



ANALYSIS

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1955, No. 27

AN ACT to amend the Milk Act 1944.

[17 October 1955

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Milk Amendment Act 1955, and shall be read together with and deemed part of the Milk Act 1944 (hereinafter referred to as the principal Act).

Short Title.

1944, No. 30

2. (1) Subsection one of section two of the principal Act is hereby amended by repealing the definition of the term "milk", as substituted by subsection one of section thirty-six of the Milk Amendment Act 1951, and substituting the following definition:

Application of principal Act to reconstituted milk and cream.

1951, No. 41

“‘Milk’ means cows’ milk or goats’ milk, and includes cream; and also includes reconstituted milk or reconstituted cream; but does not include dried milk, condensed milk, or condensed cream, or milk intended for manufacture into butter, cheese, casein, dried milk, condensed milk, or condensed cream.”.

1951, No. 41

(2) Section sixty-five of the principal Act, as amended by subsection three of section forty-one of the Milk Amendment Act 1951, is hereby further amended by adding to subsection one the following additional proviso:

“Provided also that no Milk Authority shall grant any licence in respect of reconstituted milk or reconstituted cream without the prior consent in writing of the New Zealand Milk Board.”

(3) The said section sixty-five is hereby further amended by inserting, after subsection one, the following subsection:

“(1A) No reference to milk in any licence, whether granted before or after the commencement of this subsection, shall be construed to include a reference to reconstituted milk or reconstituted cream, unless the licence expressly states that it applies to reconstituted milk or reconstituted cream.”

Zoning powers
of Milk
Authorities.

3. Section two of the principal Act is hereby further amended by adding to subsection one the following definition:

“‘Zone’ means any area or field of operation, whether defined by reference to boundaries or by any other description or by reference to or enumeration of streets, premises, or customers, and whether comprising one continuous area or separate blocks, streets, premises, or customers or separate groups of blocks, streets, premises, or customers; and ‘zoning’ has a corresponding meaning.”

Directors of
milk treatment
companies not
disqualified for
membership of
Metropolitan
or District Milk
Board.

1948, No. 54
1951, No. 41

4. (1) Section twenty-one of the principal Act, as amended by section nine of the Marketing Amendment Act 1948 and section thirty-seven of the Milk Amendment Act 1951, is hereby further amended by repealing subsection two, and substituting the following subsection:

“(2) No person shall be qualified for election or appointment as a member of any Board if he has a pecuniary interest in the production, treatment, distribution, or

sale of milk for human consumption in the district of the Board apart from any interest—

“(a) In common with the public; or

“(b) As a member of an incorporated company in which there are more than twenty members, to which he does not supply milk, and of which he is neither a director nor the general manager; or

“(c) As a director of a milk treatment corporation; or

“(d) As a director of an incorporated company of which the principal object is the treatment of milk and in which shares are held by or on behalf of the Crown or by the Board or by a local authority of any constituent district of the Board’s district.”

(2) This section shall be deemed to have come into force on the thirtieth day of September, nineteen hundred and forty-eight. Commencement.

5. Section thirty-nine of the Milk Amendment Act 1951 is hereby amended by inserting in subsection two, after the words “principal Act”, the words “or the repayment of any moneys borrowed by any company in which shares are held by the local authority pursuant to subsection one of section forty of this Act”. Power of local authority to guarantee advances to milk treatment company. 1951, No. 41

6. Section one hundred and four of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection: Extension of powers of New Zealand Milk Board as to settlement of disputes.

“(1) In any case where a dispute or difference arises—

“(a) Between a Milk Authority and any Supply Association or any association of milk producers or of milk vendors or any person or body of persons operating a milk treatment station; or

“(b) Between a Supply Association and any association of milk producers or of milk vendors; or

“(c) Between a Supply Association or any association of milk producers or of milk vendors and any person or body of persons operating a milk treatment station; or

“(d) Between associations of milk producers and of milk vendors,—

as to the terms of licences or by-laws or contracts, or proposed terms for licences or contracts, relating to the

supply, collection, treatment, distribution, or sale of milk, any party to the dispute or difference may refer the matter to the New Zealand Milk Board.”

Consequential
repeals and
amendment.
1945, No. 40

7. (1) The following enactments are hereby repealed, namely:

1948, No. 54

(a) Section fifty-five of the Statutes Amendment Act 1945:

(b) Section nine of the Marketing Amendment Act 1948, and so much of the Schedule to that Act as relates to the Milk Act 1944:

1951, No. 41

(c) Sections thirty-six and thirty-seven of the Milk Amendment Act 1951.

(2) Section two of the principal Act is hereby further amended by repealing the definition of the term “Director”, in subsection one, and substituting the following definition:

“‘Director’ means the Director-General of Agriculture:”.
