



## THE POULTRY BOARD REGULATIONS 1980

DAVID BEATTIE, Governor-General

### ORDER IN COUNCIL

At the Government House at Wellington this 22nd day of December 1980

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 24 of the Poultry Board Act 1980, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

#### ANALYSIS

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|---|---|
| <ol style="list-style-type: none"> <li>1. Title and commencement</li> <li>2. Interpretation</li> </ol> <p style="text-align: center;"><b>PART I</b></p> <p style="text-align: center;"><b>EGG MARKETING</b></p> <p style="text-align: center;"><i>Marketing Areas</i></p> <ol style="list-style-type: none"> <li>3. Marketing areas</li> </ol> <p style="text-align: center;"><i>Licensing of Wholesale Egg Marketing Agents</i></p> <ol style="list-style-type: none"> <li>4. Wholesale egg marketing agents to be licensed</li> <li>5. Security given by egg marketing agent</li> <li>6. Egg marketing agent's licence</li> <li>7. Loss caused recoverable by Board</li> <li>8. Grant or revocation of licence</li> <li>9. Licensees to furnish information and make returns</li> </ol> <p style="text-align: center;"><i>Licensing of Manufacturers of Egg Products</i></p> <ol style="list-style-type: none"> <li>10. Manufacturers of egg products to be licensed</li> <li>11. Security given by manufacturer</li> <li>12. Manufacturer's licence</li> <li>13. Loss caused recoverable by Board</li> <li>14. Grant or revocation of manufacturer's licence</li> </ol> <p style="text-align: center;"><i>Provisions Relating to the Production and Marketing of Eggs and Egg Products</i></p> <ol style="list-style-type: none"> <li>15. Powers of Board</li> </ol> | <ol style="list-style-type: none"> <li>16. Board may purchase eggs and carry on certain business</li> </ol> <p style="text-align: center;"><i>Provisions Relating to the Sale and Marketing of Eggs</i></p> <ol style="list-style-type: none"> <li>17. Restrictions on buying or selling eggs in marketing areas</li> <li>18. Conditions relating to egg marketing agents</li> <li>19. Provisions relating to eggs produced outside marketing area</li> <li>20. Records to be kept by wholesalers and retailers</li> <li>21. Board may direct sale of consigned eggs</li> </ol> <p style="text-align: center;"><i>Grading</i></p> <ol style="list-style-type: none"> <li>22. Eggs to be graded</li> <li>23. Grades of eggs</li> <li>24. Containers to display grades of eggs contained</li> </ol> <p style="text-align: center;"><i>Powers of Board in Relation to Certain Retailers</i></p> <ol style="list-style-type: none"> <li>25. Powers of Board in relation to certain retailers</li> </ol> <p style="text-align: center;"><i>Consignment and Payment</i></p> <ol style="list-style-type: none"> <li>26. Consignment of eggs to licensed egg marketing agents</li> <li>27. Payment for eggs</li> <li>28. Wholesale egg sales</li> </ol> |
|---|---|

*Registration of Hatcheries*

29. Registration of hatcheries  
 30. Grant or revocation of certificate of registration  
 31. Duties of hatchery operator

*Pullets*

32. Pullet rearers to supply details to Board

## PART II

## ENTITLEMENT LICENCES

33. Prohibition on keeping laying birds without entitlement licence  
 34. Entitlement licence  
 35. Conditions of entitlement licence  
 36. Birds not to be shifted without Board approval  
 37. Board may enter into arrangements with licensees  
 38. Variations to or revocation of entitlement licence  
 39. Voluntary schemes  
 40. Acquisition of interest in companies  
 41. Licences not to be generally transferred  
 42. Entitlement licence to be fully operated  
 43. Transfer of entitlement rights  
 44. Matters to which Board shall have regard in considering transfer  
 45. Purchase and cancellation of entitlement rights by Board  
 46. Issue of further entitlement licences

## PART III

## LEVIES

*Entitlement Levy*

47. Entitlement levy

*Extra-Entitlement Levy*

48. Extra-entitlement levy

*Chick Levy*

49. Chick levy  
 50. Chicks imported into New Zealand  
 51. Sale of chicks

*Payment of Levies, and Penalties*

52. Extension of time for payment of levies  
 53. Overdue payment penalty and levy  
 54. Board may remit levies or penalty  
 55. Levies and penalty to constitute debt due to Board

## PART IV

## GENERAL PROVISIONS

*Appeals*

56. Appeals

*Inspection and Information*

57. Inspection and information

*Notices*

58. Notices

*Offences and Penalties*

59. Offences and penalties  
 Schedule

## REGULATIONS

1. **Title and commencement**—(1) These regulations may be cited as the Poultry Board Regulations 1980.

(2) These regulations shall come into force on the 1st day of January 1981.

2. **Interpretation**—In these regulations, unless the context otherwise requires,—

“Act” means the Poultry Board Act 1980:

“Board” means the New Zealand Poultry Board constituted under the Act:

“Chicks” means poultry one month old or less:

“Chick levy” means the levy on day-old pullet chicks imposed by these regulations:

“Chilled”, in relation to eggs, means artificially reduced in temperature in the manner defined in regulation 153 of the Food and Drug Regulations 1973\*:

\*S.R. 1973/79

Amendment No. 1: S.R. 1974/188

Amendment No. 2: S.R. 1976/68

Amendment No. 3: S.R. 1978/41

Amendment No. 4: S.R. 1979/207

Amendment No. 5: S.R. 1980/73

- “Custom hatching” means the hatching of chicks not the property of the operator:
- “Day-old chick” means a chick which has never been fed:
- “Eggs” means eggs produced by poultry and, unless the context otherwise requires, any reference to eggs shall be deemed to include a reference to egg products:
- “Egg marketing agent” means a person carrying on business in the manner described in regulation 4 (1) of these regulations:
- “Egg marketing agent’s licence” means a wholesale egg marketing agent’s licence issued under these regulations:
- “Entitlement” means the rights of the holder of an entitlement licence to keep up to the maximum number of laying birds specified in his licence or such other number as may be determined by the Board:
- “Entitlement levy” means the levy imposed by these regulations on the number of laying birds authorised to be kept by any licensee:
- “Entitlement licence” means a licence issued by the Board under regulation 34 of these regulations:
- “Extra-entitlement levy” means the levy imposed by these regulations on the number of unauthorised laying birds kept by any person:
- “General Manager” means the person for the time being holding office as General Manager of the Board:
- “Hatchery” means any place, building, or premises equipped with an incubator:
- “Incubator” means any apparatus that can be used to hatch eggs artificially:
- “Keep”, in relation to any number of laying birds, means to have charge of or take care of that number of laying birds either directly or through employees or agents, whether in any one place together, or in several places anywhere in New Zealand; but if laying birds are being kept, not directly, but through employees or agents, then for the purpose of these regulations the employer or principal shall be deemed to be the person who is keeping those birds:
- “Licensee” means the holder of an egg marketing agent’s licence, or the holder of a manufacturer’s licence, or the holder of an entitlement licence issued under these regulations, as the case may require:
- “Manufacturer’s licence” means an egg product manufacturer’s licence issued under these regulations:
- “Marketing area” means any of the areas named and defined in the Schedule to these regulations or defined pursuant to regulation 3 of these regulations; and includes any such area that has been altered and redefined pursuant to the said regulation 3:
- “Operator” means the person who is in charge of a hatchery and, where applicable, includes the owner of a hatchery:
- “Person” means a person whether corporate or unincorporate; and includes a body of persons if any one of those persons keeps laying birds and, in relation to that person, some other person who also keeps laying birds is—

(a) The spouse, parent or other lineal ancestor, son or daughter or other descendant, or the brother or sister, of that person:

