

HIGH COMMISSIONER'S NOTICE No. 135 of 1930.

It is hereby notified for general information that His Excellency the High Commissioner has been pleased to approve the subjoined Regulations made by the Resident Commissioner of the Bechuanaland Protectorate in terms of section one of the Dairies and Dairy Produce (Bechuanaland Protectorate) Proclamation, No. 1 of 1929, as amended by Proclamation No. 35 of 1930.

By Command of His Excellency the  
High Commissioner.

SHIRLEY EALES,  
Acting Imperial Secretary.

High Commissioner's Office,  
Pretoria, 31st October, 1930.

BECHUANALAND PROTECTORATE DAIRIES AND  
DAIRY PRODUCE ADDITIONAL REGULATIONS.

1. These regulations shall be read as one with the Bechuanaland Protectorate Dairies and Dairy Produce Regulations (hereinafter called "the principal regulations") appearing under High Commissioner's Notice No. 24 of 1930.

2. Regulation 3 of the principal regulations is hereby amended by the addition of the following definition: " 'Farm dairy butter' means any butter other than creamery butter, milk-blended butter, milled butter, process butter and renovated butter when made elsewhere than in a butter factory by any member or members of one household and sold during any one month in quantity in excess of fifty pounds."

The definition of "farm butter" in the same regulation is amended by the addition of the words "and not being farm dairy butter" at the end thereof.

3. Regulation No. 39 (1) of the principal regulations is amended by the addition of the words "within three hours of delivery" between the words "qualities of butter" and the word "and", also by the addition of the words "the same price per lb. of butter fat shall be paid for all cream of the same grade delivered on the same day," between the words "placed" and "all cream".

LEVY.

4. (1) From the date of publication of this notice a levy of 1d. per lb. is hereby imposed on all creamery butter and all butter substitutes, and from the 1st November, 1930, on all farm butter and from a date to be published later on all cheese manufactured in the Bechuanaland Protectorate or imported into the Bechuanaland Protectorate.

(2) The proceeds of such a levy shall be utilized—

- (a) to pay to the Union Dairy Control Board such sums as may from time to time be by law payable in terms of the Dairy Industry Control Act, No. 35 of 1930, section fifty-five, sub-section (c);
- (b) to encourage the greater consumption of dairy products, and generally to assist the development and betterment of the dairy industry;
- (c) to create a reserve fund into which any surplus levy funds, not required for immediate use, shall be paid;
- (d) to make advances to any owner of butter or cheese, on the security of such butter or cheese, and on such terms as may be determined, provided that such advance shall not exceed 60 per cent. of the value of the butter or cheese in respect of which the money is advanced;
- (e) to defray the expense of representation on the Union Dairy Control Board;
- (f) to make all payments which the Resident Commissioner may lawfully incur under these regulations in the exercise of his functions.

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(3) Any levy imposed by the Resident Commissioner by virtue of sub-section (1) shall be published by the Resident Commissioner by notice in the *Gazette*, and shall become operative upon the date stated in such notice.

5. Any owner of a butter factory or cheese factory shall, upon request, furnish the Resident Commissioner with a correct statement showing—

- (1) the quantity of butter and cheese manufactured by him during any stated period and the quantity of each grade of butter or cheese which he has or has had in stock at any given date, and any other fact which is, in the opinion of the Resident Commissioner, necessary;
- (2) the prices paid per unit of weight or butter-fat content or per unit of volume, for any cream or milk used in such butter factory or cheese factory, during any stated period;
- (3) the quantity and the grades of butter or cheese stored in such butter or cheese factory;
- (4) such other information as may from time to time be required by the Resident Commissioner.

6. (1) Whenever the Resident Commissioner is satisfied that the price ordinarily paid by the owners of butter factories for cream used therein for the manufacture of butter, or that the price ordinarily paid by owners of cheese factories for milk used therein for the manufacture of cheese is unduly low in comparison with the price ordinarily paid in the Union for butter or cheese manufactured in the Union, the Resident Commissioner may, with the approval of the High Commissioner, fix a minimum price (based upon butter-fat content) to be paid for the various grades of cream used in the manufacture of butter in butter factories, and a minimum price (likewise based upon butter-fat content or per unit of volume) to be paid for milk used for the manufacture of cheese in cheese factories.

(2) Any minimum price so fixed shall be published by the Resident Commissioner by notice in the *Gazette* and shall be in force as from the date of publication of such notice until withdrawn by the Resident Commissioner by a like notice.

(3) Any person who, while any such notice is in force, purchases or sells any cream or milk to which such notice refers, at a price below the minimum fixed in such notice for such cream or milk, shall be guilty of an offence.

7. (1) The levy imposed by the Resident Commissioner on creamery butter shall be paid by the owner of every butter factory to the Resident Commissioner before the end of every calendar month on the total quantity of butter manufactured in such butter factory during the preceding calendar month, as disclosed in the statement transmitted to the dairy expert and inspector in terms of sub-section (2) of this regulation.

