

Serial Number 1941/104.



THE MEAT MARKETING ORDER 1941.

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

ORDER IN COUNCIL.

At the Government House at Wellington, this 1st day of
July, 1941.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Marketing Act, 1936, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following Order.

PRELIMINARY.

1. This Order may be cited as the Meat Marketing Order 1941.
2. In this Order,—
 - “ Approved works ” means any freezing-works that are approved by the Minister for the purposes of this Order :
 - “ Department ” means the Marketing Department established under the Marketing Act, 1936 :
 - “ Freezing company ” includes any company or person being the holder for the time being of a meat-export slaughter-house license issued under the Meat Act, 1939 :
 - “ Meat ” has the same meaning as in the Meat Act, 1939 :
 - “ Minister ” means the Minister of Marketing :
 - “ Owner ”, in relation to any meat, includes every person who, whether with or without the concurrence of any other person, is for the time being entitled to sell or to procure the sale of any meat :
 - “ Primary Industries Controller ” means the Controller appointed under the Primary Industries Emergency Regulations 1939.*
3. The Marketing Department (Extension of Powers) Order 1939† is hereby extended to apply with respect to meat in the same manner in all respects as if, on the making of that Order, meat had been included in the classes of goods specified in the Schedule thereto.

* Statutory Regulations 1939, Serial number 1939/164, page 728.

† Statutory Regulations 1939, Serial number 1939/249, page 999.

REVOCATION OF FORMER ORDERS.

4. (1) The Meat Marketing Order 1939,* and Amendments Nos. 1 and 2 of that Order, are hereby revoked.

(2) Notwithstanding the revocation of the said Order, it shall continue, as heretofore amended, to apply with respect to meat derived from stock that was killed before the 1st day of October, 1940.

APPLICATION OF THIS ORDER.

5. The following provisions of this Order shall apply with respect to meat of a description referred to in the Schedule hereto that has been derived from stock killed at approved works on or after the 1st day of October, 1940, and before the 1st day of October, 1941.

APPROVAL OF FREEZING-WORKS.

6. (1) On application by any freezing company, the Minister may approve the freezing-works or any specified freezing-works of that company for the purposes of this Order.

(2) Where any freezing company has freezing-works in more than one locality, a separate approval under this clause shall be required in respect of each of such works.

(3) Any approval given under this clause in respect of any freezing-works shall, unless a contrary intention appears, be deemed to have taken effect on the 1st day of October, 1940.

(4) The fact that the Department accepts delivery of meat from any freezing-works or pays any moneys by way of advances or purchase-money in respect of meat stored in any freezing-works shall be sufficient evidence, without production of a formal approval, that those works have been duly approved by the Minister in accordance with this clause.

FREEZING COMPANIES DEEMED TO BE AUTHORIZED AGENTS OF OWNERS OF MEAT SUBJECT TO THIS ORDER.

7. (1) For all the purposes of this Order, every freezing company, if it is not itself the owner of any meat delivered by it to the Department or stored by it in its approved works, shall be deemed to be the authorized agent of the owner.

(2) All payments made by the Department pursuant to this Order in respect of any meat shall be made to or to the order of the freezing company by which the meat was delivered to the Department or in whose approved works the meat is stored.

(3) Payments made by the Department in respect of any meat in accordance with the last preceding subclause shall, to the extent thereof, be a good discharge to the Department of its liabilities to the owner in respect of that meat.

(4) Except so far as may be inconsistent with the provisions of this Order, the rights and liabilities, as between themselves, of any freezing company and the owner or owners of any meat shall not be affected by this Order.

* Statutory Regulations 1939, Serial number 1939/230, page 954.

Amendment No. 1 : Statutory Regulations 1939, Serial number 1939/271, page 1045.

Amendment No. 2 : Statutory Regulations 1941, Serial number 1941/43, page 187.

SUBMISSION OF MEAT TO PROVISIONS OF THIS ORDER.

8. Whenever any meat to which this Order applies has been accepted for storage in any approved works, the owner of the meat shall be deemed to have agreed with the Department that the meat shall be subject in all respects to the provisions of this Order.

VALUATION OF MEAT UNDER THIS ORDER.

