

unpaid, and such additional payment shall become due and payable or be deemed to have become due and payable on the eighth day following the due date for the payment of levy in respect of which it is imposed.

5 : 8. The decision of the Committee to impose the said additional payment of 10 per cent. may apply generally or to a particular case or class of cases and may apply to any sums already due and unpaid at the date of the resolution, and may by like resolution be rescinded either generally or in respect of a particular case or class of cases.

5 : 9. Every payment of levy and every additional payment may at any time after the due date thereof be recovered in any Court of competent jurisdiction by the Corporation of the Mayor, Councillors, and Citizens of the City of Christchurch as a debt due to the said Corporation.

5 : 10. Where milk is or may be the subject of more than one sale, the Committee may determine that the levy shall be payable in respect of one sale only, and where it has so determined shall determine also in respect of which sale the levy shall be payable, and any such determination as aforesaid may be of general application or apply only to a particular case or class of cases, and shall in every case be revocable at the pleasure of the Committee, but so that the revocation shall not be retrospective.

5 : 11. If at any time the Council is of opinion that the levy for the time being imposed by the Committee is either inadequate or excessive for the purposes referred to in Regulation 5 : 2 hereof the Council may by special order modify the decision of the Committee as to the levy for the time being in force, and such modification shall take effect on the date fixed by the special order and, unless previously revoked or modified by a like special order, shall remain in force for a term to be specified in the special order modifying the levy.

PART VI.—MONTHLY RETURNS.

6 : 1. Every licensed milk-vendor shall within fourteen days after the end of each calendar month deliver to the Committee a return in the form prescribed by the Committee setting forth the quantity of milk sold by him during that month and such other particulars (whether of a like nature or not to the particulars specified in this regulation) as may be from time to time required by the Committee. The return shall, if so required by the Committee, be verified by statutory declaration.

6 : 2. If any milk-vendor fails to deliver to the Committee any return required under these regulations within the time hereinbefore provided in that behalf, or delivers a return which in the opinion of the Committee does not show the quantity of milk actually sold by him, the Committee may make and notify to the milk-vendor an assessment of the quantity of milk upon which, in its opinion, such milk-vendor ought to pay the levy, and the quantity so assessed shall be deemed to be the correct quantity upon which the levy is payable by such milk-vendor, save in so far as he satisfies the Committee or establishes in any action taken by the Committee to recover the levy that the assessment is excessive.

PART VII.—APPEALS.

7 : 1. There shall be a right of appeal to the Council from the whole or any part of any decision of the Committee made in respect of its powers of licensing conferred by these regulations.

7 : 2. The following persons and no others may appeal as aforesaid :—

- (a) The person in respect of whose application the decision of the Committee was given :
- (b) The holder of any license in respect of which the decision was given :
- (c) The Oil Fuel Controller :
- (d) Any other person affected by the decision and being the holder of a license under these regulations, or any local authority or public body :
- (e) Any fifty or more adult residents of any locality affected by the decision of the Committee.

7 : 3. Pending the determination of any appeal duly lodged by a milk-vendor against any decision of the Committee in relation to his business, the appellant may carry on his business in the manner in which and to the extent to which he was lawfully carrying it on at the time when the decision of the Committee was given.

7 : 4. Every appeal shall be delivered to the Town Clerk within seven days after the date when the determination appealed against was communicated by the Committee to the person affected or became known or should have become known to the appellant, and a copy of any correspondence or other documents relating to the subject-matter of the appeal and in the possession of the appellant shall be attached to the petition.

7 : 5. For the purposes of any appeal under these regulations, the provisions of the Commissions of Inquiry Act, 1908, shall, so far as they are applicable and with any necessary modifications, apply as if the Council were a Commission of Inquiry appointed under that Act.

7 : 6. In determination of any appeal the Council may confirm, modify, or reverse the decision appealed against.

7 : 7. The Council may, in the hearing of an appeal, accept such evidence as it thinks fit, whether such evidence would be legally admissible in judicial proceedings or not.

7 : 8. Save as hereinbefore provided, the Council shall determine its procedure in such manner as it thinks fit.

7 : 9. The determination of the Council in any appeal shall be final, and shall have effect according to its tenor. In any case where the decision appealed against is modified or reversed it shall be the duty of the Committee to take forthwith any action that may be required to give effect to the determination of the Council.

7 : 10. No determination of an appeal by the Council shall be invalidated merely by the participation therein of the Mayor or any other Councillor who was a member of the Committee taking part in the decision appealed from.

PART VIII.—GENERAL.

8 : 1. Nothing contained in these regulations shall relieve any person from the obligation of complying with the provisions of the Transport Licensing Act, 1931, the Dairy Industry Act, 1908, the Health Act, 1920, and the Sale of Food and Drugs Act, 1908, and of regulations made under any of the said Acts.

8 : 2. If compliance with the terms of any contract at any time in force is prevented wholly or partially by the operation of these regulations or of any resolution of the Committee or decision of the Council hereunder, then in respect of such prevention these regulations shall be a defence to any action on any such contract :

Provided that if any party would be precluded by this provision from recovering the price of any goods supplied or remuneration for work done prior to the date when such compliance became so prevented, such party shall, any rule of law to the contrary notwithstanding, be entitled to recover the fair value of such goods or work.

8 : 3. The Council shall have power by special order to assume, as from a date to be fixed in such special order, the powers and functions of the Committee, and to delegate such powers and functions to a Committee of the Council, to which shall be appointed a person nominated by the Christchurch Suburban Local Bodies' Association (or in default of such nomination then a person to be nominated by the Minister to represent the local authorities other than the Council any part of the districts of which are within the Christchurch Transport District) and the person described in paragraph (iv) of Regulation 3 : 1 hereof.

8 : 4. As from the date fixed by the special order made in terms of the last preceding regulation, these regulations shall be read as if the word "Council" were substituted for the word "Committee" in all parts of these regulations other than Part I, and Part VII of these regulations shall have no effect.

8 : 5. The Council may from time to time refer to the Committee any particular course of policy in a matter lying within the functions of the Committee, and the Committee shall forthwith take such reference into consideration and report to the Council its determination thereon.

PART IX.—OFFENCES AND PENALTIES.

9 : 1. Every person who—

- (a) Knowingly supplies any false or misleading information in or concerning any application made in terms of these regulations ; or
 - (b) Omits or refuses to supply any information herein required ; or
 - (c) Fails to comply with any condition, duty, or obligation imposed by these regulations or imposed in any license under these regulations : or
 - (d) Fails to comply with any notice given to him under these regulations ; or
 - (e) Otherwise fails to comply with any of these regulations—
- commits an offence against these regulations.

9 : 2. Any person who commits an offence against these regulations shall be liable for every such offence to a fine not exceeding £10.

9 : 3. All fines recoverable under the provisions of these regulations shall, when recovered, be applied in the same manner as fines recovered for breaches of by-laws made by the Council under the Municipal Corporations Act, 1933.

W. O. HARVEY,
Acting Clerk of the Executive Council.