



THE POULTRY BOARD REGULATIONS 1986

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 3rd day of March 1986

Present:

THE RIGHT HON G. W. R. PALMER PRESIDING IN COUNCIL

PURSUANT to 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.

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Poultry Board Regulations 1986.

(2) These regulations shall come into force on the 1st day of April 1986.

2. Interpretation—(1) In these regulations, unless the context otherwise requires,—

“The Act” means the Poultry Board Act 1980:

“Board” means the New Zealand Poultry Board constituted under section 4 of the Act:

“Chicks” means poultry one month old or less:

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

“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:

“Egg product” means any albumen, egg yolk, or other product obtained from eggs, or a mixture of any or all of any such products (with or without the admixture of any other substance), and includes any such product in its natural state or when chilled, frozen, dried, or preserved:

“Entitlement” means the rights of the holder of an entitlement licence to keep up to the maximum number of laying birds specified in that person’s 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 or reissued by the Board under Part II of these regulations:

“Extra-entitlement levy” means the levy imposed by regulation 19 of these regulations:

“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, agents, or trustees, 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, agents, or trustees, then for the purpose of these regulations the employer, principal, or beneficiary under the trust shall be deemed to be the person who is keeping those birds:

“Laying bird” means any head of poultry not less than 5 months old:

“Licensee” means the holder of an entitlement licence issued or reissued under these regulations:

“Operator” means the person who is in charge of a hatchery and, where applicable, includes the owner of a hatchery:

“Poultry farm” means any land used for the keeping of not less than 100 head of poultry:

“Poultry farmer” means the occupier of a poultry farm:

“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 or agreement to sell, and offer for sale:

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

(2) For the purposes of these regulations, 2 or more poultry farms occupied and used as such by the same occupier shall be deemed to be one poultry farm.

PART I

PRODUCTION OF POULTRY

Registration of Hatcheries

3. 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 takes 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 be in force on and after the date of its issue until the 30th day of June next following, but may be renewed until the 30th day of June in the year next following, and then from year to year.

(6) Notwithstanding anything in subclause (5) of this regulation, any certificate of registration which would otherwise expire 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 1986.

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

4. Grant or revocation of certificate of registration—(1) Subject to subclause (2) of this regulation, 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.

(2) The Board shall notify the operator of the hatchery or, as the case may require, the applicant in writing of its decision, the reasons for that decision, and of the right to appeal against that decision and, unless the operator or applicant lodges a notice of appeal pursuant to regulation 28 of these regulations and subject to that regulation, the decision shall take effect as from the date specified by the Board.

5. Duties of hatchery operator—(1) Unless exempted pursuant to regulation 6 of these regulations, the operator of a hatchery shall keep and maintain up-to-date records of the following particulars in relation to that operator's 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) The operator of a hatchery shall retain for a period of 2 years all records which that operator is required by the Board to keep and maintain.

(3) 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 month as the Board may require.

6. Exemptions—(1) Notwithstanding the provisions of regulation 5 of these regulations, the Board may, by notice in writing to the operator of any hatchery, exempt the operator from such requirements of that 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.

(2) 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 regulation 5 of these regulations as if no exemption had ever been granted to the operator of the hatchery.

7. Power to inspect hatchery records—Any person duly authorised in that behalf by the Board may, at all reasonable times, require the operator of a hatchery to make available for inspection all or any of the records specified in regulation 5 (1) of these regulations which relate to that operator's hatchery, and may take copies of or extracts from any such records.

Pullets

8. 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 that person is required by the Board to keep and maintain.

PART II

ENTITLEMENT LICENCES

9. Prohibition on keeping laying birds without entitlement licence—(1) No person shall, at any one time, keep more than 100 laying birds unless that person holds an entitlement licence issued or reissued to that person under this Part of these regulations.

(2) Any entitlement licence issued pursuant to the Egg Marketing (Production Entitlement) Regulations 1970 or the Poultry Board Regulations 1980 and in force as at the commencement of these regulations shall be deemed to have been issued by the Board pursuant to this Part of these regulations.

10. Entitlement licence—(1) 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 for such periods and upon such terms and conditions as it thinks fit.

(2) 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 that person's poultry farm or farms on which all that person's laying birds are to be kept.

11. Conditions of entitlement licence—(1) It shall be a condition of every entitlement licence that—

- (a) The licensee will operate the poultry farm concerned in accordance with the terms and conditions of the licence; and
- (b) Unless the written consent of the Board is first obtained, the licensee's flock will be kept physically separate from any other flock.

(2) If any licensee breaches a condition expressed in subclause (1) of this regulation, the Board may revoke that licensee's licence pursuant to regulation 14 of these regulations.

