PART II

SECTION 11 (4) (*c*) OF AGRICULTURAL HOLDINGS ACT, 1948

11.—(4) Subsection one of this section shall not apply,—

.....

.....

(*c*) to a tenancy of a smallholding as defined in Part IV of the Agriculture Act, 1947, granted in pursuance of a scheme for the farming of such holdings on a co-operative basis or a scheme which provides for the disposal of the produce of such holdings or provides other centralised services for the use of the tenants of such holdings, being in any case a scheme approved by the Minister for the purposes of this paragraph.

Table of Statutes Referred to in this Act

Short Title	Session and Chapter
Petty Sessions (Ireland) Act, 1851	14 & 15 Vict. c. 93.
Destructive Insects Act, 1877	40 & 41 Vict. c. 68.
Contagious Diseases (Animals) (Pleuro-Pneumonia) Act, 1890.	53 & 54 Vict. c. 14.
Agricultural Marketing Act, 1931	21 & 22 Geo. 5. c. 42.
Cattle Industry (Emergency Provisions) Act, 1934.	24 & 25 Geo. 5. c. 54.
Livestock Industry Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 50.
Agriculture Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 70.
Food and Drugs Act, 1938	1 & 2 Geo. 6. c. 56.
Agricultural Development Act, 1939	2 & 3 Geo. 6. c. 48.
Agriculture (Miscellaneous Provisions) Act, 1943	6 & 7 Geo. 6. c. 16.
Food and Drugs (Milk and Dairies) Act, 1944...	7 & 8 Geo. 6. c. 29.
Agriculture (Artificial Insemination) Act, 1946	9 & 10 Geo. 6. c. 29.
Agriculture Act, 1947	10 & 11 Geo. 6. c. 48.
Employment and Training Act, 1948	11 & 12 Geo. 6. c. 46.
Agricultural Holdings Act, 1948	11 & 12 Geo. 6. c. 63.

CHAPTER 38

Agricultural Marketing Act, 1949

ARRANGEMENT OF SECTIONS.

Composition of Boards.

Section.
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Relations of Boards with Ministers, etc.

2. Directions by Ministers to boards as respects certain matters.
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11. Application of principal Act to certain derivative products.
12. Abolition of Market Supply Committee.
13. Repeal of provisions as to development schemes.
14. Repeal of requirements as to consultation with Board of Trade.
15. Provisions as to existing marketing schemes.
16. Saving for Part I of Agriculture Act, 1947.
17. Provisions as to Scotland.
18. Extension of principal Act to Northern Ireland.
19. Supplemental provisions.
20. Short title, construction, citation and repeal.

SCHEDULE.—Enactments repealed.

An Act to amend the Agricultural Marketing Acts, 1931 to 1933, and for purposes connected therewith.

[31st May 1949.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Composition of Boards

Composition of marketing boards.

1.—(1) The composition of the board to administer a scheme under the Agricultural Marketing Act, 1931 (hereinafter referred to as " the principal Act ") shall be such as may be prescribed by the scheme, but the scheme shall be so framed as to secure that—

(*a*) the total number of members shall not be less than eight nor, unless for special reasons the Minister thinks fit to allow a greater number, more than twenty-four;

(*b*) of the members, not less than two and (provided that there are at least two) not more than one-fifth of the total number of members shall be persons appointed by the Minister as being persons who in his opinion are qualified for appointment as having had experience and shown capacity in commerce, finance, administration, public affairs or the organisation of workers, or as being specially conversant with the interests of consumers of the regulated product;

(*c*) subject to the provisions of the scheme as to the filling of casual vacancies in the board, the remaining members shall—

(i) during such period, not being longer than twelve months from the day on which the scheme comes into force, as may be specified in the scheme, be persons named in the scheme;

(ii) after the expiration of the said period, be persons elected in accordance with the scheme, either by registered producers or by a body or bodies elected by such producers in accordance with the scheme;

(*d*) the executive committee of the board referred to in section fifteen of the Agricultural Marketing Act, 1933, shall include at least one of the members of the board who are appointed by the Minister.

(2) Notwithstanding anything in this section, provision may be made by a scheme under the principal Act for the board acting notwithstanding any vacancy in the membership thereof.

(3) In this section the expression " consumers of the regulated product " means persons who purchase the product, or commodities produced wholly or partly therefrom, for their own consumption or use and not persons who purchase the product, or such commodities as aforesaid, for the purpose of any trade or industry carried on by them.

Relations of Boards with Ministers, etc.

Directions by Ministers to boards as respects certain matters.