(2) The owner of every butter factory shall once in every calendar month, not later than the fifteenth day of that month, transmit to the dairy expert and inspector at Mahalapye a correct statement of the total quantity of butter manufactured in such butter factory during the preceding calendar month.

(3) The owner of every butter factory shall keep a correct record (in such form as the dairy expert and inspector considers sufficient) of the total quantity of butter manufactured on every day in such butter factory.

8. (1) Subject to the provisions of sub-section (2) of this regulation, all farm dairy butter sold by retail, after the imposition of a levy on farm dairy butter by the Resident Commissioner, shall be delivered to the purchaser in a closed package to which is attached in manner prescribed by regulation a farm dairy butter levy stamp of a value corresponding with the levy imposed on the quantity of farm dairy butter contained in such package.

(2) The levy imposed by the Resident Commissioner on farm dairy butter, which is payable on farm dairy butter sold on public markets or otherwise than by retail, shall be paid in manner prescribed by the regulation.

(3) Farm dairy butter levy stamps shall be printed in such form, size and colour and on such material as may be prescribed by regulation and shall be offered for sale to the public at post offices and postal agencies.

(4) As soon as may be after the end of every calendar month the Postmaster-General shall remit to the Resident Commissioner the proceeds of the sale of all farm dairy butter levy stamps sold at all post offices and postal agencies during the said month.

9. (1) The levy imposed by the Resident Commissioner on butter substitutes shall be paid by the owner of every butter substitutes factory to the Resident Commissioner before the end of every calendar month on the total quantity of butter substitutes manufactured in such butter substitutes factory during the preceding calendar month, as disclosed in the statement transmitted to the dairy expert and inspector in terms of sub-section (2) of this regulation.

(2) The owner of every butter substitutes factory shall, once in every calendar month, not later than the fifteenth of that month, transmit to the dairy expert and inspector at Mahalapye a correct statement of the total quantity of butter substitutes manufactured in such butter substitutes factory during the preceding calendar month.

(3) The owner of every butter substitutes factory shall keep a correct record (in such form as the dairy expert and inspector considers sufficient) of the total quantity of butter substitutes manufactured on every day in such butter substitutes factory.

10. (1) The levy imposed by the Resident Commissioner on cheese shall, in respect of all cheese manufactured in a cheese factory, be paid by the owner of every such factory to the Resident Commissioner before the end of every calendar month on the total quantity of green cheese (less seven per cent.) manufactured in such factory during the preceding calendar month, as disclosed in the statement transmitted to the dairy expert and inspector in terms of sub-section (2) of this regulation.

(2) The owner of every cheese factory shall, once in every calendar month, not later than the fifteenth day of that month, transmit to the dairy expert and inspector at Mahalapye a correct statement of the total quantity of green cheese manufactured in such factory during the preceding calendar month.

(3) The owner of every cheese factory shall keep a correct record (in such form as the dairy expert and inspector considers sufficient) of the total quantity of green cheese manufactured and of the total quantity of milk used on every day in such factory.

(4) The weight or quantity of any green cheese required for the purpose of any provision of these regulations shall be determined—

(a) in the case of pressed cheese, by weighing it as soon as possible after its removal from the press; and

(b) in the case of any other cheese, by weighing it before its removal to a ripening room.

11. (1) Dairy produce shall only be imported into the territory by means of permit previously obtained from the resident magistrate of the district in which the importer is trading or resident.

(2) All persons importing dairy produce shall keep a register in the form set out in the Schedule hereto.

(3) Levy shall be payable by the importer at the current levy rate, provided that no levy shall be payable if a levy has already been paid in some other territory.

12. (1) The Resident Commissioner shall establish a fund to be known as the butter levy fund into which he shall pay all moneys derived from the levy on butter.

(2) The Resident Commissioner shall also establish a fund to be known as the cheese levy fund into which he shall pay all moneys derived from the levy on cheese.

31. Any bounty or premium paid by the territory on the export of butter shall be defrayed from the butter levy fund and any bounty or premium paid by the territory on the export of cheese shall be defrayed from the cheese levy fund.

14. (1) Any expenditure incurred by the Resident Commissioner in terms of sub-section (2) of regulation No. 4 shall be defrayed either from the butter levy fund or from the cheese levy fund in accordance with the benefit which either the butter industry or the cheese industry may, in the opinion of the Resident Commissioner, be expected to derive from such expenditure.

(2) If any such expenditure is, in the opinion of the Resident Commissioner, calculated to benefit the dairy industry generally, it shall be defrayed from both such funds as nearly as may be in proportion to the amount paid into each fund during the period of twelve months immediately preceding such expenditure.

15. (1) In addition to the funds referred to in regulation No. 12, the Resident Commissioner shall establish a third fund to be known as the general fund, out of which he shall defray all his expenditure not referred to in regulations Nos. 13 and 14.

(2) The Resident Commissioner shall transfer from the butter levy fund and from the cheese levy fund respectively to the general fund such funds as he may deem necessary, but the amount so transferred from each fund shall be proportionate to the amount of the levies paid into it during the period of twelve months immediately preceding such transfer.