12. Birds not to be shifted without prior notification—(1) No holder of an entitlement licence shall keep any of that person's laying birds at any address not specified in that person's licence unless that person has given prior written notice to the Board that such laying birds will be kept at that address.

(2) The holder of an entitlement licence shall, on giving notice to the Board under subclause (1) of this regulation, forward the licence to the Board which shall endorse the new address on the licence and return the licence to the holder.

13. 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.

14. 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 any entitlement licence for a specified period and either wholly or to a specified extent;
- (d) For the purposes of a seasonal flock variation, increase or reduce for any specified period the maximum number of laying birds which may be kept pursuant to any entitlement licence;
- (e) Revoke, amend, or add to any terms or conditions of any entitlement licence;
- (f) 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, the reasons for

that decision, and of the right to appeal against that decision and, unless the holder or applicant lodges a notice of appeal pursuant to regulation 28 of these regulations and subject to that regulation, the decision shall take effect as from the date specified by the Board.

15. Voluntary schemes—The Board may withdraw or increase the whole or any part of the entitlements of a poultry farmer to keep laying birds under that farmer's entitlement licence 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.

16. 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 14 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.

17. Transfer of entitlement rights—(1) Subject to this regulation, any entitlement licence may be transferred in whole or in part to any person.

(2) Any holder of an entitlement licence who wishes to transfer the whole or part of an entitlement licence to another person shall give notice in writing to the Board to that effect at least 21 days before the date on which the transfer is to take effect.

(3) Every such notice shall be in such form as the Board may require and shall be accompanied by—

(a) The entitlement licence which is to be transferred; and

(b) If the transferee is the holder of an entitlement licence, that licence; and

(c) Any money which as at the date of the notice is due and payable to the Board by the transferor of that licence; and

(d) Such details relating to the transferee as the Board may require.

(4) If, between the date of the notice given under subclause (2) of this regulation and the date of the transfer, any money becomes due and payable to the Board by the transferor, the transferor shall pay that money to the Board forthwith.

(5) On receipt of a notice given under subclause (2) of this regulation, the Board shall, for the purpose of giving effect to the transfer, and subject to subclause (6) of this regulation, do one or more of the following things:

(a) Reissue any entitlement licence accompanying that notice with any necessary additions, alterations, or amendments:

(b) Cancel any entitlement licence accompanying that notice:

(c) Issue a new entitlement licence or licences in place of or in addition to any entitlement licence reissued or cancelled pursuant to paragraph (a) or paragraph (b) of this subclause.

(6) In issuing or reissuing a licence or licences under subclause (5) of this regulation, the Board may impose such terms and conditions in relation to the transfer of the licence as the Board thinks fit.

PART III

LEVIES

Entitlement Levy

18. 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 that person to less than the number that person is authorised to keep pursuant to that person's entitlement licence, the total entitlement levy shall be such lesser amount as the Board may determine as being applicable to the voluntary incentive scheme.

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

Extra-Entitlement Levy

19. Extra-entitlement levy—(1) Every person shall, for each 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 that person at any time during that month over the maximum number that person is authorised to keep pursuant to that person's entitlement licence:
- (b) If that person has no entitlement licence, but at any time during that month keeps more than 100 laying birds, for each laying bird more than 100:
- (c) For each laying bird kept by that person at any time during that month at any address not specified in that person's licence before that person has given written notice to the Board of the change of address pursuant to regulation 12 of these regulations.

(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

20. 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 \$1, 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.

(3) The class or type of chicks eligible for exemption from levy under paragraph (b) or paragraph (c) of subclause (2) of this regulation shall be approved by the Board before exemption from the levy is applicable under those paragraphs.

21. 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 that person into New Zealand during the previous 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 that person 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.

22. 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) The operator of a hatchery shall, on each sale by that operator comprising more than 100 day-old chicks, 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 5 (3) 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 that operator's 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 that operator 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

23. 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.

24. 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 23 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.

25. 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.

26. 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

Powers of Board

27. Board may purchase eggs and carry on certain business—The Board may—

- (a) Purchase eggs for the purpose of resale or for the purpose of being manufactured into egg products:
- (b) 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.

Appeals

28. 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 that person with an entitlement licence:
- (b) Imposing any term or condition on the issue or reissue to that person of an entitlement licence:
- (c) Reducing or increasing, for any specified period or otherwise, the maximum number of laying birds that may be kept by that person pursuant to an entitlement licence:
- (d) Revoking any entitlement licence issued or reissued to that person:
- (e) Suspending, either wholly or to a specified extent, any entitlement licence issued or reissued to that person:
- (f) Revoking, amending, or adding to any term or condition of an entitlement licence issued or reissued to that person:
- (g) Refusing to grant to that person a certificate of registration of a hatchery:
- (h) Revoking, or refusing to grant the transfer or renewal of, any certificate of registration granted to that person in respect of a hatchery.

