CHAPTER 71.

An Act to provide for the better organisation of the bacon industry and the pig producing industry and in that connection to provide for payments out of and into the Exchequer, and the continuance of the regulation of imports; and for purposes connected with the matters aforesaid. [29th July 1938.]

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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 :—

PART I.

ORGANISATION.

Establishment of new Bacon Development Board.

1.—(1) For the purposes of this Act, and in particular for the purpose of administering this Act so far as no other provision is made thereby for the administration thereof, there shall be a Board, to be called the Bacon Development Board, which shall be a body corporate with a common seal and power to hold land without licence in mortmain.

(2) The said Board (hereinafter referred to as "the Development Board") shall consist of—

(*a*) five persons appointed by the Minister, being persons who in the opinion of the Minister are by reason of their financial, commercial or

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administrative experience, fitted to serve on the Board;

(*b*) four persons nominated by the Pigs Marketing Board; and

(*c*) four persons nominated by the Bacon Marketing Board.

(3) The Development Board shall pay to each of its members such remuneration, and each of its members shall hold office for such period (not exceeding three years) and on such terms, as the Minister may determine at the time of his appointment or nomination:

Provided that—

(*a*) before making any such determination as respects a nominated member, the Minister shall consult the Board by which he was nominated; and

(*b*) any member of the Development Board may, by notice under his hand addressed to the secretary of that Board, resign his office.

(4) The provisions of the First Schedule to this Act shall have effect with respect to the Development Board and its proceedings.

(5) The Board established by the Bacon Development Scheme, 1935, shall cease to exist, and that scheme shall cease to have effect, and any property and rights acquired and liabilities incurred by the Board established by the said Scheme shall, by virtue of this Act and without more, become property, rights and liabilities of the Development Board established by this Act.

Relations between Marketing Boards and Development Board.

2.—(1) The Development Board shall exercise its functions under this Act in consultation, so far as may be, with the Pigs Marketing Board and the Bacon Marketing Board, and those Marketing Boards shall, as respects the exercise of their respective functions under the subsequent provisions of this Act, save in so far as they are expressly directed by this Act to act independently of the Development Board, act in accordance with any directions given to them by the Development Board in writing.

The power of the Development Board to give directions to a Marketing Board as respects the exercise

of the Marketing Board's functions shall be deemed to include power to direct the Marketing Board to abstain from exercising its powers to such extent as may be specified in the direction.

(2) If on the application of the Development Board the Minister is satisfied that either of the two Marketing Boards has failed to comply with any directions given to it by the Development Board under subsection (1) of this section or is acting in a manner inconsistent with the policy of the Development Board, or if he is jointly requested so to do by the Development Board and either of the two Marketing Boards, the Minister may by order transfer to the Development Board such of the functions of that Marketing Board as may be specified in the order.

Any decision of a Marketing Board whether or not to join with the Development Board in making a request under this subsection shall be taken by the Marketing Board independently of the Development Board.

(3) Any order so made may contain such incidental and consequential provisions as may appear necessary or expedient for the purpose of enabling the Development Board properly to exercise the functions transferred, including provisions adapting the provisions of this Act, and rendering exercisable by the Development Board concurrently with the Marketing Board such powers of the Marketing Board as may be specified in the order, being powers which it appears necessary or expedient should be exercisable by the Development Board in connection with the functions transferred to it.

(4) Any order under this section may be revoked or varied by a subsequent order of the Minister made on the application of the Board or Boards on whose application the original order was made:

Provided that, where a power has been transferred to the Development Board on the ground that the Marketing Board has failed to carry out any directions given to it by the Development Board under subsection (1) of this section, or is acting in a manner inconsistent with the policy of the Development Board, nothing in this section shall authorise the re-transfer of that power until five years have elapsed from the date of the order effecting the transfer.

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(5) The Minister, as soon as may be after an order is made under this section, shall lay the order before each House of Parliament.

(6) An order under this section made on the application of the Development Board only shall not have effect until it has been approved by a resolution of each House of Parliament.

(7) An order under this section made on the joint application of the Development Board and the Marketing Board affected shall have effect as from such date as may be specified in the order, but if either House within the next subsequent twenty-eight days on which that House has sat after the order has been laid before it resolves that the order be annulled the order shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new order.