2.—(1) This section shall have effect with respect to any powers exercisable by the board administering a scheme under the principal Act by virtue of any provision of the scheme providing for any of the following matters, that is to say—

(*a*) for empowering the board to buy the regulated product, to produce commodities from that product, and to sell the regulated product and any commodity so produced by the board;

(*b*) for the determination from time to time—

(i) of the quantity of the regulated product, or of any description thereof, which may be sold by any registered producer;

(ii) of the descriptions of the regulated product which may be sold by any registered producer;

(iii) of the price at, below or above which, the terms on which, and the persons to whom, or through the agency of whom, the regulated product, or any description or quantity thereof, may be sold by any registered producer,

and references in the following provisions of this section to acts or omissions of the board shall be construed as references to acts or omissions of the board in the exercise of any of the said powers.

(2) Subject to the provisions of this section, if it appears to the Minister that the result, or one of the results, of any act or omission of the board or intended act or omission of the board is or will be either—

(*a*) to restrict the purposes for which the regulated product, or any description thereof, is used, or to limit the quantity of the regulated product, or of any description thereof, which is used for any particular purpose; or

(*b*) to limit the quantity of the regulated product, or of any description thereof, or of any commodity produced therefrom, which is produced or sold, whether by registered producers or by other persons; or

(*c*) to regulate the price at which the regulated product, or any description or quantity thereof, or any commodity produced therefrom, is sold, whether by registered producers or by other persons; or

(*d*) to limit the classes of persons to whom or through the agency of whom the regulated product, or any description or quantity thereof, or any commodity produced therefrom, is sold, whether by registered producers or by other persons,

and that that result is or will be contrary to the public interest, the Minister may by order give to the board such directions as to their acts or omissions as he considers necessary or expedient for the purpose of preventing that result or, as the case may be, preventing or mitigating the damage to the public interest entailed thereby, and it shall be the duty of the board to comply with that order:

Provided that nothing in this subsection shall be construed as authorising or requiring the board to do anything which they have no power to do under the scheme.

(3) Before making an order under subsection (2) of this section, the Minister shall give to the board notice in writing stating the general nature of the action which he proposes to take and of his reasons for taking it, and shall not make any order under that subsection for at least twenty-eight days from the date of the notice, and if, within the said period of twenty-eight days or such longer period as the Minister may allow, the board request that the question whether or not any such act or omission or intended act or omission of the board as is referred to in the notice has or will have any such result as is mentioned in paragraphs (*a*) to (*d*) of the said subsection (2), and, if so, whether or not that result is or will be contrary to the public interest, should be referred to a committee of investigation, the Minister shall refer that question to the committee of investigation accordingly and shall not make any order under that subsection until he has considered their report.

(4) Where a question has been referred to a committee of investigation under subsection (3) of this section, it shall be the duty of the committee to consider that question and report to the Minister thereon, and the Minister on receiving their report shall forthwith publish the conclusions of the committee in such manner as he thinks fit, shall proceed to consider the report and may then make such order, if any, under subsection (2) of this section as he thinks fit:

Provided that the Minister shall not make any such order except after consulting the board and shall not in any event make any such order unless either—

(*a*) the committee report that the relevant act or omission or intended act or omission of the board has or will have any such result as is specified in paragraphs (*a*) to (*d*) of the said subsection (2) and that that result is or will be contrary to the public interest; or

(*b*) the relevant act or omission or intended act or omission of the board relates to, or to a commodity produced from, a commodity for the time being specified in the First Schedule to the Agriculture Act, 1947.

(5) The Minister may at any time, after consultation with the board concerned, by order revoke or vary any order in force under the said subsection (2) so as either—

(*a*) to withdraw the whole or any part of the directions in force thereunder; or

(*b*) to vary or add to those directions in any manner which he thinks necessary or expedient in order better to attain the purposes for which those directions were given:

Provided that, except with the consent of the board, the Minister shall not vary or add to any directions under paragraph (*b*) of this subsection where, in his opinion, the need for the variation or addition arose from circumstances not obtaining at the date when the directions were given.

(6) Any order made under any of the provisions of this section shall state the general nature of the reasons for the making thereof and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) For the purpose of enabling a committee of investigation to consider any question which it is their duty under this section to consider, the board administering the scheme to which the question relates shall furnish the committee with such accounts and other information relating to the functions of the board as the committee may reasonably require, and shall be entitled to

make representations to the committee with respect to that question in such manner as may be prescribed by the regulations made by the Minister under the principal Act with respect to the procedure of the committee.