(b) A partner of that person:

(c) A company of which that person is an officer, director, or shareholder, or in which that person has an interest:

(d) An employee or employer of that person—  
unless the Board is satisfied that, upon representations being made by one or more of them and after its own enquiries (if any), they are commercially independent in their respective enterprises and their respective flocks are kept physically separate:

“Pullets” means female poultry older than day-old chicks but not more than 5 months old:

“Purchase” includes a contract for purchase, agreement to purchase, and offer to purchase, and “sale” includes a contract for agreement to sell, and offer for sale:

“Sale by retail” means a sale of eggs otherwise than a sale by wholesale, whether in the form in which the eggs were previously bought or as a manufactured product or part of a manufactured product; and includes the supply as a meal or part of a meal in any restaurant, hotel, boarding house, or eating house, or in any institution or place used for the accommodation or care or medical treatment of any person; and also includes a sale made to any person for a purpose other than resale:

“Sale by wholesale” means a sale made to any person for the purpose of sale by retail:

“Sexed chick” means a chick the sex of which has been determined by a physical examination or otherwise:

“Undergrade eggs” means eggs of a quality inferior to the minimum standards prescribed by the Board from time to time:

“Undergrade eggs” means eggs of a quality inferior to the minimum weight for size 4 grade eggs as prescribed in these regulations.

## PART I

### EGG MARKETING

#### *Marketing Areas*

**3. Marketing areas**—(1) For the purposes of these regulations, there are hereby established the marketing areas described in the Schedule to these regulations.

(2) The Board may, from time to time by notice in the *Gazette*, amend the boundaries of any marketing area, establish new marketing areas, merge or combine marketing areas, or disestablish any marketing area.

(3) The Board shall, before giving notice pursuant to subclause (2) of this regulation, give notice of its intention to do so—

(a) By publishing an advertisement at least once in each week for 2 successive weeks in a newspaper circulating in the district or area proposed to be affected; and

(b) By endeavouring to advise all retailers of eggs and all poultry farmers in that district or area of the proposals.

*Licensing of Wholesale Egg Marketing Agents*

**4. Wholesale egg marketing agents to be licensed—**(1) No person shall, after the commencement of these regulations, carry on the business of the wholesale distribution or marketing of eggs or egg products within any marketing area or any prescribed part thereof unless he is the holder of a wholesale egg marketing agent's licence relating to that area.

(2) Every application for an egg marketing agent's licence shall be made in writing addressed to the General Manager of the Board and signed by or on behalf of the applicant.

(3) Before an egg marketing agent's licence is issued, the applicant shall establish to the satisfaction of the Board that he has all reasonable facilities (including suitable premises) for satisfactorily carrying on the business of the grading, storage, marketing, transfer, and distribution of eggs by way of sale by wholesale whether the facilities and premises are operated or situated within the marketing area (or part thereof) for which the applicant desires a licence, or otherwise.

(4) Every wholesale distributor's licence issued under the Egg Marketing Authority Regulations 1953 shall, notwithstanding the revocation of those regulations by the Poultry Board Act 1980, remain valid and in force until the 1st day of January 1982 unless sooner revoked or replaced under these regulations.

**5. Security given by egg marketing agent—**(1) Before any egg marketing agent's licence is issued, the applicant for the licence shall give security for compliance with the terms and conditions of the licence and the requirements of these regulations by executing a bond in favour of the Board for such sum and subject to such conditions as the Board may think fit.

(2) After any egg marketing agent's licence is issued the Board may, at any time and from time to time, require the holder of the licence to execute, for the purposes of this regulation, a bond in favour of the Board for such sum and subject to such conditions as the Board may think fit and, on the execution of the bond, any bond previously executed by the holder of the licence for the purposes of this regulation shall be deemed to be cancelled.

**6. Egg marketing agent's licence—**(1) Every egg marketing agent's licence shall be in such form as the Board may from time to time decide, and shall be subject to such terms and conditions as the Board, either generally or specifically, may think fit to impose.

(2) It shall be a condition of every egg marketing agent's licence that the licensee maintains, to the satisfaction of the Board, the facilities and premises mentioned in regulation 4 (3) of these regulations.

**7. Loss caused recoverable by Board—**The Board may, in any case where any loss is suffered or cost is borne by the Board (whether directly or indirectly) as a result of the refusal or failure of the holder of an egg marketing agent's licence to comply with any term or condition of the licence or direction in writing of the Board, recover the amount of that loss or cost from the holder as a debt due to the Board.

**8. Grant or revocation of licence**—The Board may—

- (a) Grant or refuse an egg marketing agent's licence to any applicant:
- (b) By notice in writing to the licensee, revoke or suspend for the period specified in the notice his egg marketing agent's licence on the grounds that the licensee has breached or failed to comply with the terms and conditions of his licence or of any direction in writing from the Board.

**9. Licensees to furnish information and make returns**—(1) Every licensed egg marketing agent shall from time to time, without the need for any specific demand, furnish in writing signed by him and delivered to the Board at the time specified in his licence the information indicated by the conditions contained in the licence.

(2) Every licensed egg marketing agent shall, on demand by the Board furnish to the Board within such time as may be specified, (in writing signed by the person supplying the information) such information or returns relating to the sale or supply of eggs or egg products by or to the licensed egg marketing agent as the Board may from time to time require.

*Licensing of Manufacturers of Egg Products*

**10. Manufacturers of egg products to be licensed**—(1) No person shall, after the coming into force of these regulations, manufacture any egg product unless he is the holder of a manufacturer's licence.

(2) Every application for a manufacturer's licence shall be made in writing addressed to the General Manager of the Board and signed by or on behalf of the applicant.

(3) Before the manufacturer's licence is issued, the applicant shall establish to the satisfaction of the Board that he has all reasonable facilities, (including suitable premises) for satisfactorily carrying on the business of the manufacture of any specified egg product to such standard of quality as the Board may prescribe.

(4) Every egg pulp manufacturer's licence issued under the Egg Marketing Authority Regulations 1953 shall, notwithstanding the revocation of those regulations by the Poultry Board Act 1980, remain valid and in force until the 1st day of January 1982 unless sooner revoked or replaced under these regulations.

**11. Security given by manufacturer**—(1) Before any manufacturer's licence is issued, the applicant for the licence shall give security for compliance with the terms and conditions of the licence and the requirements of these regulations by executing a bond in favour of the Board for such sum and subject to such conditions as the Board may think fit.

(2) After any manufacturer's licence is issued the Board may, at any time and from time to time, require the holder of the licence to execute, for the purposes of this regulation, a bond in favour of the Board for such sum and subject to such conditions as the Board may think fit and, on the execution of such bond, any bond previously executed by the holder of the licence for the purposes of this regulation shall be deemed to be cancelled.

**12. Manufacturer's licence**—(1) Every manufacturer's licence shall be in such form as the Board may from time to time decide, and shall be subject to such terms and conditions as the Board, either generally or specifically, may think fit to impose.

(2) No licensed manufacturer shall manufacture egg products otherwise than in such quantities and grades, and during such periods, as may be authorised by the Board in writing from time to time.

**13. Loss caused recoverable by Board**—The Board may, in any case where any loss is suffered or cost is borne by the Board (whether directly or indirectly) as a result of the refusal or failure of the holder of a manufacturer's licence to comply with any term or condition of the licence or direction in writing of the Board, recover the amount of that loss or cost from the holder as a debt due to the Board.

**14. Grant or revocation of manufacturer's licence**—The Board may—

- (a) Grant or refuse to grant a manufacturer's licence to any applicant:
- (b) By notice in writing to the licensee, revoke or suspend his manufacturer's licence on the grounds that the licensee has breached or failed to comply with the terms and conditions of his licence or any directions in writing from the Board.

