

**Reprint**  
**as at 6 November 2008**

**Margarine Regulations 1940**

(SR 1940/315)

Margarine Regulations 1940: revoked, on 6 November 2008, by clause 3 of the Regulations Revocation Order 2008 (SR 2008/367).

PURSUANT to the Margarine 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.

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**Schedule.**

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- (1) These regulations may be cited as the Margarine Regulations 1940.
- (2) These regulations shall come into force seven days after the date of notification in the *Gazette* of the making hereof.<sup>1</sup>
- (3) In these regulations, unless inconsistent with the context,—

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<sup>1</sup> See end note.

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

**These regulations are administered in the Department of Agriculture.**

**The said Act** means the Margarine Act 1908

**Inspector** means an Inspector appointed under the Dairy Industry Act 1908

**License** means a license to prepare or manufacture margarine granted pursuant to the said Act and these regulations

**Margarine** has the meaning assigned to it by the said Act—namely, it includes all substances, whether compound or not, prepared or manufactured from any form of animal fats (other than butterfat or milk), or of animal, mineral, or vegetable oils, and capable of being used as a substitute for butter

**Minister** means the Minister of Agriculture.

2

- (1) Every person desiring to obtain a license under the said Act shall make application to the Minister in the form numbered 1 in the Schedule hereto.
- (2) If in the opinion of the Minister any information or particulars required by the said form numbered 1 are insufficiently given, the Minister may require the applicant to furnish such further details, information, and particulars as the Minister may think necessary.

3

Upon receipt of an application for a license the Minister shall cause the premises described in the application to be inspected and reported on by an Inspector.

4

The Minister may in his discretion grant or refuse a license.

5

No license shall be granted in respect of any premises unless in the opinion and to the satisfaction of the Minister they—

- (a) Are equipped with sufficient appliances for the preparation and manufacture of margarine; and

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- (b) Are sanitary and in all other respects reasonably suitable for use in the preparation and manufacture of margarine.

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In deciding to grant or refuse a license the Minister shall take into consideration—

- (a) The report of the Inspector made pursuant to Regulation 3 hereof:
- (b) The probable or possible effect of competition from the premises sought to be licensed on the demand for butter available from competing premises registered under the Dairy-produce Regulations 1938<sup>2</sup>:
- (c) All such other relevant matters as the Minister thinks proper.

7

In granting any license under the said Act and these regulations or any renewal of a license the Minister may impose as a condition and restriction of the license or of its renewal a condition fixing the maximum quantity of margarine that may be manufactured in the licensed premises during any period or periods specified in that behalf in the license or in the certificate of renewal of the license.

8

Every license shall be in the form numbered 2 in the Schedule hereto and shall authorize the licensee to prepare and manufacture margarine only in the premises specified in the license and subject to and in compliance with any condition or restriction of the license.

9

Any license (including a renewal thereof) may be forfeited in any of the following events:—

- (a) If the licensee so requests:

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<sup>2</sup> Statutory Regulations 1938, Serial number 1938/91, page 396.

- (b) If the licensee fails or neglects to remedy within the time specified in the notice any defect in the sanitary condition in or about the licensed premises or its appliances when required by an Inspector so to do by notice in writing served on the licensee:
- (c) If during the period of twelve months immediately preceding such revocation the licensee has been convicted of any offence or offences under the said Act or the Sale of Food and Drugs Act 1908, or these regulations or any other regulation for the time being in force under those Acts.

10

Forfeiture shall be effected by a declaration of forfeiture in writing under the hand of the Minister served upon the licensee or delivered at the licensed premises to some person appearing to have the management thereof.

11

Application for the renewal of a license shall be in the form numbered 3 in the Schedule hereto, and shall be so made as to be in the hands of the Director of the Dairy Division of the Department of Agriculture not later than one month before the date on which the license, if not renewed, would expire.

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All the provisions of these regulations with respect to the disposal of an application for a license shall apply, with the necessary modifications, to the disposal of an application for the renewal of a license.

13

On the renewal of a license there shall be issued to the licensee a certificate of renewal in the form numbered 4 in the Schedule hereto.

14

Upon an application for a license or annual renewal there shall be deposited by the applicant the sum of \$2. If the license or renewal be granted, the said sum shall be applied in payment of the fee of \$2 payable in respect of the grant of the license or annual renewal thereof, and if the license or renewal be not granted the said sum shall be repaid to the applicant.