Saving for, and amendments of, s. 9 of the principal Act

3.—(1) The provisions of the last preceding section shall be in addition to and not in derogation of the provisions of section nine of the principal Act (which relates to consumers' committees and committees of investigation and enables the Minister to make certain orders after considering the report of a committee of investigation).

(2) So much of subsection (4) of the last preceding section as requires the Minister to publish the conclusions of a committee of investigation shall apply in relation to reports of a committee of investigation under the said section nine as it applies in relation to reports under the last preceding section.

(3) Subsection (5) of the last preceding section, and, so far as concerns orders under the said subsection (5), subsection (6) of the last preceding section, shall apply in relation to orders under paragraph (*c*) of subsection (5) of the said section nine as they apply in relation to orders under subsection (2) of the last preceding section.

(4) In paragraph (*a*) of subsection (3) of the said section nine (which requires that committees of investigation shall consist of a chairman and four other members) for the word "four," there shall be substituted the words "either four or five."

Temporary directions by Ministers.

4.—(1) Where—

(*a*) the Minister serves any such notice as is provided for by subsection (3) of section two of this Act; or

(*b*) the Minister, under subsection (3) of section nine of the principal Act, directs a committee of investigation to consider a report made by a consumers' committee or any complaint made to him as to the operation of any scheme,

the Minister, if he considers it necessary to take immediate action for the purpose of preventing injury to the public interest from any change made or intended to be made by the board in their course of action in any matter which is relevant to the subject of the notice or, as the case may be, of the report or complaint, may, at or after the time of the giving of the notice or direction, make a temporary order giving to the board such directions as to their course of action in that matter as he may think necessary for that purpose, and it shall be the duty of the board to comply with the order:

Provided that nothing in this subsection shall be construed as authorising or requiring the board to do anything which they have no power to do under the scheme.

(2) A temporary order under this section made by the Minister in connection with the service of such a notice as is provided for by subsection (3) of section two of this Act shall be limited so as to expire on such date as may be specified in the order, not being later than four months from the date of the making thereof:

Provided that if there is any such reference to a committee of investigation as is provided for by the said section two and, at the date so specified in the order, not more than three months have elapsed since the publication by the Minister of the conclusions of the committee, then, subject to the following provisions of this section, the temporary order shall not expire until the expiration of the said period of three months.

(3) A temporary order under this section made in connection with a direction given by the Minister to a committee of investigation under subsection (3) of section nine of the principal Act shall be limited so as to expire not later than twenty-eight days after the date on which the Minister gives to the board such a notice of the action which he intends to take as is provided for by paragraph (iii) of the proviso to subsection (5) of that section; and where a temporary order is made under this section in connection with such a direction as aforesaid to a committee of investigation, it shall be the duty of the Minister, not later than two months after the publication by the Minister of the conclusions of the committee, either to give such a notice or to revoke the temporary order.

(4) The Minister may by order revoke or vary a temporary order under this section but not so as to extend the duration thereof beyond the periods prescribed by subsections (2) and (3) of this section.

(5) Any order under this section shall state the general nature of the reasons for the making thereof and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Imposition of Penalties, etc.

The disciplinary committee.

5.—(1) Every scheme under the principal Act shall, notwithstanding anything in that Act, be so framed as to secure—

(*a*) that there is a committee of the board, to be known as the disciplinary committee, constituted, at each sitting thereof, of not less than four nor more than six members of the board and a chairman who is not a member of the board but is an independent person who is a barrister of not less than seven years' standing, an advocate of not less than seven years' standing or a solicitor of not less than seven years' standing and is approved by the Minister;

(*b*) that no penalty is imposed on a registered producer for a contravention of any provision of the scheme made in pursuance of section five of the principal Act except after a hearing by the said committee and by the decision thereof, taken in accordance with the opinion of all or the majority of the members thereof;

(*c*) that notice of the time and place of every such hearing and a written statement of the charge against the producer in question is served personally or by registered post on that producer at least fourteen days before the hearing;

(*d*) that no penalty is imposed for any such contravention which occurred more than six years, or such less time as is specified in the scheme, before the service of the said written statement of the charge;

(*e*) that, where such a written statement of a charge against a producer has been sent to or served on him as aforesaid and the charge is withdrawn or is not substantiated before the said committee, the board have the power, and, to such extent as the said committee may decide, the duty, to make payments to the producer in respect of his costs in connection with the charge; and

(*f*) that, in such circumstances and subject to such conditions as may be specified in the scheme, the said committee have the power and the duty to reconsider and, if need be, vary their decisions and that effect is given to any such variation.