(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 or to revoke any certificate of registration of a hatchery, 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.

(5) Where any person appeals under this regulation in respect of any decision of the Board refusing to grant the renewal of a certificate of registration of a hatchery, that certificate shall, notwithstanding subclauses (5) and (6) of regulation 3 of these regulations, continue in force until the appeal is determined.

Inspection and Information

29. Power of inspection—(1) For the purpose of ensuring compliance with these regulations, or of assisting the Board to carry out its functions, any member, officer, employee, or agent of the Board, or any other person duly authorised in that behalf by the Board,—

(a) 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 and may—

- (i) Inspect those premises; and
- (ii) Inspect or count any poultry therein:

(b) May require any person who is in charge of the production, hatching, or rearing of poultry on any premises to produce for inspection any books, accounts, documents, and other papers relating to that production, hatching, or rearing of poultry, and may take copies of or extracts from any such books, accounts, documents, or other papers.

(2) Every member, officer, employee, or agent of the Board, and every other person duly authorised in that behalf by the Board, shall, when entering upon any of the said premises, and at any other time when required to do so by the owner or occupier of the place or by that person's representative, agent, or employee, produce evidence that such person is a member, officer, employee, or agent of the Board, or is a person duly authorised in that behalf by the Board, as the case may be.

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

30. Power to obtain information—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—

(a) Require any person having for the time being possession or control of any poultry (whether that person is or is not the owner of the poultry) to answer any inquiries relative to the ownership of that poultry, their production of eggs, or the disposal thereof, or any other inquiries relative to that poultry, which the Board considers will assist it in carrying out its functions; or

(b) Require any wholesaler, distributor, importer, or exporter of eggs to answer any inquiries relative to the sale or supply, by or to such wholesaler, distributor, importer, or exporter, of eggs, poultry, or

egg products, which the Board considers will assist it in carrying out its functions.

31. Privilege against self-incrimination—Notwithstanding anything in regulations 29 and 30 of these regulations, no person shall be required, pursuant to any provision of those regulations, to produce any book, account, document or paper or to answer any inquiry if the production of that book, account, document or paper or the answer to that inquiry would or could tend to incriminate that person, and that person shall be informed of that right before any person exercises the power conferred by any provision of those regulations to require the production of any book, account, document, or paper, or to require an answer to an inquiry.

32. Offences—Every person commits an offence and shall be liable on summary conviction to a fine not exceeding \$2,000 who—

- (a) Refuses or fails, otherwise than on the ground set out in regulation 31 of these regulations,—
 - (i) To make available for inspection any books, accounts, documents, or other papers that that person is required pursuant to regulation 29 of these regulations to make available for inspection; or
 - (ii) To answer any inquiries put to that person in accordance with regulation 30 of these regulations; or
- (b) Gives any information which to that person's knowledge is false or misleading in a material particular in relation to any inquiries put to that person in accordance with any provision of regulations 29 and 30 of these regulations; or
- (c) Refuses or fails to allow any member, officer, employee, or agent of the Board, or any other person duly authorised in that behalf by the Board, full and free access to that person's premises in accordance with regulation 29 of these regulations; or
- (d) Fails to retain for a period of not less than 2 years all books, accounts, documents, and other papers that may be required pursuant to regulation 29 of these regulations to be made available for inspection.

Notices

33. 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 that person's usual or last known place of abode or business, or at the address specified by that person in any application or other document received from that person by the Board, or to be posted in a letter addressed to that person 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 that person 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

34. 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) Owns 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 regulation 3 (7), regulation 9 (1), regulation 12, regulation 17, or regulation 22 (3) of these regulations.

(2) 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) Fails to furnish such information or make such return as may be required by or pursuant to regulation 3 (3), regulation 3 (4), regulation 5 (3), regulation 8 (1), or regulation 21 (1) of these regulations:

(c) Fails to keep, maintain, make available for inspection, or retain for such period as may be specified by these regulations, such records as may be required by or pursuant to regulation 5 (1), regulation 5 (2), regulation 7, or regulation 8 (2) of these regulations to be kept, maintained, made available for inspection, or retained.

35. Revocation—The Poultry Board Regulations 1980* are hereby revoked.

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, which come into force on 1 April 1986, replace the Poultry Board Regulations 1980.

The main amendments are as follows:

- (a) Egg marketing areas, and controls on egg marketing are abolished:
- (b) The provisions relating to the grading of eggs are omitted:
- (c) Entitlement licences for keeping laying birds are to be freely transferable, and the limit on the number of laying birds which may be kept pursuant to such licences is abolished.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 6 March 1986.

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