north-westerly direction by the said coast line 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 Motuhoa to a point where the western boundary of Section 6s (Apata 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, Otanewainuku Survey District; thence by a straight line to Trig. Station J3 in Block IV, Otanewainuku Survey District, and from there by a straight line to the commencing point.

7. *Timaru Egg Marketing Area*.—All that area of land lying within the City of Timaru, together with all that area of land included within the boundaries of Kelland's Hill Road, Washdyke Flat Road, Main North Road, Old North Road, and Page's Road.

8. *Palmerston North Egg Marketing Area*.—All that area of land lying within a radius of 5 miles of the Palmerston North Post Office.

9. *Wanganui Egg Marketing Area*.—All that area of land within the City of Wanganui, together with all that area of land within the Mosstown Riding of the Waitotara County.

10. *Wairarapa Egg Marketing Area*.—All that area of land lying within a 4 mile radius of the post office in each of the following towns: Masterton, Pahiatua, Alfredton, Pongoroa, Taunui, and Mauriceville, together with that area of land lying within an 8 mile radius of the Eketahuna Post Office.

11. *Auckland Egg Marketing Area*.—All that area of land comprising the City of Auckland, the Boroughs of Birkenhead, Northcote, Takapuna, Devonport, New Lynn, Newmarket, Mount Eden, Mount Albert, Onehunga, One Tree Hill, Otahuhu, Ellerslie, Mount Roskill Road District, and all that area of land in the Manukau County 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 existing Otahuhu boundary at Mangere Railway Station.

12. *Wellington Egg Marketing Area*.—All that area of land comprising the City of Wellington, the City of Lower Hutt, the Borough of Petone, the Borough of Eastbourne, the Johnsonville Town District, the County of Makara, the Borough of Upper Hutt, and all that area in the Wellington Land District bounded by a line commencing at the northernmost corner of Section 210, Hutt District; thence south-easterly along the north-eastern boundaries of Sections 210 and 84, Hutt District, to the north-western boundary of the Borough of Upper Hutt; thence south-westerly and south-easterly generally along the boundary of the Borough of Upper Hutt to its southernmost corner; thence south-westerly along a right line to the north-western corner of Section 234, Hutt District; thence southerly along the western boundary of Sections 234 and 233, Hutt District, to the south-western corner of the last mentioned section; thence south-westerly along the north-western boundary of Section 2, Block XV, Belmont Survey District, to its westernmost corner; thence along the northern boundary of Section 1, Block XV, Belmont Survey District, to the eastern boundary of the City of Lower Hutt; thence along the eastern, northern, and western boundaries of the City of Lower Hutt to the westernmost corner of Section 37, Hutt District; thence along the western boundary of the said Section 37 and the southern, western, and northern boundaries of Section 48, Hutt District, to the westernmost corner of Section 51, Hutt District; thence along the north-western

FIRST SCHEDULE—*continued*

boundaries of Sections 51, 54, 57, 60, and 187, Hutt District, to the north-western corner of the last mentioned section; thence along the southern boundary of Section 200A, Hutt District, to its westernmost corner; thence along the western boundaries of Sections 200A, 200, 198, 197, 270, 269, 209, and 210, Hutt District, to the northernmost corner of the last mentioned section, the point of commencement.