(2) For the purposes of paragraph (*c*) of subsection (1) of section six of the principal Act (which requires the board to impose penalties on registered producers and recover them from registered producers) and of any provision contained in a scheme in pursuance of the said paragraph (*c*), the imposition of a penalty by a decision of the disciplinary committee shall be deemed to be the imposition thereof by the board, and for the purposes of paragraph (*d*) of that subsection (which relates to arbitration where producers are aggrieved by acts or omissions of boards) and of any provision contained in a scheme in pursuance of the said paragraph (*d*), acts or omissions of the disciplinary committee shall be deemed to be acts or omissions of the board.

(3) Every hearing by the disciplinary committee of a board shall be held in public unless the committee for special reasons direct that the whole or part thereof shall not be so held.

(4) The chairman of the disciplinary committee of a board may direct that any evidence given at a hearing by the committee shall be given on oath and may for that purpose administer oaths.

(5) If, at any sitting of the disciplinary committee of a board, there is an equal division of opinion on any question, the opinion of the chairman shall prevail, and the reference in paragraph (*b*)

of subsection (1) of this section to the opinion of the majority of the members of such a committee shall be construed accordingly.

Losses sustained by boards to be recoverable in the same way as penalties.

6.—(1) Where a contravention of a provision of a scheme under the principal Act (being a contravention for which the board have the duty to impose and recover a penalty) causes loss to the board, the disciplinary committee may, if the written statement of the charge served on the producer in accordance with the provisions of subsection (1) of the last preceding section embodies an estimate by the board of the amount of the loss, together with a statement of the grounds on which that estimate is based, require by their decision that the producer shall pay to the board, in addition to any penalty imposed, such sum, to be stated in the decision, as the committee may think fit, not exceeding the sum which appears to the committee justly to represent the amount of the loss:

Provided that the amount so stated in the decision shall not exceed the amount stated in the said estimate.

(2) Where the written statement of the charge served on a producer in accordance with the provisions of subsection (1) of the last preceding section embodies such an estimate of the loss caused to the board as is referred to in subsection (1) of this section, no loss caused to the board by the contravention to which the charge relates shall be recoverable from the producer otherwise than in the manner for which provision is made by subsection (1) of this section; and, whether or not the written statement of the charge embodies such an estimate as aforesaid, the penalty itself shall not be fixed with a view to recovering the whole or any part of any loss caused to the board by the contravention.

(3) Where such a contravention as aforesaid is concerned with the giving of information or returns to the board and as a result of the contravention the board fail to assess on or demand from the producer a contribution or other payment, or the full amount of a contribution or other payment, which they are entitled to receive from him, the contribution or payment, or the amount not assessed or demanded, as the case may be, shall, if the board so elect by including an estimate of the amount thereof in the written statement of the charge served on the producer in accordance with the provisions of subsection (1) of the last preceding section, be treated for the purposes of this section as lost to the board by reason of the contravention.

Power to postpone imposition of penalty.

7. So much of any scheme under the principal Act as, in pursuance of paragraph (*c*) of subsection (1) of section six of that Act, requires the board to recover penalties from a registered producer shall not be construed as preventing the disciplinary committee, if they find that a contravention has occurred, from postponing the imposition of a penalty for such

period, not exceeding twelve months, as may be specified in the scheme, but save as aforesaid nothing in this or the two last preceding sections shall be construed as derogating from the duty to impose and recover penalties which is required by the said paragraph (*c*) to be provided for by every such scheme.

Enforcement of decisions of disciplinary committee and power to state cases.

8.—(1) Section twelve of the Arbitration Act, 1889, and section ten of the Arbitration Act, 1934 (which relate to the summary enforcement of awards) and section nine of the Arbitration Act, 1934 (which relates to the statement of cases by arbitrators and umpires) shall apply in relation to the hearing and determining of the matters which by virtue of any of the preceding provisions of this Act are referred to the disciplinary committee of a board, and in relation to the enforcement of the decisions of that committee, as if the proceedings were an arbitration under a submission to which the board and the producer were parties and as if the disciplinary committee were the arbitrator or umpire under the submission.

(2) Subsection (1) of this section shall not apply to Scotland and the following provisions shall have effect in Scotland in lieu thereof—

(*a*) the disciplinary committee of a board may, and if so directed by the Court of Session shall, state a case for the opinion of that Court on any question of law arising in the proceedings relating to any matter referred to the committee by virtue of any of the preceding provisions of this Act, and an appeal shall lie with the leave of the Court of Session or of the House of Lords from any decision of the Court of Session under this paragraph and such leave may be given on such terms as to expenses or otherwise as the Court of Session or the House of Lords may determine;

(*b*) any decision of a disciplinary committee in any such proceedings as aforesaid may be recorded for execution in the books of council and session, and shall be enforceable accordingly.