*Provisions Relating to the Production and Marketing of Eggs and Egg Products*

**15. Powers of Board**—(1) The Board may, from time to time, give such directions as it thinks fit for the purpose of regulating, controlling, or prohibiting the sale or purchase of eggs within any egg marketing area (whether by wholesale or retail) by any person specified in the directions or by a person of any class so specified.

(2) Without limiting the generality of subclause (1) of this regulation, directions may be given under this regulation in respect of any egg marketing area for all or any of the following purposes:

- (a) Prescribing the persons or class of persons to whom any sale of eggs within the area is required or authorised to be made:
- (b) Prescribing the persons or class of persons from whom any purchase of eggs within the area is required or authorised to be made:
- (c) Prescribing the quantities or the maximum or minimum quantities of eggs that are required or authorised to be included in any sale, purchase, or delivery made within the area:
- (d) Requiring that any eggs or class of eggs sold within the area shall be branded, marked, or packaged in such manner, by such persons, and within such times as may be specified in the directions, and prohibiting the sale or purchase within the area of eggs not branded, marked, or packaged in accordance with the directions:
- (e) Prescribing conditions upon or subject to which any sale or purchase of eggs within the area is required or authorised to be made (including conditions in respect of the prices that may be charged, whether by wholesale or retail, and the

allowances that may be made in any such prices for the payment of freight on eggs consigned or forwarded to a licensed egg marketing agent for sale.

(3) The Board may give directions for regulating and controlling the sale and purchase of eggs in any part of New Zealand, whether that part is a marketing area or not, and may prohibit the sale of eggs in any case where the prohibition of any such sale is, in its opinion, necessary for the proper regulation and control of the sale of eggs in any part of New Zealand.

**16. Board may purchase eggs and carry on certain business—**(1) The Board may purchase eggs for the purpose of resale or for the purpose of being manufactured into egg products or chilled, and may, by public notice, prohibit the sale (otherwise than by or on behalf of the Board) during such period as may be specified in the notice, of any eggs which have been chilled.

(2) The Board may, where necessary for the orderly marketing of eggs or egg products, carry on the business of grading or distributing eggs or the manufacture of egg products or may appoint persons to act as its agent for any of those purposes.

*Provisions Relating to the Sale and Marketing of Eggs*

**17. Restrictions on buying or selling eggs in marketing areas—**(1) No person resident or carrying on business within any marketing area shall sell or purchase any eggs unless—

- (a) The vendor is an egg marketing agent carrying on business in that marketing area under a licence relating to or operative in that area; or
- (b) The vendor has purchased the eggs from a licensed egg marketing agent; or
- (c) The eggs have been released for distribution by a licensed egg marketing agent; or
- (d) The eggs (but not any egg products) are sold by retail where delivery of the eggs is taken by the purchaser on the premises on which the eggs were produced.

(2) No person shall, except through the agency of a licensed egg marketing agent, bring or cause to be brought into any marketing area for the purpose of sale by wholesale or sale by retail any eggs produced outside that marketing area.

**18. Conditions relating to egg marketing agents—**(1) A licensed egg marketing agent may sell eggs produced in any area other than a marketing area only in accordance with the terms and conditions of his licence.

(2) No licensed egg marketing agent shall—

- (a) Consign or forward for sale any eggs to any marketing area outside the marketing area in which the premises to which his licence relates are situated, except with the prior approval of the Board; or
- (b) Except with the prior approval in writing of the Board, store any eggs which have been chilled or frozen, or any egg product which has been chilled or frozen, and then only in such quantity as may be specified in any such approval; or
- (c) Sell or dispose of any eggs by public auction; or



- (d) Forward any eggs to any other licensed egg marketing agent for sale without the prior approval of the Board; or
  - (e) Refuse to accept delivery of any eggs consigned or forwarded to him for sale in accordance with these regulations or in accordance with the prior approval or direction of the Board given pursuant to these regulations in respect of any eggs consigned or forwarded for sale by any other authorised egg marketing agent.
- (3) Before any licensed egg marketing agent sells any eggs that have been chilled, he shall ensure that the eggs are identified as such accordingly.
- (4) Notwithstanding anything to the contrary in these regulations, any licensed egg marketing agent may, with the prior approval of the Board, or shall, at the direction of the Board, purchase or sell eggs for the manufacture of egg products or for chilling at such prices and under such conditions as may from time to time be determined by the Board and notified to the egg marketing agent.

**19. Provisions relating to eggs produced outside marketing area—**

- (1) This regulation shall apply in respect of eggs produced in any area other than a marketing area.
- (2) Any person carrying on business as a retailer in any part of an area that is not included in a marketing area may sell any such eggs—
- (a) To a licensed egg marketing agent carrying on business in any marketing area; or
  - (b) To a retailer carrying on business in any area other than a marketing area; or
  - (c) By way of retail sale for delivery in any area other than in a marketing area—
- but not otherwise.
- (3) Any person—
- (a) May sell any such eggs by way of wholesale in any area other than a marketing area:
  - (b) Shall not sell any such eggs within a marketing area—
    - (i) By way of wholesale other than to a licensed egg marketing agent:
    - (ii) By way of retail.

**20. Records to be kept by wholesalers and retailers—**Every person engaged in the business of selling eggs within a marketing area, whether by wholesale or by retail, shall—

- (a) Retain all dockets and invoices relating to any eggs purchased by him for at least 2 years after the purchase of those eggs; and
- (b) In respect of any eggs purchased by him for which no docket or invoice was received, keep for at least 2 years after the purchase a record of—
  - (i) The quantity of eggs purchased; and
  - (ii) The name and address of the person from whom he purchased the eggs; and
  - (iii) The date on which the eggs were purchased.

**21. Board may direct sale of consigned eggs—**The Board may direct the sale in any marketing area or marketing areas of eggs consigned for sale to a licensed egg marketing agent carrying on business in any other marketing area.

### Grading

**22. Eggs to be graded—**(1) No licensed egg marketing agent shall, except with the prior approval of the Board, sell by way of wholesale any eggs which have not been graded for size and quality in accordance with these regulations or any determination of the Board made under these regulations.

(2) The Board may, from time to time, direct any licensed egg marketing agent or other person to grade eggs (other than eggs intended to be sold by that licensed egg marketing agent or person) and may give directions to him as to the place and time at, and the manner in which, he shall grade eggs in accordance with these regulations.

(3) In any proceedings taken under these regulations in relation to the grading of eggs, the onus of proof that any eggs were purchased from a licensed egg marketing agent or such other person as the Board may have appointed shall be upon the retailer.

**23. Grades of eggs—**(1) Except as determined by the Board under subclause (2) of this regulation, all hen eggs which are required by or under these regulations to be graded shall be graded into one of the 4 grades of size, namely, 7's, 6's, 5's, and 4's, on which—

- (a) The grade of size, 7's, shall include all eggs, the weight of which is not less than 62 grams:
- (b) The grade of size, 6's, shall include all eggs, the weight of which is less than 62 grams but not less than 53 grams:
- (c) The grade of size, 5's, shall include all eggs, the weight of which is less than 53 grams but not less than 44 grams:
- (d) The grade of size, 4's, shall include all eggs, the weight of which is less than 44 grams but not less than 35 grams.

(2) All eggs which are required by or under these regulations to be graded shall comply with such grades and grading standards as the Board may, by notice in the *Gazette*, from time to time determine.

**24. Containers to display grades of eggs contained—**(1) No person shall sell by way of wholesale or retail, any eggs the grading of which is required by or under these regulations, unless there is prominently displayed on the tray, box, or other receptacle containing the eggs the specific grade allotted to the eggs pursuant to these regulations or any determination of the Board made under these regulations.

