

Scheme Fixing Prices and General Conditions Relating to the Sale of Milk by Treating Houses for Use in All Milk Districts

PURSUANT to powers conferred by section 6 of the Marketing Amendment Act, 1937, the Minister of Marketing hereby fixes prices and general conditions relating to the sale of milk and margins for various services rendered in the collection, treatment, and distribution of milk:—

1. This scheme may be cited as the Treating House Scheme, 1948-49.

2. (1) In this scheme—

“Approved association or organization” means an association or organization of milk producers named in the Second Schedule hereto in relation to a milk district whether or not the association or organization has been approved under the provisions of Part VII of the Milk Act, 1944:

“Director” means the officer of the Marketing Department known as the Director of Milk Marketing, and includes any officer of that Department purporting to act for the Director:

“Price Order” means a price order made under the Control of Prices Act, 1947, and includes any Price Order made in amendment thereof or in substitution therefor:

“Treating house” means a milk-treating house named in the Second Schedule hereto.

(2) References in this scheme to milk districts shall be deemed to be references to the appropriate milk districts described in Price Orders No. 552, published in the *Gazette* of the 30th May, 1946, Nos. 690 and 691, both published in the *Gazette* of the 8th May, 1947, Nos. 761 and 762, both published in the *Gazette* of the 18th September, 1947, Nos. 765 and 766, both published in the *Gazette* of the 25th September, 1947, No. 779, published in the *Gazette* of the 30th October, 1947, No. 811, published in the *Gazette* of the 18th December, 1947, and in any other Price Orders fixing the price of milk.

(3) For the purposes of this scheme, unless the context otherwise requires,—

“Accommodation milk” means milk which is purchased by a treating house or vendor otherwise than under a contract whereby he has contracted to buy milk at regular daily intervals over a period:

“Bottling” includes the placing of milk in cartons or bottles which are sealed in a treating house or other premises approved by the Director for this purpose:

“Bulk retail delivery” means a delivery of milk of a quantity of one gallon or more in any one delivery otherwise than to a vendor or to the occupier of a shop-dairy:

“Gallon” means 10½ lb. by weight or 160 fluid ounces by measure:

“Milk” has the same meaning as in regulations made or subsisting under the Food and Drugs Act, 1947, but does not include cream:

“Pasteurized milk” has the same meaning as in regulations made or subsisting under the Food and Drugs Act, 1947, and “pasteurization” has a corresponding meaning:

“Shop-dairy” means a shop where milk is sold over the counter for consumption or use off the premises and not otherwise, and where the milk so sold is sold in the form in which it was received into the shop-dairy:

“Vendor” means a person who sells milk by way of retail sale, and includes one who sells milk to the occupier of a shop-dairy, but does not include—

(a) A treating house;

(b) The occupier of a shop-dairy; or

(c) A person who sells milk for consumption on his premises (whether in the form in which it is received by him or otherwise and whether separately or in combination with any other substance or substances).

3. (1) This scheme applies to all milk acquired by a treating house from an approved association or organization and sold during the period 1st September, 1948, to 31st August, 1949 (both days inclusive), for use for human consumption.

(2) For the purposes of this scheme, milk shall be deemed to be sold for use for human consumption if it is sold for use as milk or as milk in combination with any other substance or substances or as an ingredient in any beverage.

(3) Subject to the provisions of the last preceding subclause, nothing in this scheme shall apply with respect to milk sold for use in the manufacture of any goods.

4. The prices to be charged by every treating house for milk to which this scheme applies shall be as follows:—

(a) When the milk is sold to persons other than vendors the prices shall be the appropriate prices fixed by the Price Order for the milk district:

(b) Subject to the provisions of this subclause, when the milk is sold to a vendor the price per gallon shall be 3d. per gallon less than the price fixed by the Price Order for the milk district for milk sold to consumers in quantities of one gallon:

Provided that if within ten days from the end of each month a vendor other than a vendor of accommodation milk renders to the treating house in a form approved by the Director a statement of the services performed by such vendor in respect of the resale of the milk, the prices shall be the appropriate prices fixed by the Price Order for the milk district for the respective quantities of milk so stated to be resold less the deductions of the appropriate service margins set out in the First Schedule hereto according to the services performed by the vendor in respect of the milk.

5. (1) For each calendar month during the period referred to in clause 3 hereof, every treating house shall keep records in such form as the Director may require or approve showing in respect of all milk to which this scheme applies—

(a) The total quantity of milk sold by the treating house during the month to persons other than vendors and the total amount paid or payable to the treating house in respect thereof.

(b) The total quantity of milk sold by the treating house during the month to vendors and the total amounts paid or payable to the treating house in respect thereof.

(c) Any other particulars that the Director may require.

(2) A copy of the said record, or any extract or extracts therefrom or any particulars in relation to this scheme, shall be supplied by the treating house to the Director as and when he may require:

(3) The Director may require any such copy, extract, or statement of particulars to be certified as correct by the Secretary or other responsible officer of the treating house.

6. (1) If in any month the total amount paid or payable to the treating house in respect of milk to which this scheme applies is not equal to the appropriate town milk price computed in accordance with clause 7 hereof, increased by the appropriate service margins specified in the First Schedule hereto for the services performed by any approved association or organization supplying milk to the treating house and further increased by the appropriate service margins for the services performed by the treating house, the amount of the deficiency shall be paid to the treating house through the Director.

(2) If in any month the total amount paid or payable to the treating house in respect of milk to which this scheme applies exceeds the appropriate town milk price increased as provided in the last preceding subclause, the amount of the excess shall be paid by the treating house to or in accordance with the instructions of the Director for payment into the appropriate account.

7. For the purposes of this scheme the town milk price, subject to any adjustment therein which may be made pursuant to a milk-supply agreement between the Director and the approved association or organization, shall be the appropriate town milk price for the milk district as shown in the Second Schedule hereto.