

The Dairy Suppliers Regulations, 1936.—(Notice No. Ag. 3366.)

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 4th day of March, 1936.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Agriculture (Emergency Powers) Act, 1934, 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. (1) These regulations may be cited as the Dairy Suppliers Regulations, 1936.

(2) Unless the contrary intention appears, terms or expressions used in these regulations shall have the meaning assigned to them by the Dairy-produce General Regulations, 1933 (hereinafter referred to as "the said regulations").

(3) These regulations shall come into force on the date of the publication hereof in the *Gazette*.

2. Where at any time after the 1st day of August, 1935, but during any period prescribed in clause 55 of the said regulations, in which any person, being the occupier of a supplying dairy has supplied milk or cream produced in his dairy to the owner or manager of any manufacturing dairy registered as a creamery, cheese-factory, or skimming-station, the owner of such manufacturing dairy—

(a) Ceases to purchase milk or cream produced in supplying dairies by reason of having disposed of the business of such manufacturing dairy to the owner of any other manufacturing dairy registered as a creamery, cheese-factory, or skimming-station, or to two or more of such owners; or

(b) Refuses to continue to purchase milk or cream produced by the said occupier in his dairy—

the following provisions shall, notwithstanding anything to the contrary contained in paragraph (b) of the proviso to the said clause 55 of the said regulations, but subject to the other provisions of the said clause 55, apply, that is to say,—

(i) If the business aforesaid is acquired by one of such owners, the said occupier shall supply all milk or cream produced thereafter in the said supplying dairy during the said period to the owner or manager of the manufacturing dairy acquiring the business aforesaid.

(ii) If the business aforesaid is acquired by two or more of such owners, the said occupier shall upon receipt of a notice in writing signed by such owners supply all milk or cream produced thereafter in the said supplying dairy during the said period to the owner or manager of the manufacturing dairy specified in that behalf in such notice.

(iii) If in refusing to continue to purchase milk or cream produced by the said occupier in his dairy the owner of such manufacturing dairy is acting in pursuance of an agreement in writing in that behalf made with the owner of any other manufacturing dairy registered as a creamery, cheese-factory, or skimming-station, the said occupier shall, upon receipt of a notice in writing signed by one or other of such owners (being the parties to any such agreement), supply all milk or cream produced thereafter in the said supplying dairy during the said period to the owner or manager of the manufacturing dairy specified in that behalf in such notice.

C. A. JEFFERY,
Clerk of the Executive Council.

The Dairy Factories (Licensing) Regulations, 1936.—(Notice No. Ag. 3367.)

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 4th day of March, 1936.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Agriculture (Emergency Powers) Act, 1934, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby revoke the Dairy Factories (Licensing) Regulations, 1935, made under the said Act on the twelfth day of July, one thousand nine hundred and thirty-five, and published in the *Gazette* on the sixteenth day of the same month, at page 1935, and doth hereby make the following regulations in lieu thereof.

REGULATIONS.

1. (1) These regulations may be cited as the Dairy Factories (Licensing) Regulations, 1936.

(2) These regulations shall come into force on the date of the publication hereof in the *Gazette*.

(3) In these regulations, unless inconsistent with the context,—

"Director" means the Director of the Dairy Division of the Department of Agriculture;

"Minister" means the Minister of Agriculture.

(4) All licenses, registers, and generally all acts of authority which originated under the regulations hereby revoked and are subsisting or in force on the coming into operation of these regulations shall enure for the purposes of these regulations as fully and effectually as if they had originated under the corresponding provisions of these regulations, and accordingly shall, where necessary, be deemed to have so originated.

2. These regulations shall apply to all premises used as dairy factories with the exception of premises the buildings of which on the coming into force of these regulations are and continue to be duly registered pursuant to the Dairy-produce General Regulations, 1933, and which are not after the coming into force of these regulations totally or substantially rebuilt, whether on the same or any other site, or altered whether structurally or by way of additions thereto, and the plant erected in which is not after the last-mentioned date so altered or extended as to increase the manufacturing capacity of the premises.

3. (1) No person shall use as a dairy factory any premises to which these regulations apply unless such person is the holder of a license in that behalf in respect of such premises granted pursuant to these regulations.

(2) No person, being the holder of a license in respect of any premises licensed as a dairy factory under these regulations, shall use such premises contrary to any term or condition specified in the license.

4. (1) Every person desiring to obtain a license in respect of premises to which these regulations apply shall make application in writing to the Director in or to the effect of the form numbered 1 in the Schedule hereto.

(2) Except as provided by the next succeeding subclause hereof, every such application shall be accompanied by plans of the existing or proposed building and/or proposed alterations, together with particulars of the site on which the building is or is to be erected, and of the materials to be used in the carrying-out of any proposed work.

(3) The requirements of subclause (2) of this clause shall not apply in the case of premises duly registered on the coming into force of these regulations under the Dairy-produce General Regulations, 1933, the plant erected in which is proposed or intended to be so altered or extended as to increase the manufacturing capacity of the premises without a total or substantial rebuilding or alteration whether structurally or by way of additions thereto.

(4) In the case of an application for a license in respect of premises to which the last preceding subclause hereof applies, it shall be sufficient if the application contains particulars of the proposed alterations or extensions of the plant erected in the buildings comprised in the said premises as set forth in paragraph 10 of the said form numbered 1 in the Schedule hereto.

(5) If in the opinion of the Director any information or particulars required by the said form numbered 1 are insufficiently given the Director may require the applicant to furnish such further details, information, and particulars as the Director may think necessary.

5. (1) If the Director is of opinion that the application should be acceded to according to its terms he may, subject to compliance by the applicant with the provisions of the Dairy-produce General Regulations, 1933, as to registration of manufacturing dairies, forthwith grant a license to the applicant pursuant to these regulations in the form numbered 2 in the Schedule hereto.

(2) If the Director is of opinion that the application should be acceded to in part but not wholly he shall give the applicant an intimation to that effect, and the applicant may elect to accept a license in accordance with the Director's intimation, and thereupon the Director shall, subject as aforesaid, forthwith grant a license to the applicant as aforesaid.

(3) If the applicant elects not to accept a license under the last preceding subclause hereof, or if the Director is of opinion that the application should be wholly refused, the Director may refer the application to a committee consisting of three persons who shall be appointed by the Minister.

6. In respect of any application referred to a committee pursuant to subclause (3) of the last preceding clause hereof, the committee shall make such investigations as it thinks fit and shall consider such representations as may be made to it by the owners of any other dairy factories in the locality, and shall report the result of its investigations to the Director.