

Serial Number 1941/117.



**THE EGG-MARKETING REGULATIONS 1940,
AMENDMENT NO. 1.**

C. L. N. NEWALL, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 9th day of
July, 1941.

Present :

THE HON. W. NASH PRESIDING IN COUNCIL.

PURSUANT to the Marketing Act, 1936, and the Agriculture (Emergency Powers) Act, 1934, 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 Egg Marketing Regulations 1940, Amendment No. 1.

2. These regulations shall be read together with and form part of the Egg Marketing Regulations 1940* (hereinafter called the principal regulations).

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

4. The principal regulations are amended by inserting, after Regulation 14, the following regulation :—

“ 14A. No person, unless he is the holder of a producer's license, shall, except through the agency of a licensed wholesale distributor, bring or cause to be brought into any marketing area for the purpose of resale any eggs produced outside that marketing area.”

5. Regulation 21 of the principal regulations is hereby revoked, and the following substituted :—

“ 21. (1) Upon the sale of any parcel or part of a parcel of eggs consigned or forwarded for sale by the consignor to a wholesale distributor the wholesale distributor shall render an account of such

* Statutory Regulations 1940, Serial number 1940/146, page 505.

† See end note.

sale to the consignor within such period after the sale is effected as may from time to time be determined by the Director, and shall within that period pay to the consignor on account of the proceeds of such sale such sum as may accord with a direction given by the Division acting with the advice of any advisory committee set up under these regulations, less such commission for the services of the wholesale distributor and such other deductions as may be authorized by the Director pursuant to Regulation 20 of these regulations :

“ Provided, firstly, that upon the request of the consignor the wholesale distributor may make such payment upon such later date as is specified in that behalf by the consignor :

“ Provided, secondly, that nothing in this clause shall be deemed to authorize a sale in breach of any Price Order in force under the Control of Prices Emergency Regulations 1939,* or in breach of the Price Stabilization Emergency Regulations 1939.†

“ (2) Every licensed wholesale distributor in any marketing area shall, according to the conditions laid down from time to time by the Director, pool the proceeds of the sale of eggs sold by him in any period fixed by the Director under the authority of his license by way of sale by wholesale, after paying to the consignors of the eggs included in the pool the sums determined under clause (1) of this regulation. The accounts of every such pool shall be subject to audit by a registered accountant duly approved for that purpose by the Minister or by any officer duly authorized by the Director.

“ (3) Where any licensed wholesale distributor has a surplus of funds in a pool after paying for all eggs in that pool the sums determined under clause (1) of this regulation, such licensed wholesale distributor shall, within fourteen days after the close of the pooling period, pay such surplus to the Division.

“ (4) Any moneys paid to the Division in pursuance of clause (3) of this regulation shall be held to the credit of the marketing area paying in such moneys, and such moneys of any marketing area if the Minister so directs may be used—

“ (a) For payment to any licensed wholesale distributor of sums sufficient to enable him to pay to consignors of eggs included in any pool and sold at prices insufficient to enable payment to be made to consignors of the amounts determined under clause (1) of this regulation, such sum as may accord with a direction given as described in the said clause (1) :

“ (b) For the interests generally of the producers supplying eggs to that area.

“ (5) The Minister may also direct that the moneys paid to the Division in pursuance of clause (3) of this regulation may be transferred to an account which may be used with the Minister's approval—

“ (a) To meet the costs and deficiencies of the marketing of eggs or egg products exported from New Zealand and of eggs processed for use in New Zealand and of the marketing of eggs generally :

* Statutory Regulations 1940, Serial number 1940/275, page 1057.

† Statutory Regulations 1940, Serial number 1940/122, page 574.

“(b) To meet the costs of the national committee and local committees hereinafter referred to, including any travelling-allowance approved by the Minister and actual locomotion expenses of any producer member of any such committee :

“(c) For the benefit of the producer of eggs in New Zealand with regard to the marketing of their products generally.

“(6) Any moneys payable pursuant to this regulation shall be payable out of the Internal Marketing Account.”

6. Regulation 33 of the principal regulations is revoked, and the following substituted :—

“33. (1) The Minister may appoint a Committee to be known as the National Egg Marketing Advisory Committee (hereinafter referred to as the National Committee).

“(2) The Minister may also appoint other Committees, to be known as Local Egg Marketing Advisory Committees (hereinafter referred to as a Local Committee).”

7. Regulation 34 of the principal regulations is revoked, and the following substituted :—

“34. The National Committee shall consist of such persons, being not less than three and not more than seven, as the Minister may appoint after consultation with members of the New Zealand Poultry Board for the time being appointed in pursuance of the Poultry-runs Registration Act, 1933.”

8. Regulations 35 to 39 (inclusive) of the principal regulations are amended by revoking the word “Committee” wherever it occurs, and substituting the words “National Committee.”

9. The principal regulations are amended by inserting, next after Regulation 39 thereof, the following additional regulations :—

“40. The Local Committee of any marketing area shall consist of—

“(a) Every individual licensed distributor carrying on business in that area on his own account otherwise than in partnership :

“(b) One member of every firm of licensed distributors carrying on business in that area in partnership :

“(c) A representative of every licensed distributor carrying on business in that area and being a body corporate :

“(d) Representatives of producers being occupiers of poultry-runs situated within that area or nearer to that area than to any other marketing area not exceeding in number the total number of members appointed under paragraphs (a), (b), and (c) of this clause :

“Provided that the producer representatives on the Auckland, Wellington, Christchurch, and Dunedin Local Committees shall include a representative or representatives of the National Egg Marketing Advisory Committee.

“41. Every appointment of a producer member of a Local Committee shall be made in such form and manner and for such period as the Minister may think fit, and shall take effect on the date of notification or such later date as may be specified.

“42. At any meeting of a Local Committee a majority of members of the Local Committee shall form a quorum.

“ 43. (1) A Local Committee shall from time to time meet for the purposes of recommending to the Division the sums to be paid under clause (1) of Regulation 21 hereof for all grades and kinds of eggs to the producers supplying eggs to that marketing area for any pool period, and shall, in conjunction with the Division, recommend from time to time to the Price Tribunal prices to be fixed for all grades and kinds of eggs sold by way of sale by wholesale in that marketing area.

“ (2) All prices for sale of eggs by wholesale from time to time fixed by the Price Tribunal shall be communicated to each licensed wholesale distributor by the Local Committee, or by some person appointed by the Local Committee for that purpose, and such prices shall take effect as from the date decided by the authority fixing the price.

“ 44. The Minister or any officer of the Division appointed by him may be present at any meeting of the National Committee or of any Local Committee.”

T. R. AICKIN,
Acting Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 17th day of July, 1941.

These regulations are administered in the Internal Marketing Division of the Marketing Department.