15

No licensee shall during the currency of his license make any substantial structural reinstatement, alteration, or addition to the buildings comprised in his licensed premises except with the prior approval in writing of the Minister:

Provided that in the case of reinstatement consequent upon destruction or damage by fire, flood, or other disaster or upon dilapidation of buildings such approval shall not be arbitrarily or unreasonably withheld.

16

Every holder of a license or a certificate of renewal of a licence in respect of any premises commits a breach of these regulations who—

- (a) Uses such premises contrary to any condition or restriction specified in his license or in his certificate of renewal of that license, or in any way fails to comply with any such condition or restriction; or
- (b) Without having obtained the approval in writing of the Minister thereto, makes or commences to make or permits or causes to be made any substantial structural reinstatement, alteration, or addition to the buildings comprised in his licensed premises.

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Every holder of a license or a certificate of renewal of a licence in respect of any premises who commits a breach of these regulations shall be liable to a penalty of \$100.

**Schedule.****Form No 1**

(Reg 2(1)).

**Application for a margarine license.**

To the Minister of Agriculture, Wellington.

(To be forwarded in the first instance to the Director of the Dairy  
Division, Department of Agriculture, Box 3004, Wellington.)APPLICATION is hereby made for a license under the Margarine Act, 1908, to  
prepare and manufacture margarine in the undermentioned premises:-

1. Name of proposed licensee: .....
2. Address of proposed licensee: .....
3. If proposed licensee is a company, name of secretary: .....
4. Situation of factory premises: .....
5. Dimensions of factory premises: .....
6. Estimated quantity of margarine to be prepared and manufactured in the  
premises during the period of twelve months from the date of issue of a  
license: .....

The prescribed fee of \$2 is enclosed.

I make this application as (proposed licensee), (one of the proposed  
licensees), (secretary or manager of the proposed licensees), (*or as the case may  
be*).

Dated this ..... day of ....., 19..

.....

Signature of Applicant.

**Form No 2**

(Reg 8).

**Margarine license.**PURSUANT to the application of ..... , of ....., dated the ..... day of .....,  
19...., the said ..... is hereby licensed to prepare and manufacture margarine in  
premises situate at ..... Official number of license:.....This license is subject to the provisions of the Margarine Act, 1908, and  
shall continue in force for one year from the date hereof unless sooner revoked.This license is subject to the condition that there shall not during ..... be  
manufactured in the said premises a quantity of margarine exceeding .....

Dated at ....., this ..... day of ....., 19..

.....

Minister of Agriculture.

**Form No 3**

(Reg 10).

**Application for renewal of a margarine license.**

To the Minister of Agriculture, Wellington.

(To be forwarded in the first instance to the Director of the Dairy  
Division, Department of Agriculture, Box 3004, Wellington.)

APPLICATION is hereby made for the renewal of the margarine license held  
by ..... in respect of premises known as ..... and expiring on the .....  
day of ....., 19..

The prescribed fee of \$2 for the renewal of the license is enclosed.

Dated this ..... day of ....., 19..

.....

Signature of Applicant.

**Form No 4**

(Reg 12).

**Certificate of renewal of a margarine license.**

PURSUANT to the application of ....., of ....., dated the ..... day of  
....., 19.., the margarine license issued to the said ..... under the official  
number ..... is hereby renewed subject to the provisions of the Margarine Act,  
1908, until the ..... day of ....., 19.., unless sooner revoked.

Dated at ....., this ..... day of ....., 19..

.....

Minister of Agriculture.

CA JEFFERY,  
Clerk of the Executive Council.

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Issued under the authority of the Regulations Act 1936.  
Date of notification in *Gazette*: 19th day of December, 1940.

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**Notes****1 General**

This is an eprint of the Margarine Regulations 1940. It incorporates all the amendments to the regulations as at 6 November 2008. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

**2 About this eprint**

This eprint has not been officialised. For more information about officialisation, please see “Making online legislation official” under “Status of legislation on this site” in the About section of this website.

**3 List of amendments incorporated in this eprint (most recent first)**

Regulations Revocation Order 2008 (SR 2008/367): clause 3

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