(3) The amounts transferred from the butter levy fund and from the cheese levy fund, respectively, to the general fund during the first twelve months after the establishment of the fund, shall be proportionate to the total quantity of butter and cheese manufactured in the territory during the period of twelve months ending 31st December, 1929.

(4) At the end of any calendar year the Resident Commissioner may pay from the butter levy fund and the cheese levy fund, in proportion to the sum standing to the credit of each fund, to a reserve fund such an amount as he may deem desirable.

16. No member of the Administration and no servant or agent of the Administration shall, except in connection with the administration of these regulations or in connection with any legal proceedings under these regulations disclose any information conveyed to the Board in terms of regulations Nos. 5, 7, 9 and 10.

17. No person shall deliver any butter (other than farm butter) sold by him, otherwise than in a closed package.

18. (1) No person shall sell any farm dairy butter unless the package wherein it is delivered bears on the outside thereof in plainly visible printed capital letters the words "farm dairy butter" and the name and address of the producer of such butter: Provided that if such butter weighs one pound or less and is sold from bulk stock by a person other than the producer of such butter, the name and address of the producer need not appear on such package.

(2) The letters forming the words "farm dairy butter" on such package shall not be smaller than one quarter of an inch square if the butter contained therein weighs one pound or less and not smaller than one inch square if the butter contained in such package weighs more than one pound.

(3) The letters forming the name and address of the producer on such package shall be not smaller than one-eighth of an inch square if the butter contained therein weighs one pound or under and not smaller than one inch square if the butter contained in such package weighs more than one pound.

(4) No person shall expose farm dairy butter for sale unless it is contained in a package complying with the requirements of sub-sections (1), (2), and (3), or unless a label bearing the words "farm dairy butter" in plainly visible capital letters not smaller than one inch square and no other name, word, representation or mark is attached thereto in a conspicuous manner.

19. (1) No person shall sell butter marked with the words "farm butter" which is subject to the farm dairy butter levy.

(2) No person shall sell farm butter contained in a closed package unless the package wherein it is delivered bears on the outside thereof in plainly visible capital letters the words "farm butter" and the name and address of the producer of such butter. If such package does not bear such words, name and address, it shall be subject to the levy imposed by the Resident Commissioner on farm dairy butter and shall have attached to the package in which it is contained in manner prescribed by regulation, a farm dairy butter levy stamp of a value corresponding with such levy on the quantity of butter contained in such package.

20. Whenever the owner of a cheese factory has purchased milk for use in such factory on the basis of its butter-fat content (whether he has or has not done so in compliance with a notice under regulation No. 6), he shall sample, weigh, and test such milk in manner prescribed by regulation.

21. (1) As from 5th January, 1931, all cheddar and other hard-pressed varieties of cheese as distinct from cheese commonly known as sweet milk or gouda cheese, shall be graded and branded according to grade by an inspector either at the factory in which it was manufactured or at any other suitable place approved by the dairy expert and inspector.

(2) After such date no person shall sell any such cheese until it has been so graded and branded.

(3) The grading and branding of cheese under sub-section (1) shall be carried out in manner prescribed by regulation.

(4) The owner of any cheese so graded and branded shall pay a fee therefor which shall be fixed by regulation but which shall not exceed one-eighth of a penny per pound, calculated on the green weight of the cheese less seven per cent.

22. Any inspector may, in addition to any act which he is empowered to perform by virtue of the principal regulations or any regulation made thereunder, at any reasonable time—

(a) examine or grade any dairy produce, wherever it may be and in whatever receptacle or package it may be contained and, without payment, take so much thereof as he may reasonably require for the purpose of grading or testing such dairy produce and may in his discretion notify any person who has an interest in such examination of the result thereof; and

(b) examine all books and documents relating to any creamery, cheese factory, condensed milk factory, cream depot or butter substitutes factory or margarine factory;

provided that he shall not have access to any secret document relating to the manufacture of condensed milk.

23. If, in the opinion of an inspector, the grade indicated on any cheese does not correctly represent the quality of that cheese, he may cancel the grade mark and brand the correct grade thereon. He shall in that case also place upon such cheese the word "Regraded" and the date of the regrading.

24. Any person who—

- (a) contravenes or fails to comply with any requirement of these regulations or any prohibition, direction or order issued in terms of these regulations; or
- (b) when furnishing any information for the purposes of any provision of these regulations furnishes information which is false; or
- (c) in any manner obstructs or hinders or intimidates any person in the performance of any act which he is authorized to perform by virtue of these regulations; or
- (d) refuses to deliver to any person, at his request, for examination, grading, sampling, testing or marking any book, document or article in his possession or custody which such person is, by virtue of these regulations empowered to examine, grade, sample, test or mark;

shall be guilty of an offence.

SCHEDULE.

RETURN OF.....IMPORTED INTO THE BECHUANALAND  
PROTECTORATE *ex* .....ON THE.....  
193...

Name and Address of Importer.	Country of Origin.	No. of lb.	Brand.	Value.
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Importer.

Dairy Expert and Inspector,  
Mahalapye, Bechuanaland Protectorate.