(2) In the case of sale by way of retail, the grade of hen eggs shall be readily identified as follows:

- (a) For eggs of grade 7's, the expression "7's":
- (b) For eggs of grade 6's, the expression "6's":
- (c) For eggs of grade 5's, the expression "5's":
- (d) For eggs of grade 4's, the expression "4's".

(3) No person shall, except with the permission in writing of the Board, stamp or mark on any ticket, placard, or label displayed on a tray, box, or other receptacle containing any graded eggs for sale in New Zealand or use in connection with any such eggs sold, offered, or exposed for sale any words indicative of quality or grade except the expression "7's", "6's", "5's", and "4's" or such other grades as may be determined by the Board under those regulations.

(4) No person shall stamp or mark on any ticket, placard, or label displayed on a tray, box, or other receptacle containing any eggs for sale in New Zealand, or use in connection with any eggs sold, offered, or exposed for sale, any words indicative of grade which do not correctly indicate the grade of the eggs.

(5) No person shall offer or expose for sale in the same tray, box, or other receptacle eggs which are required by or under these regulations to be graded and which are of more grades than one.

#### *Powers of Board in Relation to Certain Retailers*

**25. Powers of Board in relation to certain retailers—**(1) Where it is established to the satisfaction of the Board that any retailer of eggs—

- (a) Is selling or otherwise disposing of eggs in a manner prejudicial or likely to be prejudicial to the orderly marketing by other retailers of eggs or to the proper fulfilling by the Board of its functions; or
  - (b) Is storing or marketing eggs in such manner as to cause undue deterioration in the quality of the eggs, or to the proper fulfilling by the Board of its functions; or
  - (c) Is a party to any device, plan, or scheme or has otherwise acted in a manner prejudicial or likely to be prejudicial to the orderly marketing of eggs; or
  - (d) Has failed, without reasonable cause, to comply with any general or specific directions, instructions, or rules given or made by or with the permission of the Board for the purpose of ensuring the fair distribution to the general public of any eggs that may from time to time be available for any such distribution,—
- then the Board may, by notice given to the retailer, prohibit the retailer from selling or distributing eggs from a date to be specified in that behalf in the notice, and any stocks of eggs held by the retailer on the date on which the notice takes effect may be sold or otherwise disposed of only in accordance with the direction of the Board and not otherwise.

(2) The powers conferred on the Board by subclause (1) of this regulation shall not be exercised with respect to any retailer on the ground that he has failed to comply with any direction, instruction, or rule referred to in paragraph (d) thereof unless, prior to his failure to comply, notice of any such direction, instruction, or rule was given to the retailer or to an organisation on behalf of the retailer or was published in a newspaper circulating in the district in which the retailer carries on business.

#### *Consignment and Payment*

**26. Consignment of eggs to licensed egg marketing agents—**(1) All eggs consigned or forwarded to a licensed egg marketing agent shall be consigned or forwarded on the condition that the consignor shall not be entitled to repossess or require the return to him or the delivery to any other person of the consignment or any part of it without the consent of the Board.

(2) Subject to subclause (1) of this regulation, every licensed egg marketing agent may deduct from the proceeds of any such sale any

deductions from time to time approved by the Board and duly notified by it to the egg marketing agent and shall make any such deductions if directed by the Board in writing to do so.

**27. Payment for eggs—**(1) Upon delivery of any parcel or part of a parcel of eggs consigned or forwarded to a licensed egg marketing agent, the agent shall forward a return to the consignor within such period after the delivery is effected as may from time to time be determined by the Board.

(2) The return shall show the number of eggs delivered, the grading of the eggs, and the price of the eggs as determined in accordance with this regulation and, where the eggs qualify for any quality improvement payment determined in that behalf by the Board in accordance with this regulation, shall contain a statement to that effect.

(3) Within the period determined for the forwarding of the said return the licensed egg marketing agent who has received the eggs shall pay on behalf of the Board to the consignor the price of the eggs as determined by the Board, less such commission for the services of the licensed egg marketing agent and such other deductions as may be authorised by these regulations or by the Board pursuant to regulation 26 (2) hereof, together with such quality improvement payment (if any) as may be approved in that behalf by the Board.

(4) Upon the request of the consignor, the licensed egg marketing agent may make any such payment mentioned in subclause (3) of this regulation upon such later date as is specified in that behalf by the consignor.

(5) Nothing in this regulation shall be deemed to authorise a sale in breach of any price order in force under the Commerce Act 1975.

(6) Without limiting the provisions of subclause (3) of this regulation, the Board may from time to time direct any licensed egg marketing agent to pay to any consignor, for or towards the freight costs incurred by the consignor in consigning eggs to the licensed egg marketing agent for sale, such sum as may be determined by the Board in that behalf, either generally or in any particular case.

**28. Wholesale egg sales—**(1) Every licensed egg marketing agent shall, according to conditions laid down from time to time by the Board, pay to the Board the proceeds of the sale of eggs sold by the egg marketing agent by way of sale by wholesale, after paying to the consignors of the eggs the sums determined under subclause (3) of the preceding regulation.

(2) Any licensed egg marketing agent may establish separate accounts in respect of different grades of eggs sold, and shall establish a freight account into which shall be paid or credited all amounts received by the licensed egg marketing agent, for or on account of freight, in the wholesale selling price of eggs.

(3) All such accounts relating to the purchase and sale of eggs and egg products shall be subject to inspection by any officer of the Board or other person duly approved for that purpose by the Board.

(4) Where any licensed egg marketing agent has a surplus of funds in an account he shall, within such period as may be determined by the Board, pay any such surplus to the Board.

*Registration of Hatcheries*

**29. Registration of hatcheries**—(1) No person shall own or operate a hatchery unless an application to register the hatchery has been lodged with the Board by the operator in such form as the Board may require, and a certificate of registration has been issued in respect of the hatchery by the Board.

(2) Each hatchery registered by the Board shall be allocated a separate registration number, and where more than one hatchery is operated by any one operator, each such hatchery shall be assigned a separate registration number.

(3) The operator named in the certificate of registration of any hatchery shall advise the Board in writing within 14 days after any of the following events take place:

(a) The hatchery ceases to operate as a hatchery:

(b) The operator ceases to operate the hatchery:

(c) Any incubator being part of the equipment of the hatchery is sold, leased, or otherwise disposed of in any way.

(4) In advising the Board pursuant to subclause (3) of this regulation, the operator shall give the date on which the event took place, and if the hatchery or any incubator being part of the equipment of the hatchery has been sold, leased, or otherwise disposed of in any way the operator shall notify the Board of the names and addresses of all other parties to the transaction, and if it relates to an incubator, shall provide the Board with a description of the incubator.

(5) A certificate of registration of a hatchery shall remain valid until the 30th day of June in the year of issue, but may be renewed until the 30th day of June in the year next following, and then from year to year:

Provided that any certificate of registration which would otherwise expire as at the commencement of these regulations shall be deemed to be valid and to continue so as to expire with the 30th day of June 1981.

(6) No operator of a hatchery shall transfer the certificate of registration except with the approval in writing of the Board.

**30. Grant or revocation of certificate of registration**—The Board may—

(a) Grant or refuse to grant a certificate of registration in respect of any hatchery:

(b) By notice in writing to the operator, revoke the certificate of registration of any hatchery:

(c) Grant or refuse to grant the transfer or renewal of any certificate of registration.

**31. Duties of hatchery operator**—(1) Unless exempted pursuant to subclause (5) of this regulation, the operator of a hatchery shall keep and maintain up-to-date records of the following particulars in relation to his hatchery:

(a) The number of hatching eggs set:

(b) The number of chicks hatched:

(c) The number of pullet chicks sexed, sold, held for own use, custom hatched, or otherwise disposed of,—

and such other records as may be required by the Board from time to time.