13. *Christchurch Egg Marketing Area*.—All that area of land comprising part of the City of Christchurch, part of the Borough of Sumner, and parts of Heathcote, Halswell, Paparua, and Waimairi Counties, and being all the area contained within the boundary lines particularly described as follows: Commencing at a point on the Main North Road, being the intersection of the centre line thereof with the centre line of Tucker's Road; thence proceeding southerly following the centre line of the Main North Road to the centre line of Winter's Road; thence easterly generally following the centre lines of Winter's Road, Philpott's Road, Innes Road, Mahar's Road, Green's Road, Shirley Road, and Quinn's Road to the northern boundary of Rural Section 1107; thence again easterly following the said northern boundary and its production eastwards to the centre line of Marshland Road; thence following the centre lines of that road, New Brighton Road, Lake Terrace Road, Bottle Lake Road, Travis Road, Frost's Road, Beach Road, and its production eastward to the sea coast; thence southerly following the sea coast to a point thereon, being the intersection therewith of the production northwards of the centre line of Heberden Avenue in the Borough of Sumner; thence by that production and by the centre line of Heberden Avenue to its intersection with the centre line of Wakefield Avenue; thence westerly generally following the centre lines of Wakefield Avenue, Nayland Street, and the Sumner Road to the point of intersection therewith of the south-east boundary of Rural Section 158 produced north-easterly; thence following that production and the south-east, south-west, and north-west boundaries of that section to the south-west boundary of Rural Section 410; thence following that boundary and its production north-westerly to the north-west boundary of Rural Section 261; thence following that boundary to the south-west boundary of Rural Section 262; thence following that boundary and its production north-westerly to the centre line of the Sumner Road; thence following the centre lines of that road, Major Hornbrook's Road, St. Andrew's Hill Road, Heathcote Valley Road (Bridle Path), Port Hills Road, Centaurus Road, and Victoria Street, and following the centre line of Roscoe Street to and across Albert Terrace to a point 3 chains westward of the centre line of the said Albert Terrace; thence northward by a line parallel to and 3 chains distant westward from the said centre line of Albert Terrace to a point on the centre line of Centaurus Road aforesaid; thence again westerly generally by the centre lines of Centaurus Road, Cashmere Road, Crighton Terrace, Walker's Valley Road, and Valley Road to the centre line of Cashmere Road aforesaid; thence again following the centre line of Cashmere Road westerly generally and the centre lines of Hoon Hay Road, Mather's Road, Tankerville Road, Lincoln Road, Junction Road, Middle Lincoln Road, Lincoln and Riccarton Junction Road, to the centre line of the main south railway; thence following the said centre line to the centre line of the Main South Road at Sockburn; thence again westerly generally following the centre line of the Main South Road to a point on its junction with Shand's Road, being the point of intersection of the centre line of the Main South Road with the production south-eastwards of the south-west boundary of Rural Section 3353; thence following that production and the said south-west boundary of Rural Section 3353 and its production north-westwards to the centre line of Factory Road; thence north-easterly generally following the centre line of Factory Road and its production to the south-west boundary of Rural Section 209; thence following the south-west, north-west, and north-east boundaries of that section to the centre line of Racecourse Road; thence following the said centre line and centre line of Yaldhurst Road to its intersection with the centre line of Norton's Road; thence proceeding again north-easterly along the centre line of Norton's Road to a point thereon, being distant 5 chains from the said centre line of Yaldhurst Road, and thence following a line parallel to and 5 chains distant northward from the centre lines of Yaldhurst Road and Riccarton Road to its intersection with the centre line of Clyde Road; thence again northward generally by the centre lines of Clyde Road, Ilam Road, Wairarapa Road, Aorangi Road, Matson's Road, Harewood Road, Gardener's Road, Sawyer's Arms Road, Veitch's Road, Boundary Drain Road, and Tucker's Road to the point on the centre line of the Main North Road, being the point of commencement.

FIRST SCHEDULE—continued

14. *Dunedin Egg Marketing Area.*—All that area comprising the City of Dunedin and the Boroughs of Port Chalmers, West Harbour, St. Kilda, Green Island, and Mosgiel.

15. *Hawke's Bay Egg Marketing Area.*—All that area comprising the City of Napier, the Havelock North Town District, and all that area within the Borough of Hastings bounded on the north-east by Frederick Road and Grove Road; bounded on the south-east by Sylvan Road and again bounded on the north-east by Albert Street and on the south-east by Park Road; bounded on the south-west generally by the borough boundary, and bounded on the north-east by the borough boundary to its junction with Frederick Road, and also all that portion of the Hawke's Bay County commencing at a point where the Omaha Road meets the Hastings Borough boundary; thence in a westerly direction to a point where the said road joins Renata Street; thence following the said street in a northerly direction to meet Ikanui Street; thence following the said street in an easterly direction to a point where it meets the Hastings Borough boundary; thence in a southerly direction along the said Hastings Borough boundary to the point of commencement.

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**SECOND SCHEDULE
REGULATIONS REVOKED**

Part I

Title.	Published in Statutory Regulations.	
	Serial Number.	Page.
The Egg Marketing Regulations 1940	1940/146	463
The Egg Marketing Regulations 1940, Amendment No. 1	1941/117	375
The Egg Marketing Regulations 1940, Amendment No. 2	1944/88	245

Part II

Title.	Published in Gazette.	
	Year.	Page.
The Chilled Eggs (Marketing) Regulations 1935 ..	1939	2375
	Published in Statutory Regulations.	
	Serial Number.	Page.
The Chilled Eggs (Marketing) Regulations 1935, Amendment No. 1	1938/93	463
The Chilled Eggs (Marketing) Regulations 1935, Amendment No. 2	1938/174	753
The Egg Marketing Emergency Regulations 1942 ..	1942/179	423
The Egg Marketing Emergency Regulations 1942, Amendment No. 1	1943/43	84
The Egg Marketing Emergency Regulations 1944 ..	1944/85	238

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.]

These regulations are a consolidation of the Egg Marketing Regulations 1940, the Egg Marketing Emergency Regulations 1942 and 1944, and the Chilled Eggs (Marketing) Regulations 1935.

The replaced regulations provide for the appointment of a National Advisory Committee, the functions of which are purely advisory. These regulations establish a National Committee and prescribe its functions which are considerably wider than those of the previous Committee. The National Committee may appoint advisory and technical committees which will replace existing Local Committees.

The provisions in these regulations relating to the licensing of wholesale distributors of eggs and of manufacturers of egg pulp, the powers of the Minister, the chilling of eggs, and the marketing, marking, and grading of eggs are substantially the same as in the replaced regulations.

A new provision is contained in regulation 69 which provided for the payment and collection of a levy on all eggs sold by a licensed distributor. The amount of the levy will be paid into the Poultry Industry Account established by the Bran and Pollard Levy Regulations 1950 and applied in accordance with those regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette* : 20th day of September 1951.

These regulations are administered in the Marketing Department.