(2) AGRICULTURAL MARKETING

The Agricultural Marketing (Committee of Investigation) Regulations, 1949

1949 No. 2452

Made - - - -	*30th December*, 1949
Laid before Parliament	*2nd January*, 1950
Coming into Operation	*10th January*, 1950

In pursuance of subsection (3) of section 16 of the Agricultural Marketing Act, 1931(**a**), and of all other powers enabling them in that behalf, the Minister of Agriculture and Fisheries and the Secretary of State for Scotland hereby make the following regulations:—

1. These regulations may be cited as the Agricultural Marketing (Committee of Investigation) Regulations, 1949, and shall come into operation on the tenth day of January, 1950.

2. The Interpretation Act, 1889(**b**), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. The Agricultural Marketing (Committee of Investigation) Regulations, 1932(**c**), and the Agricultural Marketing (Committee of Investigation) Amending Regulations, 1936(**d**), are hereby revoked.

4. In these regulations unless the context otherwise requires:—

"the Acts" means the Agricultural Marketing Acts, 1931 to 1949(**e**).

"Board" means the board administering the relevant scheme.

"Committee" means a Committee of Investigation appointed under the Acts.

"complaint to the Minister" means a complaint made to the Minister as to the operation of any scheme which in the opinion of the Minister cannot be considered by a Consumers' Committee under subsection (2) of section 9 of the Agricultural Marketing Act, 1931.

"complainant" means a person who has made a complaint to the Minister.

"direction" means a direction given by the Minister to a committee in accordance with the provisions of paragraph (*b*) of subsection (3) of section 9 of the Agricultural Marketing Act, 1931.

"the Minister" means—

in relation to a Committee of Investigation for Great Britain, the Minister of Agriculture and Fisheries and the Secretary of State for Scotland, acting in conjunction:

(**a**) 21 & 22 Geo. 5. c. 42.
(**b**) 52 & 53 Vict. c. 63.
(**c**) S.R. & O. 1932 (No. 716) p. 11.
(**d**) S.R. & O. 1936 (No. 873) I, p. 20.
(**e**) 21 & 22 Geo. 5. c. 42; 23 & 24 Geo. 5. c. 31; 24 Geo. 5. c. 1; 12, 13 & 14 Geo. 6. c. 38.

in relation to a Committee of Investigation for England, the Minister of Agriculture and Fisheries:

in relation to a Committee of Investigation for Scotland, the Secretary of State for Scotland:

and, when any such Committee is considering any scheme applicable to Northern Ireland or any part thereof, "the Minister" includes, for the purposes of Regulations 6 (*a*), 14, 15 and 18 of these regulations, the Secretary of State concerned with Agriculture in Northern Ireland.

"reference" means a reference of a question by the Minister to a Committee in accordance with the provisions of subsection (3) of section 2 of the Agricultural Marketing Act, 1949(**a**).

"Scheme" means a scheme or an amended scheme which is for the time being in force under the Acts.

5. The meetings and procedure of every Committee shall be regulated in accordance with these regulations.

6.—(*a*) A direction and a reference shall be in writing and shall be sent to the Secretary of the Committee together with, in the case of a direction, a copy of the report of the Consumers' Committee or of the complaint to the Minister as the case may be, and, in the case of a reference, a copy of the notice given by the Minister to the Board in pursuance of sub-section (3) of section 2 of the Agricultural Marketing Act, 1949.

(*b*) Thereupon the Secretary of the Committee shall, in the case of a direction, send to every member of the Committee and to the Board a copy of such direction and of such report or complaint, and in the case of a reference, send to every member of the Committee a copy of such reference and notice and to the Board a copy of such reference.

7. The Chairman of the Committee or, in the case of the Chairman's inability through any cause to act, another member of the Committee designated by the Minister for the purpose, shall, upon receipt of a direction or of a reference, convene a meeting of the Committee for the consideration of the direction or the reference and the procedure to be adopted in respect thereof (so far as not determined by these regulations).

8. Any meeting of the Committee may be adjourned from time to time and to such place as the Committee may determine.

9. Unless the Committee shall in any particular case otherwise determine, the Committee shall sit in private.

10. If the Chairman is absent from any meeting of a Committee, the members of the Committee present shall elect one from among themselves to act as deputy for the Chairman and to preside at that meeting.

11. Three members of the Committee shall constitute a quorum, provided that, when the Committee is considering any scheme applicable to Northern Ireland or any part thereof, the quorum shall be four members, one of whom shall be the additional member or one of the additional members appointed to the Committee in pursuance of subsection (6) of section 18 of the Agricultural Marketing Act, 1949. 62/2320

12. Every question at any meeting of a Committee shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of votes, the Chairman or, in the absence of the Chairman, the deputy for the Chairman, shall have a second or casting vote.