(2) All such records shall be available for inspection at all reasonable times by any person duly authorised in that behalf by the Board, who may take copies of or extracts from any such records.

(3) The operator of a hatchery shall retain for a period of 2 years all records which he is required by the Board to keep and maintain.

(4) The operator of every hatchery shall, not later than the 20th day of each month, furnish to the Board, in such manner as the Board requires, a return of such particulars relating to the operations of the hatchery during the last preceding calendar month as the Board may require.

(5) Notwithstanding the provisions of this regulation, the Board may, by notice in writing to the operator of any hatchery, exempt the operator from such requirements of this regulation and for such period as may be specified in the notice, in respect of any period during which the Board is satisfied that the hatchery is not and will not be in use for the incubation of eggs.

(6) If any hatchery so exempted is used for the incubation of eggs before the expiry date in the exemption notice, the exemption shall be deemed to be terminated immediately on the hatchery being so used, and the hatchery shall then be subject to the requirements of subclauses (1) to (4) of this regulation as if no exemption had ever been granted to the operator of the hatchery.

#### *Pullets*

**32. Pullet rearers to supply details to Board**—(1) Every person who owns pullets and sells them as part of a business of selling pullets shall, upon request, notify the Board in writing of—

- (a) The date of the sale;
- (b) The number of pullets sold;
- (c) The name and address of the purchaser;
- (d) The date on which the pullets were hatched.

(2) Every such person shall retain for a period of at least 2 years all records which he is required by the Board to keep and maintain.

## PART II

### ENTITLEMENT LICENCES

**33. Prohibition on keeping laying birds without entitlement licence**—

(1) No person shall, at any one time, keep more than 100 laying birds unless he holds an entitlement licence issued to him under this Part of these regulations.

(2) Any entitlement licence issued pursuant to the Egg Marketing (Production Entitlement) Regulations 1970 and in force as at the commencement of these regulations shall be deemed to have been issued by the Board pursuant to these regulations.

**34. Entitlement licence**—(1) Entitlement licences may be issued for such periods and subject to such terms and conditions as the Board thinks fit.

(2) No person under the age of 15 years shall make application for, or be issued with, an entitlement licence.

(3) Every entitlement licence shall be in such form as may be specified by the Board, and shall specify—

- (a) The maximum number of laying birds which the holder of a licence may keep without paying any extra-entitlement levy; and
- (b) The address or addresses of his poultry farm or farms on which all his laying birds are to be kept by him.

**35. Conditions of entitlement licence**—(1) It shall be a condition of every entitlement licence that, unless the written consent of the Board is first obtained,—

- (a) The licensee will operate the poultry farm concerned for a period of at least 2 years after the licence has become effective;
  - (b) The licensee will not transfer or lease any of his estate or interest in the poultry farm, appurtenances, equipment, or flock for a period of at least 2 years after the licence has become effective;
  - (c) The enterprise operated by the licensee shall remain commercially independent and the licensee's flock kept physically separate from any other flock.
- (2) If any licensee breaches a condition expressed in subclause (1) of this regulation, the Board shall revoke his licence pursuant to regulation 38 of these regulations.

**36. Birds not to be shifted without Board approval**—(1) No holder of an entitlement licence shall move or cause to be moved all or any of the laying birds being kept by him to any address other than that specified in his licence without the prior written consent of the Board given after application has been made to it in such manner as it may require.

(2) The Board shall, on any application under this regulation, either approve or decline to approve the change in address, and if it approves the change, it may do so subject to such terms and conditions as it thinks fit.

(3) On approval by the Board of a change in the address of a poultry farm the holder of the licence shall forward the licence to the Board which shall endorse on the licence the new location of the poultry farm and return the licence to the holder.

**37. Board may enter into arrangements with licensees**—The Board may from time to time enter into contracts, arrangements, and schemes with holders of entitlement licences or any classes or categories thereof for the purpose of providing greater efficiency in the production and marketing of eggs, for egg quality improvement purposes, or for such other purposes and under such terms and conditions as it sees fit.

**38. Variations to or revocation of entitlement licence**—(1) Subject to subclause (2) of this regulation, the Board may,—

- (a) Revoke any entitlement licence;
- (b) Increase or reduce the maximum number of laying birds which may be kept pursuant to any entitlement licence;
- (c) Suspend for any specified period all or any part of the maximum number of laying birds which may be kept pursuant to any entitlement licence;
- (d) Revoke, amend, or add to any terms or conditions of any entitlement licence;
- (e) Refuse to issue an entitlement licence.

(2) The Board shall notify the holder of the entitlement licence or, as the case may require, the applicant in writing of its decision and the reasons for that decision and, unless the holder or applicant lodges a notice of appeal pursuant to regulation 56 of these regulations and subject to that regulation, the decision shall take effect as from the date specified by the Board.

**39. Voluntary schemes**—The Board may withdraw or increase the whole or any part of the entitlements of a poultry farmer or poultry farmers to keep laying birds under his or their entitlement licence or licences for such period and on such terms as the Board may think fit in any case where the poultry farmer is a party to any voluntary scheme relating to a reduction or increase in entitlement rights, and shall advise the poultry farmer in writing when the action has been taken.

**40. Acquisition of interest in companies**—(1) It shall be a condition of every entitlement licence that the licensee or, if the licensee is a company, any subsidiary of the licensee or any company of which the licensee is a subsidiary, shall not acquire any estate or interest in any company which is the holder of an entitlement licence without first obtaining the written consent of the Board.

(2) It shall be a condition of every entitlement licence that the licensee or, if the licensee is a company, any subsidiary of a licensee or any company of which the licensee is a subsidiary, shall not become the legal or beneficial holder of any charge or encumbrance over any of the assets or undertaking of any company which is the holder of an entitlement licence without first obtaining the written consent of the Board.

(3) For the purpose of this regulation, the term “estate or interest” includes ownership whether legal or beneficial, any mortgage or charge, any share, stock, debenture, or debenture stock, and any right, title, or claim to any share, stock, or debenture stock.

**41. Licences not to be generally transferred**—No entitlement licence may be transferred in whole or in part to any person other than the Board unless the transfer of the licence is accompanied by a transfer or lease to that person of the number of laying birds corresponding to the entitlements being transferred together with such land, buildings, plant, equipment, fixtures, or stock in trade as the transferor uses to keep those laying birds.

**42. Entitlement licence to be fully operated**—If any holder of an entitlement licence fails without sufficient reason to the satisfaction of the Board to keep a number of laying birds on the poultry farm mentioned in the licence as near as is reasonably practicable to the number of laying birds specified in the licence the Board may, subject to regulation 38 of these regulations, reduce the maximum number of laying birds specified in the licence, or otherwise revoke, alter, or add to the terms and conditions of the licence.

**43. Transfer of entitlement rights**—(1) The purpose of this regulation is to ensure that, in general, no person shall hold, as a consequence of a transfer of an entitlement licence, any shares, entitlement rights, or



any estate, right, or interest in any way, direct or indirect, in or to an entitlement licence, shares, or entitlement rights, pursuant to which more than 20,000 laying birds may be kept.

(2) Except with the prior written approval of the Board—

- (a) No entitlement licence shall be transferred to any person; or
- (b) No part of the right of a person under an entitlement licence to keep laying birds shall be transferred to any person; or
- (c) No shares in a private company, which is the holder of an entitlement licence, which represent more than 5 percent of the issued capital of that company, or which, although representing 5 percent or less of the issued capital of the company, in the opinion of the Board effectively controls the company, shall be transferred and no change in the beneficial ownership of any such shares shall take place; or
- (d) No alteration to the rights or conditions attaching to any shares in a private company which is the holder of an entitlement licence which, in the opinion of the Board, changes the effective control of the company shall take place.

