



THE MILK STATIONS REGULATIONS 1979, AMENDMENT NO. 2

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 15th day of August 1988

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Dairy Industry Act 1952, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Milk Stations Regulations 1979, Amendment No. 2, and shall be read together with and deemed part of the Milk Stations Regulations 1979* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 28th day after the date of their notification in the *Gazette*.

2. Interpretation—Regulation 2 of the principal regulations is hereby amended by revoking the definition of the term “depot”, and substituting the following definition:

“‘Depot’ means—

“(a) A place (not being a milk station, or a farm dairy within the meaning of the Milk Production and Supply Regulations 1973) used for receiving or bulking milk before delivery to a milk station for processing; or

“(b) A conveyance or place (not being a milk station or a shop) used for storing or transporting milk, milk derivatives, fruit juice,

or any other drink, processed in any registered premises, before coming into the possession of—

- “(i) A purchaser from the registered owner of the premises;
or
- “(ii) A party to a delivery arrangement (within the meaning of the Milk Act 1988) with the owner.”.

3. Temperature of milk accepted—The principal regulations are hereby amended by revoking regulation 22, and substituting the following regulation:

“22. No milk to which section 17 of the Act applies shall be deemed to be properly cooled for the purposes of that section if, at the time when it is collected for delivery to any registered premises, its temperature exceeds 7° C.”

4. Quality control tests—Regulation 27 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclauses:

“(1) There shall be carried out, in premises accredited by the Director-General for the purpose, all tests to assess the quality of any milk or milk derivative found in any registered premises, and at times and by methods, that the Director-General reasonably requires.

“(1A) The Director-General shall not accredit any premises unless satisfied that they have the plant, facilities, and qualified staff necessary to perform the tests concerned competently; and accreditation shall continue until—

“(a) The Director-General cancels it; or

“(b) A period specified by the Director-General at the time of accreditation has expired.

“(1B) The Director-General shall cancel accreditation of any premises if, and only if, the occupier has requested cancellation or the Director-General is satisfied that—

“(a) The premises have not been used for 6 months; or

“(b) The premises no longer qualify for accreditation; or

“(c) The occupier has failed or refused to comply with an order under section 6 or section 7 of the Act.”

5. Milk at milk stations to be graded—The principal regulations are hereby amended by inserting, after regulation 26, the following regulation:

“26A. The occupier of a milk station shall ensure that, as soon as is practicable after any milk is received there, a certified grader assigns it finest, first, or second grade, in accordance with approved tests.”

6. Recording of results—The principal regulations are hereby amended by revoking regulation 30, and substituting the following regulation:

“30. (1) The occupier of any premises to which subclause (2) of this regulation applies shall cause to be kept, and make available for inspection by an inspector at any reasonable time, records of all approved tests conducted on the premises during the current financial year of the occupier and the 12 months preceding that year.

“(2) This subclause applies to premises at any time if, within the previous 2 years, the premises were registered premises or premises accredited under regulation 27 of these regulations.”

7. Conditions for storing—Regulation 31 of the principal regulations is hereby amended by—

- (a) Omitting the expression “5°c” from subclause (1), in both places where it appears, and substituting, in each case, the expression “7°c”;
- (b) Omitting from subclause (2) the expression “4”, and substituting the expression “2”.

8. Packaging material and caps—Regulation 40 of the principal regulations is hereby amended by adding the words “(being a material or type of capping whose use complies with the Food Regulations 1984)”.

9. Circulars—The principal regulations are hereby amended by revoking regulation 50, and substituting the following regulation:

“50. The Director may from time to time promulgate circulars setting out general criteria for the drawing up, accomplishment, demonstration, carrying on, of, or provision for, any act, plan, proposal, matter, system, process, or thing.”

10. Inspection of premises—Regulation 51 of the principal regulations is hereby amended by adding the following subclause:

“(4) Subclauses (1) to (3) of this regulation apply to premises accredited under regulation 27 of these regulations as if they are registered premises.”

11. Offences—(1) Regulation 52 of the principal regulations is hereby amended by adding the following paragraph:

“(n) Acts in contravention of or fails to comply with any provision of these regulations.”

(2) Paragraphs (a) to (f) and (h) to (l) of the said regulation 52 are hereby consequentially revoked.

C. J. HILL,
Acting for 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 consequence of the enactment of the Milk Act 1988, and largely have the effect of aligning the controls on milk processors in the town milk sector with those on milk processors in the manufacturing sector.

In particular they extend the definition of the term “depot”; raise from 5°c to 7°c the temperature to which milk must be cooled; provide for the “accrediting” of premises where approved tests must be carried out, and require those tests to be carried out only at accredited premises; require town milk to be graded; require accredited premises to retain records of the tests carried out there; and make it an offence to fail to comply with the principal regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 31 August 1988.

These regulations are administered in the Ministry of Agriculture and Fisheries.