Powers, etc., of Boards

Extension of powers which may be conferred on marketing boards.

9.—(1) The matters for which, subject to the approval of the Minister, a scheme under the principal Act may provide shall include all or any of the following matters, that is to say—

(*a*) for empowering the board to manufacture or acquire, and to sell or let for hire to registered producers and other persons, anything required for the production, grading, packing, storing, adaptation for sale, transport or sale of the regulated product;

(*b*) for empowering the board to render to registered producers and other persons, on payment or otherwise, any service which is calculated to promote the more efficient production, grading, packing, storing, adaptation for sale, transport or sale of the regulated product;

(*c*) for empowering the board to co-operate with any other person in doing anything which the board are or might be empowered to do by virtue of paragraph (*a*) or paragraph (*b*) of this subsection, or by virtue of paragraph (*a*) of section five of the principal Act or of section six of the Agricultural Marketing (No. 2) Act, 1933 (which provide for the conferring on boards of certain powers to buy products, to produce commodities therefrom and to sell, grade, pack, store, adapt for sale, insure, advertise and transport such products and commodities, as agents or otherwise);

(*d*) for empowering the board to do anything calculated to procure, promote or facilitate the doing by any other person of anything in the doing of which the board are or might be empowered to co-operate by virtue of paragraph (*c*) of this subsection:

Provided that a provision included in a scheme by virtue of paragraph (*a*) or paragraph (*b*) of this subsection shall be so framed as to secure that the things sold or let for hire, and the services rendered, are sold, let for hire or rendered, either exclusively or primarily, in such circumstances as to be likely to be utilized, either wholly or mainly, by, or in connection with the regulated product produced by, registered producers, and paragraphs (*c*) and (*d*) of this subsection shall be construed accordingly.

(2) Any provisions included in a scheme by virtue of this section shall be included among the provisions the operation of which, except in the case of a substitutional scheme, is to be suspended until the expiration of the suspensory period.

Investment of surplus funds of boards.

10. Every scheme under the principal Act shall be so framed as to secure that—

(*a*) the moneys of the board not for the time being required by them for the purposes of their functions are not, except with the approval of the Minister, invested otherwise than in securities in which a trustee is authorised, under sections one and two of the Trustee Act, 1925, as extended by any subsequent enactment, to invest trust funds, or in the stocks, funds or securities mentioned in section ten or section eleven of the Trusts (Scotland) Act, 1921, or for the time being approved by the Court of Session under section twenty-seven of the last-mentioned Act; and

(*b*) a statement of the manner in which any such moneys as aforesaid are invested is included in an annual report made by the board to the Minister and to registered producers.

Miscellaneous

Application of principal Act to certain derivative products.

11.—(1) It is hereby declared that, in the definition in subsection (1) of section eighteen of the principal Act of the expression " agricultural product ", the reference to fleeces includes a reference to all kinds of wool, whether from a living animal or from a dead animal or from the skin of a dead animal.

(2) Subsection (2) of section ten of the Agricultural Marketing Act, 1933 (which enables a scheme to provide that sales of agricultural products wholly or partly manufactured or derived from the regulated product shall in certain circumstances be deemed to be sales of the regulated product) shall apply in relation to the sale of all products wholly or partly manufactured or derived from the regulated product, whether they are agricultural products or not, and accordingly, in the said subsection (2), for the words " the sale of any agricultural product " there shall be substituted the words " the sale of any product."

Abolition of Market Supply Committee.

12. The Market Supply Committee directed to be established by section three of the Agricultural Marketing Act, 1933, is hereby abolished, and the said section three, and so much of any enactment or scheme as authorises or requires the Market Supply Committee to be consulted on any matter, are hereby repealed.

Repeal of provisions as to development schemes.

13. Part II of the Agricultural Marketing Act, 1933 (which provides for development schemes for organising the production of secondary agricultural products) is hereby repealed.

Repeal of requirements as to consultation with Board of Trade.

14. So much of subsection (8) of section one of the principal Act as requires the Minister to consult the Board of Trade before laying a draft scheme before Parliament, so much of subsection (2) of section nine of that Act as requires the Minister to consult the Board of Trade before appointing the members of a consumers' committee, and so much of subsection (5) of the said section nine as requires the Minister to consult the Board of Trade before making an order as a result of a report from a committee of investigation, are hereby repealed.

Provisions as to existing marketing schemes.