9. (1) Where in respect of any meat to which this Order applies all the conditions specified in subclause (3) hereof have been complied with, the basic value of the meat (as distinguished from its purchase-price) shall be determined in accordance with the scale of basic values set out in the Schedule hereto.

(2) Where in respect of any meat to which this Order applies the conditions referred to in the next succeeding subclause have not been fully complied with, the value of the meat shall be the basic value determined in accordance with the Schedule hereto, reduced by an amount to be mutually agreed upon by the Department and the freezing company concerned. In default of agreement between the Department and the freezing company, the amount to be deducted pursuant to this subclause from the basic value of any meat, as computed in accordance with the Schedule hereto, shall be determined by the Minister.

(3) The conditions referred to in subclause (1) and in subclause (2) hereof, in their application to any meat, are the following:—

- (a) That the meat has been graded in accordance with the requirements of the Primary Industries Controller and of the New Zealand Meat-producers' Board :
- (b) That the meat is in good condition :
- (c) That all the requirements of the Meat Act, 1939, in respect of the meat have been complied with :
- (d) That all the requirements of the Department in respect of meat that is or that is intended to become subject to this Order, as notified from time to time by the Department to the owners or to freezing companies, have been complied with.

PURCHASE OF MEAT BY DEPARTMENT.

10. (1) All meat to which this Order applies which, in accordance with the provisions of subclause (3) of the next succeeding clause, is deemed to be stored in any approved works on the expiration of a period of twenty-six weeks from the date of the killing of the stock from which the meat was derived shall thereupon be deemed to have been purchased by the Department.

(2) Any other meat to which this Order applies which, with the concurrence or by direction of the Department, has been delivered—

- (a) On board an exporting ship ; or
- (b) On board any other ship, under a through bill of lading, for transfer to an exporting ship ; or
- (c) At any other place,—

shall be deemed to have been purchased by the Department on delivery, unless it is rejected by the Department on the ground that the conditions or any of the conditions specified in subclause (3) of the last preceding clause have not been complied with.

(3) Where the Department rejects any meat in accordance with the last preceding subclause, it shall, as soon as practicable, inform the freezing company concerned of its decision.

(4) Where the Department rejects any meat that has been laden on board any ship for export, it shall be deemed to be the agent of the owner for the sale of the meat in such manner and on such terms as it thinks fit.

PAYMENT OF ADVANCES IN RESPECT OF STORED MEAT.

11. (1) If, on the expiration of thirteen weeks from the date of the killing of the stock from which any meat to which this Order applies has been derived, the meat is deemed in accordance with subclause (3) hereof to remain stored by the freezing company, the Department shall, then, or as soon thereafter as practicable, pay to the freezing company, by way of advance, an amount approximately equal to one-half of the basic value of the meat computed in accordance with the Schedule hereto.

(2) Payment of any advance under this clause shall not operate to transfer the ownership of any meat in respect of which it is made, and if the meat is not in due course purchased or deemed to have been purchased by the Department in accordance with clause 10 hereof the advance shall be deemed to be a loan repayable by the owner on demand.

(3) For the purposes of this clause and of the last preceding clause, the length of time for which any meat has been stored in any approved works, and the identity of meat that has been in store for any particular time, shall be determined by the Department, taking into account the quantity of meat in store at the end of any period and the quantity of meat intended for disposal in accordance with this Order that is derived from stock killed at the approved works during the same period. In particular, if the quantity of meat derived from stock killed during any period is in excess of the quantity of meat in store at the end of that period, no meat shall be deemed for the purposes of this Order to have been in store during the whole of that period, notwithstanding that in fact some meat may have been in store for the whole period or longer.

FIXATION OF THE AMOUNT OF PURCHASE-PRICE.

12. (1) The amount of the purchase-price of any meat purchased or deemed to have been purchased by the Department pursuant to this Order shall be determined in accordance with the following provisions of this clause.

(2) In the case of meat deemed to have been purchased by the Department in accordance with subclause (1) of clause 10 hereof (being meat that is deemed to have been stored by a freezing company for not less than twenty-six weeks), the price shall be the value of the meat determined in accordance with clause 9 hereof, reduced by the amount of the transport costs and other charges that, in the opinion of the Department, would have been incurred by or on account of the owner if the meat had been delivered by him free on board an exporting ship.