(3) Applications for the approval of the Board shall be made in such manner as it may require.

(4) The Board shall, on each application for its approval made under this regulation, either approve or decline to approve, as it thinks fit.

(5) If the Board approves an application made under this regulation, it may do so subject to such terms and conditions as it thinks fit, but both the transferor and transferee shall surrender their entitlement licences to the Board which shall cancel them and issue a new licence or licences in their place to give effect to the transfer as so approved.

(6) Without derogating from its powers to decline to approve an application as it thinks fit, the Board may decline to approve where—

- (a) The transferee is already entitled under any entitlement licence or licences to keep more than 20,000 laying birds; or
- (b) The transferee, as a consequence of the transfer, would become entitled under any entitlement licence or licences to keep more than 20,000 laying birds; or
- (c) The Board is of the opinion, having regard to the matters specified in regulation 44 of these regulations, that the transfer would be inconsistent with the purpose of this regulation specified in subclause (1) of this regulation.

(7) For the purposes of this regulation—

(a) A transfer to husband and wife shall be deemed to be a transfer to one person:

(b) A transfer to a company shall be deemed to be a transfer to its shareholders of the entitlement rights transferred in the same proportions as those shareholders hold shares in that company with any minimum modification upwards made to the number of laying birds entitled to be kept to avoid fractions of a bird:

Provided that, where a shareholder may exercise more votes in respect of his shareholding than the number of shares he holds, then, for the purposes of this paragraph, the number of votes he may exercise shall be deemed to be the number of shares he holds:

(c) The Board may disregard a small amount of paid up capital or a nominal value of shares or a small number of allotted shares held by a person in any company.

**44. Matters to which Board shall have regard in considering transfer—**

The matters the Board shall have regard to under regulation 43 (6) (c) of these regulations are—

- (a) The maximum number of laying birds the transferee may keep under any entitlement licence held by the transferee:
- (b) Any association, connection, or relationship (whether direct or indirect) which the transferee or applicant for approval (as the case may be) may have with any other holder of an entitlement licence or licences, or with a partner or a partnership which holds an entitlement licence, or with a shareholder of a company which holds an entitlement licence; and the maximum number of laying birds which may be kept under those licences:
- (c) Any association, connection, or relationship (whether direct or indirect) which the settlor, or one of the settlors, of a trust may have with a beneficiary of that trust where—
  - (i) The transferee is a trustee or trustees of a trust; and
  - (ii) The settlor, or one of the settlors, or a beneficiary of the trust holds an entitlement licence, or is a partner of a partnership which holds an entitlement licence, or is a shareholder in a company which holds an entitlement licence:
- (d) Any financial interest whether by way of shareholding or otherwise which the transferee or applicant for approval (as the case may be) may have with any other holder of an entitlement licence or licences or with a partner or partnership which holds an entitlement licence or with a shareholder of a company which holds an entitlement licence, the benefits and rights which that financial interest gives the transferee or applicant for approval (as the case may be) and the maximum number of laying birds which may be kept under those licences:
- (e) That the application for transfer has been made pursuant to the will or intestacy of any person.

**45. Purchase and cancellation of entitlement rights by Board—**

(1) Any holder of an entitlement licence may at any time offer to the Board all or part of his entitlement licence, and the Board shall purchase the entitlements offered at a price set by the Board, being a price for each laying bird entitled to be kept pursuant to the entitlements being purchased—

- (a) Not exceeding \$5 until the 31st day of July 1981:
- (b) Not exceeding \$2.50 from the 1st day of August 1981 until the 31st day of July 1982—

and all entitlements purchased by the Board under this subclause shall be cancelled by the Board.

(2) When any entitlement licence or any entitlement authorised by a licence is purchased by the Board, the vendor shall surrender to the Board for cancellation the entitlement licence held by him, and the Board shall, where appropriate, issue a new licence in respect of such entitlements to keep laying birds as are retained by the vendor.

(3) All entitlements offered to the Board under this regulation on or after the 1st day of August 1982 shall have no value attached to them, and shall be cancelled by the Board.

46. **Issue of further entitlement licences**—Notwithstanding anything in the foregoing regulations, if at any time it appears to the Board that the issue of further entitlement licences is necessary in order to produce more eggs to meet the needs of consumers or in order to produce more eggs for any other purpose, the Board may issue such further entitlement licences to such persons in such manner and upon such terms and conditions as it thinks fit.

### PART III

#### LEVIES

##### *Entitlement Levy*

47. **Entitlement levy**—(1) Subject to these regulations, there shall be paid to the Board a levy (called the entitlement levy) in respect of the number of laying birds which any person is authorised to keep pursuant to any entitlement licence.

(2) Where under these regulations the number of laying birds kept is approved by the Board and is fewer or greater than the number authorised to be kept pursuant to the entitlement licence then, for the purposes of the entitlement levy, the number so approved by the Board shall be deemed to be the number authorised pursuant to the licence.

(3) The entitlement levy shall be of such nature and incidence as the Board may, with the approval of the Minister, from time to time determine and notify in the *Gazette*.

(4) The total entitlement levy payable by any person in any year ending with the 30th day of June shall not exceed \$5 for each laying bird authorised to be kept by an entitlement licence throughout that year; but if that person has entered into arrangements with the Board to take part in any voluntary incentive scheme whereby that person agrees to reduce the number of laying birds actually kept by him to less than the number he is authorised to keep pursuant to his entitlement licence, the total entitlement levy shall be such lesser amount at the Board may determine as being applicable to the voluntary incentive scheme.

(5) Where the number of laying birds which any person is authorised pursuant to an entitlement licence to keep for any period is less than any year ending with the 30th day of June, the amount of entitlement levy payable shall, if the entitlement levy has been imposed at a fixed rate for the whole of that year, be reduced in proportion to that period; but if the entitlement levy has been imposed otherwise than at a fixed rate for the whole of the year, the amount payable shall be assessed at the rates from time to time applicable during the period that the entitlement licence was in force.

##### *Extra-Entitlement Levy*

48. **Extra-entitlement levy**—(1) Every person shall, for each calendar month ending with the last day of that month, pay to the Board pursuant to subclause (3) of this regulation an extra-entitlement levy of \$1.50—

(a) For each laying bird kept by him at any time during that month over the maximum number he is authorised to keep pursuant to his entitlement licence:

(b) If he has no entitlement licence, but at any time during that month keeps more than 100 laying birds, for each laying bird more than 100.

(2) Notwithstanding subclause (1) of this regulation, the Board may from time to time exempt any person from payment of an extra-entitlement levy, or any part of such levy, if, in the Board's opinion, the infringement giving rise to the liability for payment was of a minor nature, or any other ground considered by the Board was sufficient for the exemption.

(3) Any extra-entitlement levy due under these regulations shall be paid within 14 days after demand is made in writing by the Board on the person from whom the levy is due.

#### *Chick Levy*

**49. Chick levy**—(1) Subject to subclause (2) of this regulation and to any other provisions of these regulations, there shall be paid to the Board in respect of each day-old pullet chick hatched in or imported into New Zealand a levy (called the chick levy) at such rate, not exceeding 30 cents, as may be determined by the Board from time to time with the approval of the Minister and notified in the *Gazette*.

(2) No levy shall be payable in respect of chicks—

(a) Exported from New Zealand; or

(b) Kept to be raised for slaughter, and actually slaughtered, before attaining 5 months of age; or

(c) Kept for rearing as breeding stock for the production of chicks to be raised for slaughter before attaining 5 months of age:

Provided that the class or type of chicks eligible for exemption from levy under paragraph (b) or paragraph (c) of this subclause shall be approved by the Board before exemption from the levy is applicable under those paragraphs.

