

Serial Number 1949/14

THE FARM-DAIRY INSTRUCTION REGULATIONS 1949

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 23rd day of
February, 1949

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Dairy Industry Act, 1908, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. These regulations may be cited as the Farm-dairy Instruction Regulations 1949.

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

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

“Contributing owner” means an owner who is not for the time being exempted from the operation of these regulations under Regulations 19 and 20 hereof:

“Director” means the Director of the Dairy Division of the Department of Agriculture:

“Financial year” means with respect to any owner the financial year of that owner:

“Grading owner” means an owner by whom butter or cheese has been submitted for grading at any port named in the first column of the table subjoined to Regulation 7 hereof at any time since the commencement of the then last preceding financial year:

“Manufacturing dairy” means the business carried on in any premises registered as a cheese-factory, creamery, skimming-station, condensed-milk or preserved-milk factory, or dried-milk factory, pursuant to the Dairy-produce Regulations 1938*:

“Manufacture” in respect of dairy-produce includes the separation of butterfat from milk, and also includes the receipt or deposit of milk or cream for subsequent manufacture (whether in the place of receipt or deposit or in any other place):

“Manufacturing season” means the period of twelve months commencing on the 1st day of August in any year:

“Minister” means the Minister of Agriculture:

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

“Owner” means a person carrying on the manufacture of dairy-produce in a manufacturing dairy, whether the premises belong to such person or not:

“Supplier” means any person engaged in the business of supplying milk or cream to an owner.

(2) Except as otherwise hereinbefore provided, terms defined by the Dairy-produce Regulations 1938* shall, when used in these regulations, have the respective meanings assigned to them by those regulations.

4. The Farm-dairy Instruction Regulations 1938†, and the Farm-dairy Instruction Regulations 1938, Amendment No. 1, are hereby revoked.

5. Every contributing owner shall, subject to the provisions hereinafter contained, and as a contribution towards the cost of farm-dairy instruction and inspection afforded by the Crown, be charged with the following levies, namely:—

- (a) An annual levy at the rate of 0·012d. per pound computed on the total number of the pounds of butterfat received for manufacture and credited to suppliers during each financial year as disclosed by the accounts and balance-sheet of the owner for that year; and either
- (b) An annual levy at the rate of 6s. per supplier computed on the maximum number of suppliers to such owner at any time during the months of October, November, and December in each manufacturing season; or
- (c) In the case of a contributing owner first carrying on the business of a manufacturing dairy after the end of the month of November in any manufacturing season a levy for that manufacturing season at the rate of 6s. per supplier computed on the maximum number of suppliers to such owner at any time during the first thirty-one days after the time at which such business is first carried on by such owner.

6. In the ascertainment of the total number of the pounds of butterfat received for manufacture and credited to suppliers during any financial year the following rules shall apply, namely:—

- (a) Butterfat shall be deemed to be credited to a supplier on the day on which the milk or cream producing such butterfat was received from the supplier:
- (b) No account shall be taken of the number of the pounds of butterfat contained in cream shown as received by the owner from any other owner where such cream was separated from milk by such other owner and such butterfat is shown in the accounts of such other owner.

7. Forthwith after the coming into force of these regulations every grading owner who is also a contributing owner shall deliver or cause to be delivered to the office of the District Chief Clerk of the Department of Agriculture at the place named in the second column of the table subjoined to this regulation opposite the name of any port named in the first column of the said table at which he has submitted butter or cheese for grading a copy of the accounts and balance-sheet of that owner for the financial year ended at any time in the year 1948.

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

† Statutory Regulations 1938, Serial number 1938/116, page 569.

Amendment No. 1: Statutory Regulations 1939, Serial number 1939/209, page 860.

Table

<i>First Column.</i> Name of Port.	<i>Second Column.</i> Office of District Chief Clerk.
Auckland	Auckland.
New Plymouth, Patea, Wanganui, Gisborne, Napier, and Wellington	Palmerston North.
Lyttelton and Timaru	Christchurch.
Dunedin and Bluff	Dunedin.

8. Not later than the 1st day of October, 1949, and not later than the same day in each year thereafter every grading owner who is also a contributing owner shall deliver or cause to be delivered to the appropriate office of the District Chief Clerk named in the second column of the table subjoined to Regulation 7 hereof a copy of the accounts and balance-sheet of that owner for the then last preceding financial year.