(3) In the case of meat purchased by the Department on delivery on board an exporting ship or on delivery on board any other ship under a through bill of lading, the price shall be the value of the meat determined in accordance with clause 9 hereof.

(4) In the case of meat purchased by the Department on delivery elsewhere than on board ship, the price shall be determined by the Department as follows :—

(a) If the meat is of a kind or class that His Majesty's Government in the United Kingdom is for the time being prepared to purchase from the Department, the purchase-price shall be so fixed that the net return to the owner will as nearly as possible be the same as he would have received if the meat had been delivered by him free on board an exporting ship :

(b) In any other case to which this subclause applies, the purchase-price shall be a price to be mutually agreed upon or, in default of agreement, shall be such reasonable price as the Department may fix.

(5) In addition to the price of any meat computed in accordance with the foregoing provisions of this clause, the Department may pay such sum as the Minister may in his discretion determine by way of an allowance to defray the cost, in whole or in part, of telescoping carcasses of mutton or lamb or of undertaking the preparation or packing of meat in any other special manner that the Department may require.

PROCEDURE TO BE ADOPTED IN MAKING PAYMENTS OF ADVANCES AND PURCHASE-MONEYS.

13. (1) Payments of advances in respect of stored meat and payments in respect of the purchase-price of meat purchased or deemed to have been purchased by the Department in accordance with this Order shall be made in accordance with this clause.

(2) Before making any payment in respect of advances or purchase-money, the Department may require the production, in a form to be approved by it, of all such returns, certificates, or other documents as may in its opinion be necessary in the administration of this Order. In particular, the relative bills of lading or other documents of title must be delivered to the Department before any payment is made in respect of meat delivered on board any ship for export.

(3) The Department may withhold payment of part of the purchase-price of any meat for such period as it thinks fit, and in the event of any claims arising in respect of the meat may apply any moneys held by it under this subclause towards the settlement of such claims.

(4) For the purpose of facilitating the making of payments of advances or purchase-money, the Department shall, in respect of each of the several works approved for the purposes of this Order, fix periodical accounting periods, and payments due in respect of any accounting period shall be made as soon as practicable after the end of that period. No accounting period shall be less than one week or longer than five weeks in duration.

(5) In determining the amount to be paid out in respect of any accounting period by way of advances or purchase-money, the Department shall presume, irrespective of the facts, that all meat that has been delivered to the Department has been delivered in the order of killing the stock from which such meat has been derived, and that during the currency of this Order meat will continue to be delivered to the Department in the same order.

(6) The decision of the Department as to the amount to be paid out in respect of any accounting period shall be final; but nothing in this subclause shall be construed to affect the ultimate obligation of the Department to pay for all meat acquired by it under this Order the full purchase-price thereof computed in accordance with the terms of this Order.

(7) No person shall have any claim against the Department or the Crown in respect of the price of any meat if the price of that meat has been paid in accordance with this clause.

APPLICATION OF ADVANCES AND PURCHASE-MONEY.

14. (1) All advances in respect of stored meat and all purchase-moneys paid by the Department pursuant to this Order shall be applied by the freezing company to or to whose order the payment is made as if all the meat made available at any approved works for purchase by the Department were acquired or would in due course be acquired by the Department in the order of killing the stock from which such meat has been derived, and as if the payments by the Department were made in the same order.

(2) Until any meat that is actually delivered to the Department is paid for in accordance with the last preceding subclause, it shall be deemed, as between the freezing company and the owner, to remain stored in the approved works, and, subject to any contract or agreement between the parties, the owner shall be liable accordingly for any storage or other charges in respect thereof.

(3) No person shall have any claim against a freezing company in respect of any moneys paid to it under this Order on the ground that any moneys applied by the freezing company pursuant to this clause should have been otherwise applied.

(4) A certificate signed by or on behalf of the Director of the Export Division of the Department to the effect that any moneys paid by the Department as advances or purchase-money have been paid in respect of meat derived from stock killed during any specified period or periods shall be conclusive evidence for all purposes that the moneys have been so paid.

RECOVERY OF CLAIMS SUSTAINED AGAINST DEPARTMENT IN RESPECT OF MEAT SOLD BY IT.