15.—(1) Subject to the provisions of this section, the Minister, after consulting the board administering the scheme, shall by order make, in every scheme under the principal Act approved before the passing of this Act, such amendments as appear to him to be necessary to bring the scheme into accordance with any provisions of this Act which require schemes to be framed

so as to secure particular results, and such further amendments, if any, being amendments consequential on or incidental to the amendments aforesaid, as he thinks expedient, and any such order may contain any such transitional provisions as the Minister thinks expedient.

(2) The provisions of this section, and the preceding provisions of this Act, shall have effect subject to the provisions of any Defence Regulations, and of any order or other instrument made, whether before or after the passing of this Act, under powers conferred by Defence Regulations, and subsection (1) of this section shall not be construed as requiring the Minister to make any amendment in any scheme if, having regard to the extent to which that scheme is modified or suspended by any Defence Regulations or any such order or instrument as aforesaid, it is not in his opinion for the time being necessary or expedient that that amendment should be made in that scheme.

(3) Where the operation of any scheme under the principal Act approved before the passing of this Act has been suspended or modified in whole or in part by any Defence Regulation or any order or other instrument made, whether before or after the passing of this Act, under powers conferred by any Defence Regulation, the Minister may by order make such transitional provision as he may think necessary or expedient for removing any difficulty which would otherwise arise when that suspension or modification ceases to have effect, and in particular for removing any difficulty which would otherwise arise in relation to the composition of the board.

(4) Any order under any of the preceding provisions of this section may be revoked or varied by a subsequent order of the Minister.

(5) Any order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Saving for Part I of Agriculture Act, 1947.

16. The provisions of this Act shall be without prejudice to the powers and duties of the Ministers under Part I of the Agriculture Act, 1947.

Provisions as to Scotland.

17.—(1) Paragraphs (3), (4) and (5) of section nineteen of the principal Act (which enable a scheme under the principal Act to provide that the governing body of an agricultural society shall in certain circumstances be the board for the purposes of the scheme and render legal certain contracts of agricultural societies in Scotland with their members) shall cease to have effect except as regards schemes and contracts in force at the passing of this Act.

(2) Where in any scheme made by the Minister of Food under Defence Regulations and in force at the passing of this Act for the regulation of the marketing of milk in any area in Scotland

provision is made for the administration of the scheme by the board administering a scheme made under the principal Act for some other area, the Secretary of State may, if he is satisfied that that board and at least two-thirds of the registered producers in the first mentioned area assent, by order provide that the scheme made under the principal Act shall, subject to such modifications as may be specified in the order, apply to the first mentioned area as if that area had been comprised in the scheme under the principal Act.

(3) Before any order is made under the last foregoing subsection, a draft thereof shall be laid before each House of Parliament and the order shall not be made until the draft has been approved by resolution of each House. There shall be laid before each House with any draft order a statement of the evidence on which the Secretary of State is satisfied as to the assent of two-thirds of the registered producers.

(4) An order made under subsection (2) of this section may be varied or revoked by a subsequent order made in the like manner and subject to the like consent and conditions as the original order.

Extension of principal Act to Northern Ireland.

18.—(1) Subject to the provisions of this section, this Act and the principal Act shall extend to Northern Ireland.

(2) A scheme under the principal Act may be applicable to Great Britain or any part thereof or to Great Britain or any part thereof and also to Northern Ireland or any part thereof but shall not be applicable only to Northern Ireland or a part thereof.

(3) A draft of a scheme under the principal Act which, by the terms of the draft, is to apply to Northern Ireland or any part thereof shall not be laid before either House of Parliament under subsection (8) of section one of the principal Act unless each House of Parliament of Northern Ireland has resolved that it is expedient that a scheme in the terms of the draft should, if approved under the said subsection (8), extend to Northern Ireland.

(4) If the draft of a scheme under the principal Act which, by the terms of the draft, is to be applicable to Northern Ireland or any part thereof has been laid before either House of the Parliament of Northern Ireland and that House has resolved that it is not expedient that the scheme should extend to Northern Ireland, the Minister may thereupon make in the draft of the scheme such modifications as are necessary in order to prevent the scheme applying to any part of Northern Ireland and such other modifications, being modifications consequential on the modifications aforesaid, as he may think fit; and paragraph (*c*) of subsection (5) of section one of the principal Act (which relates to the notice to be given of modifications and enables schemes to be withdrawn) shall apply in relation to the modifications

and they shall be taken into account by the Minister under subsection (8) of that section before he lays the draft of the scheme before Parliament.

