



THE MILK MARKETING ORDER 1968, AMENDMENT NO. 2

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 31st day of July
1979

Present:

THE RIGHT HON. B. E. TALBOYS PRESIDING IN COUNCIL

PURSUANT to section 25 of the Milk Act 1967, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. Title and commencement—(1) This order may be cited as the Milk Marketing Order 1968, Amendment No. 2, and shall be read together with and deemed part of the Milk Marketing Order 1968* (hereinafter referred to as the principal order).

(2) This order shall come into force on the 14th day after the date of its notification in the *Gazette*.

2. New clauses substituted—The principal order is hereby amended by revoking clauses 3 and 4, and substituting the following clauses:

“**3. Application of order**—This order applies to all—

- “(a) Approved associations; and
- “(b) Operators of treatment stations; and
- “(c) Producer vendors; and
- “(d) Vendors; and
- “(e) Occupiers of shop dairies—

in respect of milk supplied, treated, sold, or delivered by them for human consumption in any milk district after the commencement of the Milk Marketing Order 1968, Amendment No. 2.

“**3A. Payments may be reduced or withheld in certain circumstances**—The Board may withhold all or such part or parts as it thinks fit of any margin or allowance where the person by whom that margin or allowance is claimed has failed—

- “(a) To perform the service in respect of which the margin or allowance is claimed; or

“(b) To perform the service in respect of which the margin or allowance is claimed in compliance with any condition or requirement imposed by—

“ (i) Any enactment; or

“ (ii) Any person authorised by any enactment to impose any condition or requirement in that behalf; or

“(c) To obtain the prior authority of the Board to perform the service in respect of which the margin or allowance is claimed; or

“(d) To comply with all the conditions subject to which any consent or approval of the Board to the performance of the service in respect of which the margin or allowance is claimed was given.

“4. Claims for margins or allowances—(1) Where any vendor has resold any milk and has performed any services in respect of that milk for which any margin or allowance is fixed or approved by the Authority or the Board, that vendor may claim from the Board such payment as would be sufficient to ensure him that margin or allowance if the sale of that milk had been effected at the maximum permissible price.

“(2) Subject to clause 3A of this order, where—

“(a) A claim made under this clause has been made to the Board in a form approved by it; and

“(b) The claim has reached the Board not later than the 8th day of the month after the month in which the services in respect of which the payment is claimed were performed; and

“(c) The Board is satisfied that the claim is otherwise in order—the Board or, where an approved association or the operator of a treatment station has agreed to act as the Board’s agent in that behalf, that agent, shall pay to the claimant the amount of the payment.

“(3) Notwithstanding anything in this order, the payment of any claim under this clause shall not prevent the Board from reopening that claim if it believes that the claim was incorrect in any particular; and the Board may recover from any claimant, as a debt due to it, any amount by which a payment made to that claimant under this clause exceeded the amount to which he was entitled.”

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the order, but is intended to indicate its general effect.

This amendment, which is consequential on the passage of section 2 of the Milk Amendment Act 1978, authorises the Milk Board to reduce or withhold payments made to vendors in respect of margins and allowances in circumstances where the service in respect of which the payment is claimed has not been properly performed.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 2 August 1979.

This order is administered in the Ministry of Agriculture and Fisheries.