15. (1) Where on the appraisalment of any meat in accordance with any arrangement or agreement for the time being in force between His Majesty's Government in the United Kingdom and His Majesty's Government of New Zealand, or on the sale of the meat by the

Department to any other purchaser, the price paid or payable to the Department is less, by reason of any mistake or error in the classification or grading of the meat or by reason of the fact that any of the requirements of subclause (3) of clause 9 hereof have not been complied with, than the price that the Department would otherwise have received, the amount of the loss so suffered by the Department shall be recoverable by it from the freezing company to whom or to whose order payment in respect of such meat was made.

(2) Any moneys recoverable under this clause may be retained by the Department out of any moneys held by it on account of the freezing company or may be deducted from moneys that may at any time thereafter become payable by the Department to the freezing company pursuant to this Order.

SCHEDULE.

CLASSES, GRADES, AND BASIC VALUES OF MEAT THAT IS SUBJECT TO THIS ORDER.

Classes and Grades.	Basic Values (New Zealand Currency).	Classes and Grades.	Basic Values (New Zealand Currency).
Lamb (range 23/56 lb.)—	Per lb.	Quarter beef (bone in)—	
Prime Down Cross—	d.	Ox and heifer G.A.Q.—	Per lb.
2's	7 $\frac{7}{8}$	210 and under—	d.
8's	7 $\frac{13}{16}$	Hinds	5 $\frac{7}{16}$
4's	7 $\frac{9}{16}$	Fores	3 $\frac{3}{8}$
Tegs	6 $\frac{13}{16}$	Over 210—	
Prime Canterbury—		Hinds	5 $\frac{3}{16}$
2's	7 $\frac{13}{16}$	Fores	2 $\frac{1}{16}$
8's	7 $\frac{11}{16}$	Ox and heifer F.A.Q., all	
4's	7 $\frac{7}{16}$	weights—	
Tegs	6 $\frac{13}{16}$	Hinds	4 $\frac{1}{4}$
Prime Crossbred—		Fores	3 $\frac{1}{8}$
2's	7 $\frac{11}{16}$	Cow G.A.Q., all weights—	
8's	7 $\frac{9}{16}$	Hinds	4
4's	7 $\frac{1}{4}$	Fores	3
Tegs	6 $\frac{1}{2}$	Boned quarter beef—	
Second quality—		Ox and heifer G.A.Q.—	
36 and under ..	7 $\frac{1}{2}$	210 and under—	
Over 36	6 $\frac{13}{16}$	Hinds	6 $\frac{3}{8}$
Mutton—		Fores	4 $\frac{3}{8}$
Prime wether and maiden		Over 210—	
ewe—		Hinds	6 $\frac{3}{8}$
1's	5 $\frac{5}{16}$	Fores	4 $\frac{3}{8}$
7's	4 $\frac{13}{16}$	Ox and heifer F.A.Q., all	
3's	4 $\frac{9}{16}$	weights—	
9's	4 $\frac{9}{16}$	Hinds	5 $\frac{13}{16}$
5's and overs ..	3 $\frac{1}{16}$	Fores	4 $\frac{3}{8}$
Second wether—		Cow G.A.Q., all weights—	
56 and under ..	4 $\frac{9}{16}$	Hinds	5 $\frac{9}{16}$
57/72	4 $\frac{3}{16}$	Fores	4 $\frac{3}{16}$
Ewe—		Ribs and ponies (bone	
64 and under ..	3 $\frac{3}{8}$	in)—	
65/72	2 $\frac{15}{16}$	Ox G.A.Q.	4
Boned ewe over 72 lb. ..	4 $\frac{1}{4}$	Cow G.A.Q.	3 $\frac{7}{8}$