(5) References in this Act or the principal Act to the Minister and the Gazette shall, in relation to any scheme applicable to Northern Ireland or any part thereof, include respectively references to the Secretary of State concerned with agriculture in Northern Ireland and the Belfast Gazette, and the reports which, under section ten of the principal Act, are to be laid yearly before Parliament shall, instead of being reports by the Minister of Agriculture and Fisheries and the Secretary of State for Scotland, be reports by the Minister of Agriculture and Fisheries, the Secretary of State for Scotland, and the Secretary of State concerned with agriculture in Northern Ireland.

(6) The consumers' committees, committees of investigation and Agricultural Marketing Facilities Committees for Great Britain, for England and for Scotland shall operate, and the Agricultural Marketing Fund and the Agricultural Marketing (Scotland) Fund shall be applicable, in relation to schemes applicable to Northern Ireland or any part thereof, in like manner as they operate and are applicable respectively in relation to schemes not applicable to Northern Ireland or any part thereof, but when any such committee is considering any scheme applicable to Northern Ireland or any part thereof there shall be added thereto as additional members thereof such persons as the Minister may appoint for the purpose.

(7) The Minister may constitute one or more Agricultural Marketing Re-organisation Commissions for Great Britain and Northern Ireland, for England and Northern Ireland and for Scotland and Northern Ireland, which shall, if the Minister so directs, be charged with the duty of preparing, in accordance with the provisions of the principal Act, schemes (applicable respectively in England, Scotland and Northern Ireland, in England and Northern Ireland and in Scotland and Northern Ireland) for regulating the marketing of such agricultural products as the Minister may direct, and the provisions of the principal Act relating to Agricultural Marketing Re-organization Commissions shall, with the necessary adaptations, apply in relation to Commissions constituted under this subsection as they apply in relation to the Commissions for which provision is made by subsection (1) of section fifteen of the principal Act.

(8) In the two last preceding subsections and in the provisions of the principal Act relating to Agricultural Marketing Re-organization Commissions, as applied by the last preceding subsection, references to the Minister include references to the Secretary of State concerned with agriculture in Northern Ireland.

(9) The reference in subsection (3) of section four of the principal Act to the Agricultural Returns Act, 1925, shall be deemed

to include a reference to the Agricultural Returns Act (Northern Ireland), 1939, as amended by any subsequent enactment of the Parliament of Northern Ireland.

(10) For the purposes of the extension of the principal Act to Northern Ireland, subsection (4) of section eight thereof shall have effect as if—

(*a*) for the words " within the district of which " there were substituted the words " having jurisdiction in the area in which ";

(*b*) references therein to the High Court were construed as references to the High Court of Justice in Northern Ireland;

(*c*) for the reference in paragraph (b) thereof to section one hundred and twenty-six of the County Courts Act, 1888, there were substituted a reference to sections thirty-five and fifty-seven of the County Officers and Courts (Ireland) Act, 1877.

(11) Section eight of this Act shall have effect in Northern Ireland as if—

(*a*) for the reference therein to section twelve of the Arbitration Act, 1889, and section ten of the Arbitration Act, 1934, there were substituted a reference to section sixteen of the Arbitration Act (Northern Ireland) 1937; and

(*b*) for the reference therein to section nine of the Arbitration Act, 1934, there were substituted a reference to section twenty-two of the Arbitration Act (Northern Ireland), 1937.

(12) An Act of the Parliament of Northern Ireland may provide that the principal Act and this Act shall cease to have effect in Northern Ireland except in relation to schemes already approved before the passing of the first-mentioned Act, and in that event the principal Act and this Act shall cease to have effect accordingly except in relation to schemes already approved as aforesaid.

Supplemental provisions.

19.—(1) Any power conferred on the Minister or the Secretary of State by any of the preceding provisions of this Act to make an order shall be exercisable by statutory instrument.

(2) Any reference in this Act to any enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended or extended by or under any other enactment, including this Act.

(3) There shall be paid out of moneys provided by Parliament—

(*a*) any increase in the sums payable, out of moneys so provided, under section eleven of the principal Act to the Agricultural Marketing Fund and the Agricultural Marketing (Scotland) Fund, being an increase

attributable to so much of this Act as provides for extending the functions of boards or the areas to which schemes apply, extends the definition of the expression " agricultural product " or enables schemes to be made applicable to Northern Ireland or any part of Northern Ireland;

(*b*) any increase in the sums payable, out of moneys so provided, under subsection (5) of section sixteen of the principal Act in respect of remuneration of the chairman or other members of, or of the secretary, officers, agents or servants of, or in respect of other expenses of, commissions or committees, being an increase attributable to so much of this Act as applies the said section sixteen to Agricultural Marketing Re-organization Commissions for Great Britain and Northern Ireland, for England and Northern Ireland and for Scotland and Northern Ireland, extends the functions of consumers committees, committees of investigation and Agricultural Marketing Facilities Committees, enables committees of investigation to consist of a chairman and five members or requires that when consumers committees, committees of investigation or Agricultural Marketing Facilities committees are considering schemes applicable to Northern Ireland or any part of Northern Ireland there shall be additional members thereof.

