

Scheme Fixing Prices and General Conditions Relating to the Sale of Milk by Treating Houses for Use in All Milk Price 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, 1950.
 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 price 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 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) A reference in this scheme to a milk price district shall be deemed to be a reference to the appropriate milk price district named and described in the Third Schedule hereto.
 - (3) For the purposes of this scheme, unless the context otherwise requires—
 - “Accommodation Milk” means milk which is purchased by a vendor otherwise than under a contract for the supply of milk approved for the purposes of this scheme by the Director and binding the purchaser throughout a period to purchase either all his requirements of milk or a certain daily quantity of milk from a treating house;
 - “Bottling” means the placing of milk in cartons or sterile bottles and the immediate and hygienic sealing thereof in a treating house or other premises approved by the Director for this purpose;
 - “Commercial user” means a person who buys milk for sale 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) and including an institution under the control of any Hospital Board or a separate institution within the meaning of the Hospitals Act, 1926;
 - “Consumer” means a person who buys milk for purposes other than resale;
 - “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;
 - “Pasteurization” means the treating of milk by heat in accordance with any of the methods described in regulations made or subsisting under the Food and Drugs Act, 1947;
 - “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 resells milk, and includes one who resells milk to the occupier of a shop dairy but does not include—
 - (a) A treating house, or
 - (b) A person who resells 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 after 31st August, 1950:—
 - (a) To consumers, commercial users, or shop dairies; and
 - (b) To vendors for resale to consumers, commercial users, or shop dairies.
 - (2) Notwithstanding anything in the last preceding subclause this scheme shall not apply 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 shop dairies for resale, or to commercial users or consumers, the prices shall be the prices fixed by the appropriate Price Order current in the milk price district.
 - (b) When the milk is sold to a vendor the price per gallon shall be the price fixed by the appropriate Price Order current in the milk price district for milk sold to a shop dairy for resale.
 5. (1) The prices to be charged by a vendor shall be the prices fixed by the appropriate Price Order current in the milk price district.
 - (2) Where any of the services prescribed in the First Schedule hereto have been performed by a vendor who has resold any milk, other than accommodation milk, the vendor shall be entitled to claim an amount equal to the sum of the margins as prescribed in the said schedule in respect of any services so performed less the difference between the maximum amount that the vendor, in accordance with subclause (1) of this clause, is entitled to charge and the price at which he may be charged in accordance with clause 4 (b) hereof.
 - (3) Any such claim shall be made in a form approved by the Director and shall reach him not later than the tenth day of the month following that in which the said services are claimed to have been performed.
 - (4) If it appears that the services have been performed, and that the claim is otherwise in order, the Director may allow the claim and pay to the claimant the amount of his claim:
- Provided that where a treating house has agreed in respect of any periods during which this scheme is in operation to act as the Director's agent for payment of claims made under this clause any claim allowed by the Director may be paid to the claimant by any such agent.
6. (1) For each calendar month during the continuance of this Scheme, every treating house shall keep records in such a form as the Director may require or approve showing in respect of milk to which this scheme applies—
 - (a) The total quantity sold by the treating house during the month to commercial users, consumers, and shop dairies, and the total amount paid or payable to the treating house in respect of such sales;
 - (b) The total quantity sold by the treating house during the month to all vendors;
 - (c) The total amounts computed at the prices calculated in accordance with clauses 4 and 5 hereof, paid or payable to or by vendors in respect of milk sold to them;
 - (d) 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, statement, or particulars to be certified as correct by the Secretary or other responsible officer of the treating house.
- (4) For each calendar month during the continuance of this scheme, every vendor shall keep records in such a form as the Director may require or approve, showing in respect of milk to which this scheme applies—
 - (a) The daily totals of milk resold by him to commercial users or consumers where such milk has been paid for by cash or by presentation of tokens or coupons;
 - (b) Detailed records showing the daily totals of credit sales to each commercial user or consumer in quantities of under 1 gallon per delivery; and
 - (c) Detailed records showing both the daily totals of all sales to each commercial user or consumer in quantities of 1 gallon per delivery or over, and the daily totals of all sales to each shop dairy for resale; and showing also the names and addresses of the commercial users or consumers or shop dairies to whom milk has been sold.
7. (1) If in any month the total amount paid or payable by vendors to the treating house in respect of milk to which this scheme applies is not equal to the appropriate town milk price for the time being increased by the appropriate service margins specified in the First Schedule hereto in respect of the services performed by any approved association or organization supplying milk to the treating house, and further increased by the appropriate service margins specified in the First Schedule hereto in respect of services performed by the treating house, and further increased by all such amounts as may have been paid by the treating house to vendors under clause 5 hereof, the amount of the deficiency shall be paid to the treating house by the Director.
- (2) If in any month the total amount paid or payable by vendors 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 the Director or in accordance with any instructions he may give in that behalf.
8. For the purposes of this scheme, the appropriate town milk price for any milk price district shall be such price as the Minister may from time to time fix for that district under the provisions of the Marketing Act, 1936.