



THE PIG MARKETING EMERGENCY REGULATIONS 1943

C. L. N. NEWALL, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 1st day of
April, 1943.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

1. These regulations may be cited as the Pig Marketing Emergency Regulations 1943.
2. These regulations shall apply only in the North Island.
3. (1) In these regulations, unless the context otherwise requires,—
 - “ Abattoir ”, “ abattoir district ”, and “ meat-export slaughterhouse ” have the same meanings as in the Meat Act, 1939 :
 - “ Baconer ” means a pig which when killed and dressed will have a dressed weight (including the head) of more than 120 lb. and not more than 170 lb. ; and includes the carcass of any such pig :
 - “ Department ” means the Marketing Department established under the Marketing Act, 1936 :
 - “ Dressed weight ”, in relation to the carcass of any pig, means the weight of the carcass calculated on the same basis as the dressed export weight of meat for export is calculated :
 - “ Establishment ” includes any abattoir, meat-export slaughterhouse, freezing-works, or other freezing establishment, and any premises in which the business of bacon curing is carried on :
 - “ Operator ” means a person who is the holder of a meat-export slaughterhouse license or a meat exporter’s license under the Meat Act, 1939, or who is carrying on business as a bacon-curer or who is carrying on business in any abattoir district as a vendor of meat ; and includes any person who is acting on behalf of an operator :

“Overweight baconer” means a pig which when killed and dressed will have a dressed weight (including the head) of more than 170 lb. and not more than 180 lb.; and includes the carcass of any such pig:

“Porker” means a pig which when killed and dressed will have a dressed weight (including the head) of not less than 60 lb. and not more than 120 lb.; and includes the carcass of any such pig:

“Proprietor”, in relation to an abattoir, means the controlling authority, within the meaning of the Meat Act, 1939, of the abattoir.

(2) Any question arising under these regulations as to the quality of any pig-meats shall be determined in accordance with the grading standards laid down and supervised by the supervising graders of the New Zealand Meat Producers' Board or, where there is no such grading standard laid down or supervised, shall be determined by an Inspector appointed under the Meat Act, 1939.

4. No person shall sell or offer for sale or agree to sell to any operator, and no operator shall purchase or offer to purchase or agree to purchase from any person, any pig, being a porker or a baconer or an overweight baconer, except upon terms providing for the pig to be killed and dressed and for the payment of the price to be made after the dressed weight of the carcass has been ascertained:

Provided that nothing in this regulation shall apply in respect of sales by auction.

5. The maximum price at which an operator may purchase any pig, being a porker or a baconer or an overweight baconer, is a sum calculated according to the First Schedule to these regulations by reference to the weight of the pig when killed and dressed.

6. (1) Every auctioneer who sells any pigs by auction shall keep records of all such sales for a period of not less than twelve months thereafter. The records to be kept as required by this subclause shall contain the following particulars in respect of each transaction:—

- (a) Date and place of sale:
- (b) Vendor's name:
- (c) Purchaser's name:
- (d) Number of pigs sold:
- (e) Price paid.

(2) Every operator who purchases any pigs shall keep records of all such purchases for a period of not less than twelve months thereafter. The records to be kept as required by this subclause shall contain the following particulars in respect of each transaction:—

- (a) Date and place of purchase:
- (b) Vendor's name in the case of a purchase not made at an auction:
- (c) Auctioneer's name in the case of a purchase made at an auction:
- (d) Number of pigs purchased:
- (e) Price paid:
- (f) Dressed weight of each pig:
- (g) Quality or qualities of carcasses.

(3) All records kept pursuant to this regulation shall be open to inspection at all reasonable times by any officer of the Department or by any other person authorized in that behalf by the Director of the Export Division of the Department.

7. It shall be the duty of the manager of any abattoir or the licensee of any meat-export slaughterhouse in which any pig is slaughtered to supply particulars of the dressed weight of the pig to the person on whose behalf the pig is slaughtered.

8. (1) The Department may from time to time acquire in the manner hereinafter appearing any meat of the following classes :—

(a) Fresh-killed and dressed carcasses of porkers, baconers, or overweight baconers, or Wiltshire sides which are in any meat-export slaughterhouse, abattoir, or bacon-curing establishment :

(b) Frozen pork sides or frozen Wiltshire sides which are in any meat-export slaughterhouse, abattoir, or bacon-curing establishment, or in any other freezing establishment, whether the pigs from which they were derived were killed before or after the commencement of these regulations.