(4) For the avoidance of doubt, it is hereby declared that section sixteen of the principal Act (which contains general provisions as to commissions and committees constituted or appointed under that Act) does not apply to any committee of a board.

Short title, construction, citation and repeal.

20.—(1) This Act may be cited as the Agricultural Marketing Act, 1949, and, except so far as it relates to the Market Supply Committee or to development schemes under Part II of the Agricultural Marketing Act, 1933, shall be construed as one with the principal Act, and the Agricultural Marketing Acts, 1931 to 1933 and this Act may be cited together as the Agricultural Marketing Acts, 1931 to 1949.

(2) The enactments specified in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that, without prejudice to the powers and duties of the Minister under this Act as to the making of orders amending schemes, and without prejudice also to the provisions of this Act relating to the Market Supply Committee, the repeal by this subsection of any enactment or part of an enactment authorising the inclusion of any provision in any scheme shall not invalidate any provision of any scheme under the principal Act approved before the passing of this Act.

SCHEDULE

Section 20.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
21 & 22 Geo. 5. c. 42.	The Agricultural Marketing Act, 1931.	In subsection (8) of section one, the words " after consultation with the Board of Trade ". Paragraph (*c*) of section five. In section nine, in subsection (2), the words " with the Board of Trade and " and in subsection (5), the words " and consulting the Board of Trade ". In section nineteen, paragraphs (3) to (5), except as regards schemes and contracts in force at the passing of this Act. Subsection (2) of section twenty.
23 & 24 Geo. 5. c. 31.	The Agricultural Marketing Act, 1933.	In paragraph (*a*) of subsection (1) of section one, the words " or schemes under this Act ". In subsection (3) of section two, the words " and the Market Supply Committee ". Sections three to nine. In subsection (2) of section ten, the word " agricultural ". Section fourteen. In section fifteen, from the words " and (*b*) for securing " to the end of subsection (1). Section eighteen. In section twenty-two, in subsection (1) the words " or a development scheme " and the words " or to the appropriate Minister, as the case may be ", in subsection (4) the words " or a development scheme " and in subsection (5) the words " or by the appropriate Minister " and the words from " but in determining " to the end of the subsection. In section twenty-six, in subsection (3) the words " not being a provision contained in Part II of this Act ".

Session and Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 31—*cont.*	The Agricultural Marketing Act, 1933—*cont.*	Subsection (2) of section twenty-seven. In section twenty-nine, in subsection (1) the definitions of "the appropriate Minister", "constituent marketing board", "the development board", "related marketing scheme" and "the secondary product".
1 & 2 Geo. 6. c. 71.	The Bacon Industry Act, 1938.	In section thirty, the words "or development schemes" and the words "and a development scheme under that Act organising the production of bacon".

Table of Statutes referred to in this Act

Short Title	Session and Chapter
County Officers and Courts (Ireland) Act, 1877	40 & 41 Vict. c. 56.
County Courts Act, 1888	51 & 52 Vict. c. 43.
Arbitration Act, 1889	52 & 53 Vict. c. 49.
Trusts (Scotland) Act, 1921	11 & 12 Geo. 5. c. 58.
Trustee Act, 1925	15 & 16 Geo. 5. c. 19.
Agricultural Returns Act, 1925...	15 & 16 Geo. 5. c. 39.
Agricultural Marketing Act, 1931	21 & 22 Geo. 5. c. 42.
Agricultural Marketing Act, 1933	23 & 24 Geo. 5. c. 31.
Agricultural Marketing (No. 2) Act, 1933 ...	24 & 25 Geo. 5. c. 1.
Arbitration Act, 1934	24 & 25 Geo. 5. c. 14.
Agriculture Act, 1947	10 & 11 Geo. 6. c. 48.

CHAPTER 39

Commonwealth Telegraphs Act, 1949

ARRANGEMENT OF SECTIONS

The Commonwealth Telecommunications Board

Section
1. Establishment of Commonwealth Telecommunications Board.
2. Power to amend First Schedule to this Act.
3. United Kingdom's contributions towards the Board's expenses.

Provisions relating to Transfer of the Operating Company's Assets to the Postmaster General

4. Vesting in the Postmaster General of operating company's interests in land.
5. Financial provisions.