Provision in the event of the winding-up of either of the Marketing Boards.

3.—(1) If the Bacon Marketing Scheme, 1933, is revoked, there shall be constituted a Bacon Curers' Advisory Committee which shall, in relation to the matters set out in the Second Schedule to this Act, have the functions which would otherwise be performed by the Bacon Marketing Board.

(2) The provisions of the Third Schedule to this Act shall have effect in relation to the said Committee.

(3) During any period after the said Committee has been dissolved and during any period elapsing between the revocation of the Bacon Marketing Scheme, 1933, and the election of that Committee, the functions which would be performed by that Committee shall be functions of such body of persons as the Minister may from time to time consider to be representative of registered curers.

(4) If the Pigs Marketing Scheme, 1933, is revoked, the functions which would otherwise be performed by the Pigs Marketing Board in relation to the nomination of members of the Development Board, to the determination of the period for which and the terms on which those members are to hold office and to the making of representations and complaints to the Minister shall, as from the date of the revocation, be functions of such body of persons as the Minister may from time to time consider to be representative of registered producers of pigs.

(5) Subject to the provisions of this section, the provisions of the last preceding section with respect to failure or neglect by a Marketing Board to perform its functions shall apply with the necessary modifications if either of the said Schemes is revoked, and shall so apply as if any power to transfer functions of the Marketing Board to the Development Board included power to confer on the Development Board functions and powers which the Marketing Board would have had but for the revocation of the Scheme:

Provided that the Development Board shall, in performing any functions which were functions of the Pigs Marketing Board, act as far as may be in consultation with the body of persons mentioned in the last preceding subsection.

Winding-up of Development Board. 19 & 20 Geo. 5. c. 23.

4.—(1) The provisions of Part X of the Companies Act, 1929, shall, subject to the provisions of the Fourth Schedule to this Act and to the provisions of this section, apply in relation to the Development Board as they apply in relation to unregistered companies.

(2) The Development Board may be wound up if the Development Board resolves that it is expedient that it should be wound up, as well as in the circumstances mentioned in paragraph (*d*) of subsection (1) of section three hundred and thirty-eight of the said Act:

Provided that no such resolution shall be passed except at a meeting of the Board held at least fourteen days after notice of the intention to propose the resolution thereat has been given to every member of the Board.

(3) On the making of an order for the winding-up of the Development Board, the Pigs Marketing Scheme, 1933, and the Bacon Marketing Scheme, 1933, shall be deemed to be revoked, and, save so far as may be necessary for the purpose of the winding-up of the Development Board, the Pigs Marketing Board and the Bacon Marketing Board, this Act shall cease to have effect:

Provided that the provisions of section thirty-eight of the Interpretation Act, 1889 (which relate to the effect of repeals) shall have effect in relation to this Act as if the cessation thereof by virtue of this section were a repeal thereof by a subsequent Act.

52 & 53 Vict. c. 63.

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PART II.

FACTORY RATIONALISATION SCHEME.

Factory rationalisation schemes.

5.—(1) For the purpose of regulating the extent of the facilities for producing bacon in Great Britain and increasing the efficiency of the bacon industry, there may be prepared in accordance with the provisions of the next succeeding section a scheme, hereinafter called " a factory rationalisation scheme ".

(2) A factory rationalisation scheme may for the purpose aforesaid—

(*a*) regulate the manner in which all or any of the powers conferred by this Act on the Development Board are to be exercised; and

(*b*) make such other provision as is by any provision of this Act authorised to be made by a factory rationalisation scheme.

Preparation of factory rationalisation schemes.

6.—(1) A factory rationalisation scheme may be prepared by the Development Board or the Bacon Marketing Board, and when prepared shall be submitted to the Minister:

Provided that—

(*a*) if within four weeks of the passing of this Act the Bacon Marketing Board gives to the Minister notice in writing that it intends to prepare such a scheme for submission to him, no scheme prepared by the Development Board shall be submitted to him until six months have expired from the receipt by him of the notice;

(*b*) the Development Board shall not submit a factory rationalisation scheme to the Minister while such a scheme prepared by the Bacon Marketing Board is in force or is under consideration by the Minister.

(2) Any scheme prepared by the Development Board shall be submitted by it to the Minister, and any scheme prepared by the Bacon Marketing Board shall be sent by it to the Development Board and the Development Board shall, within six weeks of receiving such a scheme, submit the scheme to the Minister with its own observations thereon.