(2) Nothing in the Meat Marketing Order 1942* shall apply with respect to pig-meats acquired by the Department under these regulations.

9. (1) Where the Department intends to acquire any meat of a class referred to in Regulation 8 hereof which is in any establishment or which may at any time thereafter during a period specified by the Department come into the establishment, the Department shall give notice to the proprietor of the establishment of its intention to acquire the meat. The notice shall sufficiently describe the meat by reference to its kind, quality, the name of the owner or person on whose behalf it is stored, or otherwise howsoever to enable it to be identified by the proprietor of the establishment.

(2) If the whole or any part of the meat described by the notice given under subclause (1) of this regulation is in the establishment at the time of the giving of the notice, the property in the meat so in the establishment shall immediately thereupon vest in the Department absolutely.

(3) If the whole or any part of the meat described by the notice given under subclause (1) of this regulation is not in the establishment at the time of the giving of the notice, the property in any meat which is not in the establishment but which subsequently comes into the establishment within the period specified in the notice shall vest in the Department absolutely as and when the meat comes into the establishment and is so dealt with as to come within the description of the meat described by the notice.

10. (1) Where the Department intends to acquire, either in the whole of the North Island or in any part or parts thereof, all meat of any class referred to in Regulation 8 hereof which is in, or may thereafter within any period specified by the Department come into, any establishment of a kind specified by the Department it shall give public notice of its intention so to do.

(2) Immediately upon the giving of a notice under subclause (1) of this regulation the property in all meat of the class referred to in the notice which, at the time of the giving of the notice, is in an establishment of a kind referred to in the notice shall vest in the Department absolutely.

(3) In any case where, after the giving of a notice under subclause (1) of this regulation and within the period specified in the notice, meat of the class referred to in the notice comes into an establishment of a kind

* Statutory Regulations 1942, Serial number 1942/165, page 376.

specified in the notice the property in that meat shall vest in the Department absolutely as and when the meat comes into the establishment and is so dealt with as to come within the description of the class of meat referred to in the notice.

11. (1) In any case where pursuant to Regulation 9 or Regulation 10 hereof the property in any meat vests in the Department the person who has the possession and control of the meat when the property so vests shall within seven days thereafter give full particulars of the meat to the Department.

(2) No person who has the possession or control of any meat when the property therein vests in the Department as aforesaid shall part with the possession or control of the meat or attempt to sell or dispose of the meat except with the prior written authority of the Department.

12. (1) Every person who has the possession or control of any meat when the property therein vests in the Department as aforesaid shall process, bag, freeze, store, and generally use the facilities of the establishment as directed by the Department or, in default of any such direction, as the case may require to ensure that the meat will be kept in good order and condition until delivery thereof is taken by the Department.

(2) There shall be payable by the Department to the proprietor of the establishment in which the meat is for the time being stored as remuneration for any services provided in the establishment in connection with the processing, bagging, freezing, storage, transfer, and shipment of the meat such amounts as may be payable for those services under any scale of charges applicable to the establishment or, if there is no scale of charges applicable to the establishment and covering those services, such amounts as may be agreed upon between the proprietor and the Department, or, in default of any agreement, as may be fixed by the Primary Industries Controller.

13. The basic value, free on board ship at the usual port of shipment, of the frozen meat acquired by the Department as hereinbefore provided shall be determined in accordance with the scale of basic values set out in the Second Schedule to these regulations.

14. (1) The amount of the purchase-price of any meat acquired by the Department under these regulations shall be determined in accordance with the following provisions of this regulation.

(2) In the case of meat the property wherein vests in the Department after the meat has been frozen, the price shall be the value of the meat determined in accordance with Regulation 13 hereof, reduced by the amount which, in the opinion of the Department, would have been incurred by or on account of the owner if the meat had been prepared for shipment and delivered by the owner free on board ship at the usual port for the shipment of meat from the establishment in which the meat is stored, and further reduced, in the case of frozen Wiltshire sides which were in store on the 22nd day of March, 1943, by $\frac{5}{16}$ d. per pound:

Provided that if the owner of any frozen Wiltshire sides which were in store on the 22nd day of March, 1943, proves to the satisfaction of the Department that the sides cost him more than the price as so ascertained the whole or any part of the further reduction of $\frac{5}{16}$ d. per pound aforesaid may, at the discretion of the Department, be waived by the Department.

