

*Scheme Fixing Prices and General Conditions Relating to the Sale of Milk for Use in All Milk Marketing Districts*

**P**URSUANT 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 National Milk Scheme 1952.

2. (1) In this scheme—

“ Approved association or organization ” means an association or organization of milk producers named in the Second Schedule hereto, 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, and any special approval made under the said Act.

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

(2) A reference in this scheme to a milk marketing district shall be deemed to be a reference to the appropriate milk marketing 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 treating house or 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 an approved association or organization :

“ Bottling ” means the placing of milk in sterile cartons or bottles and the immediate and hygienic sealing thereof in a treating house or other premises approved by the Director for this purpose :

“ Chilling by mechanical refrigeration ” means the chilling of milk to a temperature not exceeding 40 degrees Fahrenheit :

“ 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 includes 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 :

“ Storing by mechanical refrigeration ” means the holding of milk at a temperature not exceeding 40 degrees Fahrenheit until such time as it is placed on a vehicle for delivery :

“ Town milk price ” in relation to any approved association or organization or treating house means the town milk price fixed for the time being under the Marketing Act 1936 by the Minister of Marketing for the milk marketing district where such association or organization or treating house carries on business :

“ 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 sold after the date of publication thereof in the *Gazette* whether such milk is sold—

(a) By an approved association or organization ; or

(b) By a treating house ; or

(c) By a vendor out of milk acquired by him from an approved association or organization or from a treating house.

(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 for milk to which this scheme applies shall be as follows :—

(a) When the milk is sold by an approved association or organization to a treating house, the price shall be the town milk price increased by the appropriate service margins set out in the First Schedule hereto according to the services performed by the approved association or organization in respect of the milk.

(b) When the milk is sold to a vendor the price shall be the price fixed by the appropriate Price Order current in the milk marketing district for milk sold to a shop dairy for resale.

(c) 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 marketing district.

5. (1) 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 clause 4 (c) hereof is entitled to charge and the price at which he may be charged in accordance with clause 4 (b) hereof.

(2) 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.

(3) 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 an approved association or organization or 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 approved association or organization and 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 during the month to commercial users, consumers, and shop dairies, and the total amount paid or payable in respect of such sales :

(b) The total quantity sold during the month to all vendors :

(c) Total amounts computed at the prices calculated in accordance with clauses 4 and 5 hereof, paid or payable in respect of such milk to and by vendors :

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