(3) Where any such scheme has been submitted to the Minister, the Minister shall cause to be published in the London and Edinburgh Gazettes and in such other manner as he thinks best for informing the persons affected, notice of the submission of the scheme, of the place where copies thereof may be obtained (on payment of such fee as may be prescribed by the notice) and inspected, and of the time (which shall not be less than six weeks after the publication in the Gazettes) within which objections and representations with respect to the scheme may be made.

(4) Every objection shall be sent to the Minister in writing and must state the grounds of the objection and the specific modifications required.

(5) The Minister, after considering any scheme duly submitted to him and the observations (if any) of the Development Board thereon and any objections and representations duly made with respect thereto, and after holding such inquiries (if any) as he thinks fit, may make such modifications in the scheme as he thinks proper:

Provided that, where an objection has been duly made to the scheme by any person affected thereby and has not been withdrawn, the Minister, unless he considers the objection to be frivolous, or unless he has modified the scheme as required by the objection, shall, before taking any further action under this section, direct a public inquiry to be held and consider the report of the person who held the inquiry.

The provisions of subsections (6) and (7) of section one of the Agricultural Marketing Act, 1931, (which relate to inquiries held under that section) shall apply also in relation to inquiries held under this subsection. 21 & 22 Geo. 5. c. 42.

(6) If the Minister, after making such modifications (if any) as aforesaid, is satisfied that the scheme satisfactorily provides for regulating the extent of the facilities for producing bacon in Great Britain and will increase the efficiency of the bacon industry in Great Britain, he may lay before each House of Parliament a draft of the scheme, and if each House resolves that the scheme shall be approved, the Minister shall make an order approving the scheme in terms of the draft and the scheme shall come into force on such date after the date of the passing of the last of the resolutions of approval as may be specified in the order:

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PART II. —*cont.*

Provided that, before laying a draft of a scheme before Parliament, the Minister shall communicate the draft to the Bacon Marketing Board and shall not lay the draft unless, within twenty-eight days or such longer time as the Minister may allow, that Board has by resolution approved the draft.

(7) In exercising its functions under this section, the Bacon Marketing Board shall act independently of the Development Board.

Amendment and revocation of factory rationalisation scheme.

7.—(1) A factory rationalisation scheme may be amended by an amendment thereof prepared, submitted and approved in the like manner, and the provisions of the last foregoing section (other than the provisos to subsection (1) thereof) shall apply in relation to an amendment of a scheme as they apply in relation to a scheme:

Provided that, except in a case where the Minister is required to direct a public inquiry to be held with respect to an amendment, the Minister may make an order approving the amendment at any time after he has laid the draft thereof before each House of Parliament, notwithstanding that no resolutions have been passed by the Houses of Parliament approving the amendment, and the amendment shall in that event come into force on such date as may be specified in the order.

(2) If it is represented to the Minister by the Development Board, or by the Bacon Marketing Board, or by the prescribed number of holders of producers' licences, or by the holders of producers' licences in respect of premises on which there is together produced, in a prescribed period, at least the prescribed proportion of the bacon produced in Great Britain, that a factory rationalisation scheme is operating injuriously to the interests of the persons engaged in the bacon industry and can be revoked without injury to the public interest, the Minister shall direct the committee of investigation to consider the representation.

(3) If the committee of investigation reports that the representation is well-founded, the Minister shall bring the findings of the committee to the notice of the persons who made the representation and shall, unless he is of opinion that the matter can properly be dealt with under the next succeeding subsection, by order

revoke the scheme and the scheme shall thereupon cease to have effect on such date as may be specified in the order.

(4) If in the opinion of the Minister the matters complained of in the representation are capable of being remedied without the revocation of the scheme, he may, after consulting the persons who made the representation, by order do one or both of the following things, that is to say—

(*a*) he may, after consulting the Development Board and the Bacon Marketing Board as to the terms of the amendment, amend the scheme;

(*b*) he may direct the Development Board to exercise its powers in such manner as may be specified in the order,

and, where such a direction is given, it shall be the duty of the Development Board to comply:

Provided that any such order shall, as soon as may be after it is made, be laid before each House of Parliament, and if either House within the next subsequent twenty-eight days on which that House has sat after any such order is laid before it resolves that the order shall be annulled, the order shall thenceforth be void and the scheme shall cease to have effect.