9. Every copy of accounts and balance-sheet to be delivered to a District Chief Clerk in accordance with Regulation 7 or Regulation 8 hereof shall be in the form prescribed by the Dairy Industry Accounts Regulations 1939.*

10. If no butter or cheese has been so submitted for grading by a contributing owner at any time since the commencement of the then last preceding financial year, the accounts and balance-sheet of that owner for that financial year shall be delivered to the office of such District Chief Clerk and by such date as the Director by notice given to that owner shall appoint.

11. The amount of the levy chargeable to a contributing owner in respect of any financial year shall be provisionally assessed and computed on the total number of the pounds of butterfat received for manufacture and credited to suppliers by that owner during the then last preceding financial year as disclosed by the accounts and balance-sheet of that owner for that last preceding financial year, and a statement showing the provisional assessment, any deduction or addition authorized by Regulation 12 hereof, and the amount presently payable shall be delivered to the owner by the appropriate District Chief Clerk in the month of December in each year, and the amount so shown shall be due and payable by the owner on the 20th day of the month of January next following.

12. On receipt by the appropriate District Chief Clerk of the accounts and balance-sheet of any contributing owner for the financial year in which the statement under Regulation 11 hereof was delivered, the actual amount of the levy chargeable for that financial year as disclosed by such accounts and balance-sheet shall be finally determined and any overpayment or underpayment shown by such determination shall be deducted from or added to the provisional assessment in respect of the then current financial year.

13. Notwithstanding the provisions of Regulations 11 and 12 hereof, for the purposes of the provisional assessment and final determination of the levy chargeable to a contributing owner in respect of the financial year ending in the year 1949, a deduction shall

* Statutory Regulations 1939, Serial number 1939/38, page 178.

be made from the total number of the pounds of butterfat received for manufacture and credited to the suppliers to that owner of the number of pounds of butterfat so received and credited during the period (if any) from the end of the last preceding financial year of that owner which ended before the 1st day of August, 1948, up to but not including the 1st day of August, 1948, and the statement showing the provisional assessment of each contributing owner in respect of the financial year ending in the year 1949 shall allow as a deduction any moneys paid by that owner under the regulations hereby revoked in respect of all monthly returns due to be delivered under those regulations after the 31st day of August, 1948, and before the coming into force of these regulations, and shall show the amount presently payable and shall be delivered to that owner as soon as practicable after the coming into force of these regulations, and the amount so shown shall be due and payable by that owner on the 20th day of the month next following the month in which the statement is delivered.

14. (1) Within twenty-one days after the close of the month of December in every manufacturing season every contributing owner carrying on business during the month of November in that manufacturing season shall deliver or cause to be delivered to the appropriate office of the District Chief Clerk named in the second column of the table subjoined to Regulation 7 hereof or appointed pursuant to Regulation 10 hereof a return showing the maximum number of suppliers to such owner at any time during the months of October, November, and December in that manufacturing season.

(2) Every contributing owner first carrying on the business of a manufacturing dairy after the end of the month of November in any manufacturing season shall, within fifty-two days after the time at which such business is first carried on by such owner, deliver or cause to be delivered to the appropriate office of the District Chief Clerk aforesaid a return showing the maximum number of suppliers to such owner at any time during the first thirty-one days after the time at which such business is first carried on by such owner.

(3) Every return made pursuant to either of the foregoing clauses of this regulation shall be accompanied by the amount of the levy chargeable under paragraph (b) or paragraph (c) of Regulation 5 hereof, and shall be signed by the owner or the authorized agent of the owner, and shall be verified by the personal certificate of the person making the return.

(4) All returns delivered by a contributing owner under Regulation 6 of the Farm-dairy Instruction Regulations 1938,* in respect of the manufacturing season ending in the year 1949, shall be deemed to have been delivered under this regulation in respect of that manufacturing season, and the difference between the amount of the levy paid under the said Regulation 6 hereby revoked and the amount of the levy chargeable under paragraph (b) or paragraph (c) of Regulation 5 hereof for that manufacturing season shall be due and payable by such owner on demand.

15. In the ascertainment of the maximum number of suppliers to any contributing owner during any prescribed period the following rules shall apply, namely :—

* Statutory Regulations 1938, Serial number 1938/116, page 569.