Classes and Grades.	Basic Values (New Zealand Currency).	Classes and Grades.	Basic Values (New Zealand Currency).
Boneless beef and veal—	Per lb.	Frozen edible offals—	Per lb.
Ox and heifer—	d.	Ox and beef—	d.
Sides	4 $\frac{5}{8}$	Kidneys	9 $\frac{7}{8}$
Shoulders	4 $\frac{5}{8}$	Livers	6 $\frac{3}{16}$
Loins and flanks	3 $\frac{13}{16}$	Tails	5 $\frac{7}{16}$
Buttocks and rumps	5 $\frac{1}{8}$	Hearts (sound)	4
Briskets	4 $\frac{5}{16}$	Cut hearts	3 $\frac{1}{2}$
Shins	4 $\frac{13}{16}$	Cheeks	3 $\frac{5}{16}$
Bull—		Throat breads	5 $\frac{7}{16}$
Sides	4 $\frac{1}{2}$	Thick skirts	5 $\frac{1}{4}$
Shoulders	4 $\frac{1}{2}$	Thin skirts	3 $\frac{3}{8}$
Loins and flanks	3 $\frac{5}{8}$	Tongues (short cut)	10 $\frac{1}{2}$
Buttocks and rumps	4 $\frac{13}{16}$	Tongue roots (trimmed to standard)	4 $\frac{1}{16}$
Briskets	4 $\frac{3}{16}$	Tripe (raw)	1 $\frac{1}{4}$
Shins	4 $\frac{5}{16}$	Sheep—	
Cow—		Hearts (sound)	5 $\frac{1}{4}$
Sides	4	Cut hearts	4 $\frac{3}{8}$
Shoulders	4	Kidneys (special)	13 $\frac{3}{8}$
Loins and flanks	3 $\frac{3}{16}$	Kidneys (small)	13
Buttocks and rumps	4 $\frac{1}{2}$	Tongues	6 $\frac{3}{8}$
Briskets	3 $\frac{13}{16}$	Livers (in pails or rubber bags)	8 $\frac{3}{8}$
Shins	4 $\frac{13}{16}$	Livers (bags or boxes)	7 $\frac{7}{16}$
Veal	4 $\frac{3}{16}$	Lamb—	
Bobby veal	5 $\frac{1}{8}$	Breads	9 $\frac{7}{16}$
Baconers (121/180 lb.)—		Livers (in pails or rubber bags)	9 $\frac{7}{16}$
Carcasses—		Livers (bags or boxes)	8 $\frac{3}{8}$
First quality, singed	7 $\frac{1}{2}$	Hearts (sound)	4 $\frac{7}{16}$
Second quality, singed	7 $\frac{3}{16}$	Cut hearts	3 $\frac{13}{16}$
Wiltshire sides—		Tongues	7 $\frac{1}{4}$
First quality, singed	8 $\frac{1}{2}$	Pork—	
Second quality, singed	8 $\frac{3}{16}$	Hearts (sound)	4 $\frac{1}{2}$
Spencers, singed	7 $\frac{1}{2}$	Cut hearts	4
Shoulder square cuts, singed	5 $\frac{5}{8}$	Kidneys	7 $\frac{7}{16}$
Middles, singed	8 $\frac{3}{4}$	Livers (in pails or rubber bags)	7 $\frac{11}{16}$
Boston butts, singed	6 $\frac{7}{8}$	Livers (bags or boxes)	6 $\frac{1}{2}$
Gammons, singed	11 $\frac{3}{4}$	Tongues	6 $\frac{3}{16}$
Porkers (60/120 lb.)—		Calf—	
Carcasses—		Hearts (sound)	3 $\frac{11}{16}$
First quality, unsinged	7 $\frac{7}{16}$	Cut hearts	3 $\frac{5}{16}$
Second quality, un- singed	7 $\frac{1}{8}$	Kidneys	8 $\frac{1}{16}$
Headless sides—		Tongues (short cut)	10 $\frac{1}{2}$
First quality, unsinged	7 $\frac{13}{16}$	Tongue roots (trimmed to standard)	4 $\frac{1}{16}$
Second quality, un- singed	7 $\frac{1}{2}$	Throat breads	6 $\frac{3}{16}$
Choppers (181 lb. and over), (excluding boars)—		Livers (in pails or rubber bags)	11 $\frac{5}{8}$
Carcasses	4 $\frac{15}{16}$	Livers (bags or boxes)	7 $\frac{3}{4}$
Sides	4 $\frac{13}{16}$	Bobby hearts (sound)	4 $\frac{7}{16}$
Boned chopper	6 $\frac{13}{16}$	Cut bobby hearts	3 $\frac{13}{16}$

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 3rd day of July, 1941.

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