**50. Chicks imported into New Zealand**—(1) Every person who imports any day-old chicks into New Zealand shall, not later than the 20th day of the month following the importation, advise the Board in writing of the number of day-old chicks imported by him into New Zealand during the previous calendar month, the date the chicks were imported into New Zealand, the name and address of the purchaser of the chicks and the date of purchase, and shall provide the Board with such other particulars as it may require.

(2) The Board may for any reason it considers sufficient, by notice in writing to any person, exempt him from the requirements of subclause (1) of this regulation for such period as may be specified in the notice.

(3) In respect of any such day-old chicks imported into New Zealand, the chick levy shall be a debt recoverable from the importer and shall be due and payable to the Board immediately upon the arrival of the chicks in New Zealand.

**51. Sale of chicks**—(1) In respect of each sale comprising less than 101 day-old chicks, the levy shall be a debt recoverable by the Board from the operator of the hatchery from which the sale was made and shall be due and payable by the operator not later than the 20th day of the month next succeeding the month during which the sale was made.

(2) In respect of each sale comprising more than 100 day-old chicks, the levy shall be a debt recoverable by the Board from the buyer, and shall be due and payable by the buyer not later than the 20th day of the month next succeeding the month during which the sale was made.

(3) On each sale by him comprising more than 100 day-old chicks the operator of a hatchery shall, at the time of such sale, issue to the buyer of the chicks a debit note on behalf of the Board for the amount of the levy payable under these regulations, and shall forward to the Board a copy of each such debit note at the same time as the monthly return, required to be furnished by regulation 31 (4) of these regulations, in respect of the month during which the sale was made.

(4) Where, on any sale, day-old chicks are supplied free of charge additional to the number of chicks sold, to compensate for possible sexing errors, undergrade chicks, or deaths of chicks sold, in accordance with normal trade practice, no levy shall be payable in respect of the number of such additional chicks not exceeding 4 percent of the number of chicks sold.

(5) No levy shall be payable in respect of day-old chicks supplied free of charge, in replacement of chicks sold not earlier than 14 days previously and in respect of which the levy was payable.

(6) When any chicks are not sexed at day-old, half of the number of the chicks shall be deemed to be pullet chicks in respect of which the levy shall be due in accordance with these regulations.

(7) For the purposes of this regulation, the custom hatching of day-old chicks and the retention of the beneficial ownership of the day-old chicks by the operator of a hatchery for his own use or for later sale as other than day-old chicks, shall be deemed to be a sale of the day-old chicks to the operator of the hatchery, and the giving of possession, or the agreeing to give possession, without a sale of day-old chicks by the operator of a hatchery to any person, shall be deemed to be a sale of day-old chicks to that person.

(8) The Board shall grant to any operator, in respect of any chick levy collected by him and paid to the Board, a collection fee of 2½ percent of the chick levies paid by their due dates.

#### *Payment of Levies, and Penalties*

**52. Extension of time for payment of levies**—The Board may, upon application made to it in writing before the expiry of any day on or before which a levy is required to be paid under this part of these regulations, extend the time for payment of that levy for such period as it thinks fit, and may require the applicant to give some security in respect of the unpaid levy.

**53. Overdue payment penalty and levy**—(1) If any levy payable under this Part of these regulations is not paid in full when it becomes due and payable, or is not paid within such further time as may be allowed under regulation 52 of these regulations, an overdue payment penalty equal to 10 percent of the levy unpaid shall be payable to the Board.

(2) There shall, in addition to the overdue payment penalty, be payable to the Board an overdue payment levy of an amount equivalent to 1 percent of the amount of any other levy and overdue payment

penalty remaining owing by that person for each month or part of a month that the levy and penalty remains owing after they first become due and payable.

**54. Board may remit levies or penalty**—Subject to this Part of these regulations, the Board may remit the whole or any part of any levy or penalty imposed or incurred pursuant to this Part of these regulations if upon written application and in the special circumstances of the case it thinks payment of the levy or penalty would create severe hardship or it would be otherwise equitable to remit the levy or penalty.

**55. Levies and penalty to constitute debt due to Board**—Where any levy or penalty becomes due and payable under this Part of these regulations, it shall then constitute a debt due to the Board, and shall be recoverable accordingly in any Court of competent jurisdiction.

## PART IV

### GENERAL PROVISIONS

#### *Appeals*

**56. Appeals**—(1) For the purposes of section 25 of the Act, any person may appeal against any decision of the Board—

- (a) Refusing to issue him with an entitlement licence:
- (b) Imposing any term or condition on the issue to him of an entitlement licence:
- (c) Reducing or increasing the maximum number of laying birds that may be kept by him pursuant to an entitlement licence:
- (d) Revoking or suspending any entitlement licence issued to him:
- (e) Revoking, amending, or adding to any term or condition of an entitlement licence issued to him:
- (f) Refusing to approve the transfer of entitlement licence rights from him to any other person:
- (g) Determining that any persons together constitute a body of persons.

(2) The grounds of appeal shall be limited to either or both of the following:

- (a) That the decision of the Board was not made in accordance with these regulations:
- (b) That the decision of the Board was manifestly unfair to the appellant.

(3) Where the decision of the Board is to revoke or suspend any entitlement licence or to reduce the maximum number of laying birds that may be kept pursuant to an entitlement licence, that decision shall be of no effect until—

- (a) Where notice of an appeal against that decision has been given within the period specified in section 25 (2) of the Act, the appeal is determined:
- (b) Where no notice of an appeal against that decision has been given within that period, that period expires.

(4) Where in respect of any decision of the Board any person would be required to pay an extra-entitlement levy and that person appeals under this regulation, any extra-entitlement levy then required to be paid shall be postponed until the expiry of one month after the date of the Appeal Authority's decision.

#### *Inspection and Information*

**57. Inspection and information**—(1) Any member, officer, employee, or agent of the Board, or any other person duly authorised in that behalf by the Board, shall at any time reasonable in the circumstances have full and free access to all premises used for the production, hatching, or rearing of poultry or for the production, storage, chilling, manufacturing, and marketing of eggs or egg products for the purpose of inspecting those premises and inspecting or counting any poultry, eggs, or egg products, or any books, accounts, documents, and other papers relating to the production, hatching, or rearing of poultry or to the production, storage, chilling, manufacturing, and marketing of eggs and egg products, and may take copies of or extracts from any such books, accounts, documents, or other papers.

(2) All books, accounts, documents, and other papers required by this regulation to be made available for inspection shall be retained by their owner for a period of not less than 2 years.

(3) The Board, or any member, officer, employee, or agent, of the Board, or any other person duly authorised in that behalf by the Board, may require any person having for the time being possession, or control of any eggs intended for sale, or of any poultry (whether that person is or is not the owner of the eggs or poultry) to answer any inquiries relative to the source of production of the eggs or poultry, or their ownership or their intended destination, and to carry out any instructions given by that member, officer, employee, or agent for the purpose of giving effect to any directions given by the Board for the purposes of these regulations.

(4) Every person commits an offence against these regulations who refuses or fails to answer any inquiries put to him in accordance with this regulation, or who gives any false or misleading information in relation thereto, or who refuses or fails to comply with any instructions given by any officer or employee of the Board acting under the authority of this regulation.

#### *Notices*

**58. Notices**—(1) The Board may give public notice of the exercise of any of its powers under these regulations or of any direction given by it under these regulations, and all persons shall be bound by the notice.

(2) The Board may, without public notice, give notice in writing to any person of any such direction, and every person to whom the notice is given shall be bound by it.