- (a) Where milk or cream produced by the same supplier from different herds is delivered in separate parcels to such owner and is, at the request of the supplier, accounted for separately in the books of such owner according to the number of herds from which the supply is obtained, the supply from each herd shall be treated as if it had been supplied by different suppliers :
- (b) There may be deducted from the maximum number of suppliers computed as aforesaid the total number of suppliers to such owner during the respective period aforesaid whose dairies are for the time being registered pursuant to the Dairy (Milk-supply) Regulations 1939* :
- (c) No account shall be taken of the total number of suppliers to such owner whose supply of milk or cream has, with the consent of such owner, been transferred during the respective period aforesaid to any other owner pursuant to the provisions in that behalf of the Dairy-produce Regulations 1938†.

16. If an owner permanently ceases to manufacture dairy-produce he shall not be liable to pay any annual levy beyond that chargeable in respect of the financial year or the manufacturing season in which the manufacture of dairy-produce ceased.

17. If a contributing owner fails to pay within the time limited by these regulations any amount payable by such owner under these regulations, then such amount not paid may be recovered as a debt due to the Crown in any Court of competent jurisdiction.

18. Any Inspector or other officer duly authorized by the Minister in that behalf may at any reasonable time inspect and examine the books and records of any owner relating to the accounts and balance-sheet required to be supplied and the returns required to be made in pursuance of these regulations.

19. The Minister may exempt any owner, either totally or partially, and either absolutely or conditionally, from any of the requirements of these regulations in any of the following events :—

- (a) Where by reason of isolation or from any other cause it is found impracticable to extend full farm-dairy instruction to all or some of the suppliers to such owner :
- (b) Where it is proved to the satisfaction of the Minister that the owner is providing to all or some of the suppliers to such owner and at the expense of such owner full or partial farm-dairy instruction of a standard comparable with the general standard of farm-dairy instruction afforded by Farm Dairy Inspectors on the staff of the Department of Agriculture :
- (c) Where at the request of the owner farm-dairy instruction more intensive than such general standard of farm-dairy instruction is afforded to all or some of the suppliers to such owner and such owner agrees with the Minister to pay a special charge therefor in lieu of payment of the levies imposed by these regulations :
- (d) On any other ground deemed by the Minister to be sufficient.

20. (1) Application by an owner for total or partial, absolute or conditional, exemption from the operation of these regulations shall

* Statutory Regulations 1939, Serial number 1939/162, page 709.

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

be made by such owner in writing addressed in the first instance to the Director, and shall state the grounds upon which the applicant claims such exemption.

(2) In dealing with an application for exemption under paragraph (a), paragraph (b), or paragraph (d) of Regulation 19 hereof, the Minister shall take into consideration the grounds set out in the application and such other matters as he thinks relevant, and shall arrange for his decision to be notified in writing to the applicant.

(3) The Minister may at any time by notice in writing addressed to the owner withdraw or vary any exemption granted under these regulations, and shall state the grounds upon which the exemption is withdrawn or varied.

21. (1) Every person who fails to deliver or cause to be delivered in accordance with these regulations or any notice given thereunder the documents required by Regulation 7, Regulation 8, or Regulation 10 hereof or any of the returns required by Regulation 14 hereof, or who delivers or causes to be delivered as owner personally or by his servant or agent or as servant or agent on behalf of an owner, any such document or return which is false or misleading in any particular commits a breach of these regulations.

(2) Every person who commits a breach of these regulations is liable to a penalty of £50.

SCHEDULE

The Farm-dairy Instruction Regulations 1949

RETURN OF NUMBER OF SUPPLIERS TO [*Name of owner of manufacturing dairy*].

To the District Chief Clerk, Department of Agriculture,	
Maximum number of suppliers during period 1st October to 31st December, 19.. .. .	
Less number of suppliers whose dairies are registered under regulations relating to sale of milk or cream	
Number of suppliers on which levy of 6s. per supplier is payable	
Total amount payable	£.....

I hereby certify that the particulars shown in this return are correct.

Signature :

(Capacity of person signing—Secretary or as case may be).

Date :, 19..

N.B.—The amount of the levy should accompany this return.

T. J. SHERRARD,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 24th day of February, 1949.

These regulations are administered in the Department of Agriculture.

(Notice No. Ag. 4607.)