(**a**) 12, 13 & 14 Geo. 6. c. 38.

13. A Committee shall cause minutes of its proceedings to be kept in a Minute Book, and such minutes shall be signed by the Chairman or, in the absence of the Chairman, by the deputy for the Chairman, at the meeting at which they are approved as correct. A Committee shall also cause a record to be kept showing the names of the members present at each meeting.

14.—(1) In any case where a direction is given or a question is referred by a reference, the Board shall be entitled to make representations in writing to the Committee within a time to be determined and notified to the Board by the Committee, and shall at the same time send a copy of such representations—

(*a*) in the case of a direction to consider a report made by a Consumers' Committee, to the Consumers' Committee;

(*b*) in the case of a direction to consider a complaint to the Minister, to the complainant;

(*c*) in the case of a reference, to the Minister.

The Board may also, by leave of the Committee, be heard by or submit evidence before the Committee. For the purpose of this Regulation, the Board may, without prejudice to the provisions of Regulation 16, appoint the Chairman or any member of the Board to act on behalf of the Board.

(2) In any case where a question is referred by a reference, the Minister shall be entitled to make representations in writing to the Committee within a time to be determined and notified to the Minister by the Committee and shall, at the same time, send a copy of such representations to the Board. The Minister may also, by leave of the Committee, be heard by or submit evidence before the Committee.

15. In any case where a direction is given to consider a complaint to the Minister, the complainant shall be entitled to make representations in writing to the Committee within a time to be determined and notified to him by the Committee and shall at the same time send a copy of such representations to the Board. The complainant may also by leave of the Committee be heard by and submit evidence before the Committee.

16. At any meeting of a Committee at which any party is to be heard or evidence is to be taken, the parties appearing may appear either in person or by counsel, solicitor, representative or agent, and any party who is entitled in pursuance of these regulations to make representation in writing to the Committee in respect of the subject matter of a direction or a reference shall be entitled to be present at any such meeting.

17. Any witness appearing before a Committee shall, if the Committee thinks fit, be examined on oath or affirmation and the Chairman or, in the absence of the Chairman, the deputy for the Chairman, shall have power to administer oaths and to take affirmations.

18. A report by a Committee to the Minister in connection with a direction or a reference shall be in writing and shall be accompanied by a note of any observations which any member of the Committee who dissents from the report, or any part thereof, desires to make.

19. Expenses shall be incurred by a Committee only with the prior consent of the Minister and in accordance with instructions issued by him from time to time, and the Secretary of a Committee shall keep accounts of all expenses properly incurred by or on behalf of the Committee in such form as the Minister may from time to time direct.

20. A Committee shall furnish to the Minister such information relating to the performance of its functions as the Minister may from time to time require.

21. Subject to the provisions of section 9 of the Agricultural Marketing Act, 1931, and of these regulations, the procedure of the Committee shall be such as the Chairman or, in his absence, the deputy for the Chairman, may determine.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this thirtieth day of December, 1949.

(L.S.) *T. Williams,*
Minister of Agriculture and Fisheries.

Given under the Seal of the Secretary of State for Scotland this thirtieth day of December, 1949.

(L.S.) *Arthur Woodburn,*
Secretary of State for Scotland.

EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport.)

Section 2 of the Agricultural Marketing Act, 1949, adds to the matters which may be referred for examination by a Committee of Investigation under the Agricultural Marketing Acts. These regulations which deal with the procedure of such Committees and supersede the regulations previously in force, include provision for the additional matter.

The Agricultural Marketing (Public Inquiry) Rules, 1949

1949 No. 2094

Made - - - -	*8th November,* 1949
Laid before Parliament	*14th November,* 1949
Coming into Operation	*22nd November,* 1949

In pursuance of subsection (6) of section 1 of the Agricultural Marketing Act, 1931(**a**), and section 18 of the Agricultural Marketing Act, 1949(**b**), and of all other powers enabling them in that behalf, the Minister of Agriculture and Fisheries and the Secretary of State for Scotland and the Secretary of State for the Home Department (being the Secretaries of State concerned with agriculture in Scotland and Northern Ireland respectively) hereby make the following rules:—

1. These rules may be cited as the Agricultural Marketing (Public Inquiry) Rules, 1949, and shall come into operation on the twenty-second day of November, 1949.

(a) 21 & 22 Geo. 5. c. 42. (b) 12, 13 & 14 Geo. 6. c. 38.