(3) Except where otherwise specially provided, any notice required to be given to any person for the purposes of these regulations may be given by causing it to be delivered to that person, or to be left at his usual or last known place of abode or business, or at the address specified by him in any application or other document received from him by the Board, or to be posted in a letter addressed to him at that place of abode or business or at that address.

(4) If any such notice is sent to any person by registered letter, it shall be deemed to have been delivered to him when it would have been delivered in the ordinary course of post, and in proving the delivery it shall be sufficient to prove that the letter was properly addressed and posted.

(5) Except where otherwise specially provided, any notice required to be given for the purposes of these regulations shall be sufficient if it purports to be given by or on behalf of the Board, and is authenticated by the signature or name of the General Manager.

(6) Every public notice or notice under these regulations shall take effect when it is published or given, or at such later time as may be specified in that behalf in the notice.

(7) Any notice under these regulations may be at any time varied or revoked by a subsequent notice.

### *Offences and Penalties*

**59. Offences and penalties**—(1) Every person commits an offence, and shall be liable on summary conviction to a fine not exceeding \$5,000, who—

- (a) Carries on business as an egg marketing agent or a manufacturer of egg products without a licence under these regulations or operates a hatchery without a certificate of registration for that hatchery having been issued under these regulations;
- (b) Acts in contravention of or fails to comply with any direction of the Board given under regulation 15 of these regulations;
- (c) Acts in contravention of or fails to comply with any of the provisions of regulations 17 to 20 and Part II of these regulations.

(2) Subject to subclause (1) of this regulation, every person commits an offence, and shall be liable on summary conviction to a fine not exceeding \$2,000, who—

- (a) Acts in contravention of or fails to comply with any term or condition of a licence or certificate of registration or any direction in writing given by the Board pursuant to these regulations;
- (b) Commits an offence under regulation 57 (4) of these regulations;
- (c) Fails to furnish such information or make such return as may be required by or pursuant to these regulations.

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## SCHEDULE

Reg. 3

### EGG MARKETING AREAS

EACH egg marketing area named in this Schedule shall comprise that area of land particularly described, together with the land extending outwards therefrom to a distance of 60 m.

1. *Auckland Egg Marketing Area*—All that area of land comprising the Cities of Auckland, Birkenhead, and Mount Albert, and the Takapuna Ward of the City of Takapuna, and the Boroughs of Devonport, Ellerslie, Mount Eden, Mount Roskill, Mount Wellington, New Lynn, Newmarket, Northcote, Onehunga, One Tree Hill, and Otahuhu, as from time to time constituted, and all that land in the City of Manukau bounded on the south commencing at a point where Ascot Road



meets the high-water mark of Manukau Harbour; thence in an easterly direction proceeding along Ascot Road to meet Massey Road; thence in an easterly and north-easterly direction to the point where Massey Road joins the boundary of the Borough of Otahuhu at Mangere Railway Station.

2. *Christchurch Egg Marketing Area*—All that area in the Canterbury Land District, comprising part of the City of Christchurch and parts of Heathcote, Paparua, and Waimairi Counties, bounded by a line commencing at a point on the mean high-water mark of the sea at its intersection with the production of the middle line of Beach Road, in North New Brighton; thence south-easterly along the mean high-water mark, across the mouth of the Estuary of the Avon and Heathcote Rivers, to and along the mean high-water mark to its intersection with the production of the middle line of Park Road in Summer; thence along that production to and south-westerly along the middle of Scarborough Road and Heberden Road to the junction of Evans Pass Road and Wakefield Avenue; thence westerly along a right line to the middle of Paterson Avenue and its junction with the middle of Cashmere Road; thence north-westerly along a right line to the middle of Main South Road at its junction with the middle of Marshes Road; thence north-easterly along a right line to the middle of Harewood Road at its junction with the middle of Pound Road; thence easterly along a right line to the middle of Main North Road at its junction with the middle of Radcliffe Road; thence south-easterly along a right line to a point on the mean high-water mark of the sea in line with the production of the middle of Beach Road, being the point of commencement, and including the Boroughs of Lyttelton and Riccarton as from time to time constituted.

3. *Dunedin Egg Marketing Area*—All that area of land within the City of Dunedin and the Boroughs of Green Island and St. Kilda, as from time to time constituted.

4. *Gisborne Egg Marketing Area*—All that area of land within a radius of 8 km from the Gisborne Post Office.

5. *Hamilton Egg Marketing Area*—All that area of land within the City of Hamilton, as from time to time constituted.

6. *Hawke's Bay Egg Marketing Area*—All that area of land within the Cities of Napier and Hastings and the Boroughs of Havelock North and Taradale, as from time to time constituted.

7. *Invercargill Egg Marketing Area*—All that area of land within the City of Invercargill, as from time to time constituted.

8. *Masterton Egg Marketing Area*—All that area of land within the Borough of Masterton, as from time to time constituted.

9. *Nelson Egg Marketing Area*—All that area of land within the City of Nelson and the Borough of Richmond as from time to time constituted.

10. *New Plymouth Egg Marketing Area*—All that area of land within the City of New Plymouth, as from time to time constituted.

11. *Palmerston North Egg Marketing Area*—All that area of land within the City of Palmerston North, as from time to time constituted.

12. *Rotorua Egg Marketing Area*—All that area of land within a radius of 14.5 km from the Rotorua Post Office.

13. *Tauranga Egg Marketing Area*—All that area of land commencing at a point where the south-eastern boundary of Section 15, Block I, Te Tumu Survey District, meets the coastline of the Bay of Plenty; thence in a north-westerly direction by the said coastline to the entrance to the Tauranga Harbour near Mount Maunganui; thence along the shores of the Tauranga Harbour and including the islands of Motuopuhi (or Rat Island) and Motuhua to a point where the western boundary of Section 6s Apata Settlement meets the aforesaid Tauranga Harbour; thence by a right line in a south-westerly direction to the north-east corner of Whakamarama No. 1c 3B; thence in a south-easterly direction by a right line to the south-east corner of Allotment 509, Te Papa Parish, in Block VI, Otanewainuku Survey District; thence by a straight line to Trig. Station J3 in Block IV, Otanewainuku Survey District, and from there by a straight line to the commencing point.

14. *Timaru Egg Marketing Area*—All that area of land within the City of Timaru, as from time to time constituted.

15. *Wanganui Egg Marketing Area*—All that area of land within the City of Wanganui, as from time to time constituted.

16. *Wellington Egg Marketing Area*—All that area in the Wellington Land District comprising the Cities of Wellington, Lower Hutt, Upper Hutt, and Porirua, the Boroughs of Eastbourne, Petone, and Tawa, as from time to time constituted, and that portion of the Hutt County south and west of a line commencing at a point on the sea coast at Pukerua Bay, on the northern boundary of Block VI, Paekakariki Survey District; thence south-easterly along a right line to Trig. Station Diggins and a right line to the intersection of No. 2 National State Highway and Upper Hutt - Waikanae Road; thence southerly along a right line to Trig. Station High Misty, situated in Block V, Rimutaka Survey District; thence south-easterly along a right line passing through Trig. Station Pencarrow, situated in Block V, Pencarrow Survey District, to the sea coast near Pencarrow Head.

17. *Whangarei Egg Marketing Area*—All that area of land within the City of Whangarei, as from time to time constituted.

P. G. MILLEN,  
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 consolidate and amend the Egg Marketing Authority Regulations 1953 and the Egg Marketing (Production Entitlement) Regulations 1970, and their amendments.

The regulations have been considerably shortened in length, and are to be read in conjunction with the Poultry Board Act 1980 as some matters, e.g. procedure on appeals, are now dealt with in the Act.

In general, the content is broadly similar to the content of the existing regulations.

Issued under the authority of the Regulations Act 1936.

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