

Serial Number 1945/141



THE MILK DELIVERY EMERGENCY REGULATIONS 1945

C. L. N. NEWALL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 26th day of
September, 1945

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Emergency Regulations Act, 1939, 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. These regulations may be cited as the Milk Delivery Emergency Regulations 1945.

2. (1) The Delivery Emergency Regulations 1942,* the Delivery Emergency Regulations 1942, Amendment No. 1†, the Delivery Emergency Regulations 1942, Amendment No. 2‡, the Delivery Emergency Regulations 1942, Amendment No. 3§, and the Delivery Emergency Regulations 1942, Amendment No. 4||, are hereby revoked.

(2) All schemes relating to the delivery of milk, and all directions, restrictions, and generally all acts of authority that originated or enure under the regulations hereby revoked and are subsisting or in force on the commencement of these regulations, shall, in so far as they relate to milk or affect any scheme for the delivery of milk, enure for the purposes of these regulations as if they had originated under the corresponding provisions of these regulations, and accordingly shall, where necessary, be deemed to have so originated.

(3) All matters and proceedings commenced under the regulations hereby revoked and pending or in progress on the commencement of these regulations may, if they relate to milk or any scheme for the delivery of milk, be continued, completed, and enforced under these regulations.

* Statutory Regulations 1942, Serial number 1942/101, page 465.

† Statutory Regulations 1942, Serial number 1942/250, page 612.

‡ Statutory Regulations 1943, Serial number 1943/16, page 23.

§ Statutory Regulations 1943, Serial number 1943/94, page 188.

|| Statutory Regulations 1943, Serial number 1943/176, page 387.

3. In these regulations, unless the context otherwise requires,—
- “ Director ” means the Director of the Milk Marketing Division of the Marketing Department :
- “ District ” means a locality for which a scheme is provided for under these regulations :
- “ Milk ” includes cream, but does not include dried milk, condensed milk, or condensed cream :
- “ Minister ” means the Minister of Marketing :
- “ Vendor ” means a person carrying on the business of supplying milk.

4. Where no scheme for regulating the delivery of milk is for the time being in force in relation to any district, the Minister may, by notice in the *Gazette*, provide for such a scheme for that district.

5. (1) Every notice under these regulations shall come into force on a date to be specified in that behalf in the notice, and may prescribe such conditions as the Minister thinks fit.

(2) Any such notice may be at any time amended or revoked by the Minister by a subsequent notice in the *Gazette*, and any conditions prescribed in any such notice may from time to time be varied, revoked, or added to by the Minister as he thinks fit.

6. (1) It shall be a function of the Director to advise the Minister as to any matters referred to him by the Minister relating to the administration of these regulations, and generally to assist the Minister in the exercise of his powers under these regulations as the Minister may direct.

(2) Any scheme under these regulations may provide for the appointment of a committee to assist in the administration of the scheme, and to consist of such persons and have such functions as may be provided in the scheme.

7. (1) For the purpose of meeting the expenses of any committee in the exercise of its functions in relation to any scheme, the committee may, with the written approval of the Minister, fix a charge or impose a levy to be payable by any vendor who is for the time being a party to the scheme.

(2) The amount payable and the method of assessment of any payments under this regulation shall be such as are approved by the Minister.

(3) Any payment due under this regulation may be recovered in any Court of competent jurisdiction by any person appointed in writing for that purpose by the committee to which the amount is payable.

(4) Any committee may remit or refund the whole or any part of any charge or levy fixed or imposed by it under this regulation.

8. (1) While any notice providing for a scheme for the delivery of milk in any district is in force under these regulations no person shall, except as provided in the scheme, whether as principal, agent, or otherwise, deliver milk in the district in pursuance of a contract of sale whether made within the district or elsewhere :

Provided that nothing in this regulation shall apply to the delivery of milk over the counter.

(2) Nothing in this regulation shall relieve any person from the obligation of complying with the provisions of any Act or of any other regulations.

9. The Director or any committee appointed under these regulations may require any person to furnish from time to time such returns, statements, statistics, or other information relating to any commodity and the sale and delivery thereof as the Director or the committee may deem necessary, and may require any such information to be verified by statutory declaration.

10. (1) Notwithstanding the provisions of any scheme under these regulations or the provisions of Regulation 8 hereof, the committee appointed to assist in the administration of the scheme or, if no committee has been appointed, the Director may approve of the delivery of milk to aged or infirm persons in a manner not provided by the scheme.

(2) Any such approval may be subject to such conditions as the committee or, as the case may be, the Director thinks fit, and may at any time be amended or revoked.

11. (1) Every person commits an offence against these regulations who—

- (a) Without lawful excuse acts in contravention of or fails to comply in any respect with any provision of these regulations :
- (b) With intent to deceive, makes any false or misleading statement or any material omission in any communication with or application to any person (whether in writing or otherwise) for the purposes of these regulations :
- (c) Resists, obstructs, or deceives any person who is exercising or attempting to exercise any power or function under these regulations.

(2) Every person who commits an offence against these regulations shall be liable on summary conviction to a fine not exceeding £50.

(3) In any proceedings for an offence against these regulations the production of a copy of the *Gazette* or an extract therefrom purporting to be printed by the Government Printer containing a notice providing for a scheme for the delivery of milk shall be *prima facie* evidence that the scheme has been made pursuant to or enures for the purposes of these regulations and that all the requirements relating to the provision of the scheme have been fulfilled.

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 27th day of September, 1945.

These regulations are administered in the Milk Marketing Division of the Marketing Department.