(3) In the case of meat the property wherein vests in the Department before the meat is frozen, the price shall be determined by the Department as follows:—

- (a) The value, determined in accordance with Regulation 13 hereof, which the meat would have if it were converted into frozen headless porker sides or, as the case may require, into frozen Wiltshire sides (due regard being had to the loss of weight which would occur in the process) shall be ascertained; and
- (b) From the value as so ascertained there shall be deducted the costs and charges which, in the opinion of the Department, would have been incurred by or on behalf of the owner if the meat had been so converted as aforesaid, prepared for shipment, and delivered by the owner free on board ship at the usual port for the shipment of meat from the establishment in which the meat is held.

(4) If there is no usual port for the shipment of meat from the establishment in which the meat is stored or held, or if there is any dispute as to what port is the usual port for such shipments, the Department shall determine what port is to be regarded as the usual port for the shipment of meat from the establishment, and its determination shall be final.

15. (1) The Department shall pay the price of any meat acquired by it under these regulations within one month after the property in the meat vests in the Department or three weeks after particulars of the meat are supplied to the Department as required by Regulation 11 (1) hereof, whichever is the later.

(2) Payments made by the Department pursuant to these regulations in respect of any meat may, at the discretion of the Department, be made to or to the order of the owner, or to or to the order of the proprietor of the establishment in which the meat was stored or held at the time when the property in the meat vested in the Department.

(3) Payments in respect of any meat made in accordance with the last preceding subclause to any person other than the owner shall, to the extent thereof, be a good discharge to the Department of its liabilities to the owner in respect of that meat.

16. In the event of any dispute arising between the Department and any other person as to the quality of any pig-meats the matter shall be referred to the Primary Industries Controller, whose decision shall be final.

17. The proprietor of any establishment shall, on demand by the Department, furnish to the Department such particulars relating to the slaughtering of pigs or stocks of pig-meats in the establishment, and such other information relating to the business of the proprietor, as the Department may from time to time require for the purposes of these regulations.

18. For the purposes of these regulations any officer of the Department or any other person authorized by the Director of the Export Division of the Department for the purpose may at all reasonable times enter any premises and inspect any stocks of pig-meats and any accounts, books, or documents relating to the sale or slaughtering of pigs or relating to stocks of pig-meats.

19. (1) The Department or any person authorized in that behalf may give public notice of the exercise of any of its powers under these regulations, and all persons shall be bound thereby.

(2) For the purposes of these regulations the term "public notice" means a notice published in the *Gazette* or in a newspaper circulating in the locality in which the matter of the notice arises or to which it relates.

(3) The Department or any person authorized in that behalf may, without public notice, give notice to any person of the exercise of its powers under these regulations, and every person to whom the notice is given shall be bound thereby.

(4) Any notice required to be given to the proprietor of any establishment for the purposes of these regulations may be given in writing or orally or by telephone, telegraph, or any other means of communication.

(5) Any notice required to be given to the proprietor of any establishment for the purposes of these regulations shall be sufficient—

(a) If it purports to be given by the Director of the Export Division of the Department or by any officer thereof or by any other person authorized in that behalf and is authenticated by the signature or name of the Director or of the officer or of any other person purporting to be authorized to give it :

(b) If it is addressed to the proprietor by his description, notwithstanding that he is not named in the notice :

(c) If it is given to the person having the control or management of the establishment on behalf of the proprietor.

(6) Every public notice or notice under these regulations shall take effect when it is published or given.

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

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

(a) Being an operator, purchases, or offers, or agrees to purchase, whether by himself or his agent, any pig at a price in excess of the appropriate maximum price prescribed by these regulations :

(b) Whether as purchaser, or seller, or otherwise howsoever, is knowingly a party to any device, plan, or scheme whereby an operator obtains or is enabled to obtain any pig at a price in excess of the appropriate maximum price prescribed by these regulations :

(c) Without lawful excuse acts in contravention of or fails to comply in any respect with any provision of these regulations or of any direction or requirement thereunder :

(d) Knowingly makes any false or misleading statement or any material omission in any records required by these regulations to be kept by him or in any return, statement, or particulars given to the Department or in any communication with the Department or any other person (whether in writing or not) for the purposes of these regulations :

(e) Resists, obstructs, or deceives any person who is exercising or attempting to exercise any power or function under these regulations.

(2) Every person who commits an offence against these regulations shall be liable on summary conviction, in the case of an individual, to a fine of £200 or, in the case of a company or other corporation, to a fine of £1,000.

(3) Any information for an offence against these regulations may be laid at any time within three years after the commission of the offence.

SCHEDULES.

FIRST SCHEDULE.

MAXIMUM PRICES AT WHICH PIGS MAY BE PURCHASED BY OPERATORS.

I. Purchased at an auction on a "no grade" basis—

Porkers: $6\frac{1}{2}$ per lb. dressed weight (excluding head), less cost of delivery to nearest port works.

Baconers: $6\frac{3}{4}$ d. per lb. dressed weight (including head), less cost of delivery to nearest port works.

Overweight baconers: $4\frac{3}{4}$ d. per lb. dressed weight (including head), less cost of delivery to nearest port works.

II. Purchased otherwise than at an auction—

(a) On a "no grade" basis, delivered at nearest port works, less customary charges usually payable by vendor—

Porkers: $6\frac{1}{2}$ d. per lb. dressed weight (excluding head).

Baconers: $6\frac{1}{2}$ d. per lb. dressed weight (including head).

Overweight baconers: $4\frac{1}{2}$ d. per lb. dressed weight (including head).

(b) On a "graded" basis, delivered at nearest port works, less customary charges usually payable by vendor—

Porkers—

First quality, exportable: $6\frac{1}{2}$ d. per lb. dressed weight (excluding head).

Second quality, exportable: $6\frac{1}{8}$ d. per lb. dressed weight (excluding head).

First quality, unexportable: $5\frac{1}{2}$ d. per lb. dressed weight (excluding head).

Second quality (mutilated): 5d. per lb. dressed weight (excluding head).

Baconers—

First quality, exportable: $6\frac{3}{4}$ d. per lb. dressed weight (including head).

Second quality, exportable: $6\frac{3}{8}$ d. per lb. dressed weight (including head).

First quality, unexportable: $6\frac{3}{4}$ d. per lb. dressed weight (including head).

Second quality, unexportable: $6\frac{3}{8}$ d. per lb. dressed weight (including head).

Second quality (mutilated): $5\frac{1}{2}$ d. per lb. dressed weight (including head).

Overweight baconers—

First quality, exportable: $4\frac{3}{4}$ d. per lb. dressed weight (including head).

Second quality, exportable: $4\frac{3}{8}$ d. per lb. dressed weight (including head).

First quality, unexportable: $4\frac{3}{4}$ d. per lb. dressed weight (including head).

Second quality, unexportable: $4\frac{3}{8}$ d. per lb. dressed weight (including head).

Second quality (mutilated): 3d. per lb. dressed weight (including head).

SECOND SCHEDULE.

SCALE OF BASIC VALUES OF FROZEN MEAT ACQUIRED BY THE DEPARTMENT.

Class.	Grade.	Value per Pound Net Frozen Weight.	
Frozen headless porker sides	First quality, exportable (unsinged) ..	d. 7 $\frac{13}{16}$	
	Second quality, exportable (unsinged)	7 $\frac{1}{2}$	
	First quality, unexportable (unsinged)	6 $\frac{13}{16}$	
	Second quality (mutilated), (unsinged)	6 $\frac{5}{16}$	
Frozen Wiltshire sides— (a) Weight range 50/75 lb.	First quality, exportable (singed) ..	8 $\frac{13}{16}$	
	Second quality, exportable (singed) ..	8 $\frac{1}{2}$	
	First quality, unexportable (singed) ..	8 $\frac{13}{16}$	
	Second quality, unexportable (singed)	8 $\frac{1}{2}$	
	Second quality (mutilated), (singed) ..	7 $\frac{5}{16}$	
	(b) Weight range 76/79 lb.	First quality, exportable (singed) ..	6 $\frac{13}{16}$
		Second quality, exportable (singed) ..	6 $\frac{7}{16}$
		First quality, unexportable (singed) ..	6 $\frac{13}{16}$
		Second quality, unexportable (singed)	6 $\frac{7}{16}$
		Second quality (mutilated), (singed) ..	5 $\frac{1}{16}$

T. J. SHERRARD,
Acting Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

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