(5) In this section "prescribed" means prescribed by regulations made by the Minister.

(6) In exercising its functions under this section, the Bacon Marketing Board shall act independently of the Development Board.

PART III.

LICENSING OF BACON FACTORIES.

Licensing of bacon factories.

8.—(1) No bacon shall be produced on any premises unless there is in force in respect of the premises a licence (in this Act referred to as a "producer's licence") granted by the Development Board authorising the production of bacon thereon:

Provided that—

(*a*) the said Board may exempt any class of premises or any description of bacon from

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the provisions of this subsection and may revoke any exemption so granted;

(*b*) in any event, premises shall be exempt from the said provisions so long as either of the following conditions is satisfied with respect to them, that is to say—

(i) that the Development Board has certified that it is satisfied that not more than forty hundredweight of bacon has been produced on the premises in any period of eight consecutive weeks beginning on or after the first day of January nineteen hundred and thirty-eight, or such later day as the Board may from time to time prescribe for the purposes of this proviso, and has not revoked its certificate or has only revoked it within the last four weeks; or

(ii) that no licence has at any time been granted in respect of the premises under the Bacon Development Scheme, 1935, or this Part of this Act, and the Board either has never requested the occupier of the premises to satisfy it as aforesaid or has only made such a request within the last four weeks.

(2) Every person who knowingly causes or permits the production of bacon (otherwise than in accordance with an exemption granted by or under this section) on any premises with respect to which no producer's licence is in force shall be liable on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred pounds and an additional fine not exceeding the value of the bacon produced, or, in the case of a second or subsequent offence, to both such imprisonment and fines.

(3) References in this Act to the holder of a producer's licence shall be construed as references to the person who is for the time being the occupier of the premises to which the licence relates.

Applications for, and form of licences.

9.—(1) Every application to the Development Board for a producer's licence in respect of any premises shall be made in writing by the person who is, or when

the licence comes into force will be, the occupier of those premises, and shall be made at such time and in such form and shall contain such particulars as may be prescribed by the Development Board, including—

(*a*) particulars, including, if it is so prescribed, plans, sections and specifications, of the premises, of the buildings and plant thereon and of any alterations or additions which it is proposed to make with respect to the premises, buildings or plant, and particulars of the manner in which the various parts of the premises will be used;

(*b*) particulars of the descriptions of bacon which it is proposed should be produced on the premises, the maximum quantity of bacon of each description which it is proposed should be so produced and the processes by which it is proposed that it should be so produced:

Provided that, if and so far as the processes by which it is proposed that bacon should be produced on any premises are secret processes, an applicant for a licence in respect of those premises shall not be bound to give any particulars of those processes which would reveal the nature thereof so far as it is secret.

(2) Any person who knowingly or recklessly makes a false statement in an application for a producer's licence shall be liable on summary conviction to imprisonment for a period not exceeding three months, or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine.

(3) Each producer's licence granted shall embody such conditions as in the opinion of the Board are necessary or expedient in order to secure that the bacon produced on the premises is produced in an efficient, hygienic and economical manner, and may also embody conditions designed to secure that, except with the consent of the Development Board, no departure is made from the statements and proposals contained in the application for the licence as respects—

(*a*) the state of the premises and of the buildings and plant thereon and the manner in which the various parts of the premises are used;

(*b*) the quantity, description and process of production of the bacon produced on the premises,

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PART III. —*cont.*

and different conditions may be embodied in licences for different premises or classes of premises :

Provided that a licence in respect of premises in respect of which a licence was in force immediately before the passing of this Act under Part III of the Bacon Development Scheme, 1935, may contain conditions designed to secure that all or any of the several parts of the premises shall not be used except to the extent to which and in the manner in which they could lawfully be used respectively under the licence under the said Part III.

(4) Without prejudice to the generality of the foregoing provisions of this section, there shall be a special class of producer's licence (hereinafter referred to as a "small curer's licence") which shall be issued where application is made for a licence of that class in respect of premises in respect of which a licence was, immediately before the passing of this Act, in force under Part III of the Bacon Development Scheme, 1935, and may be issued where application for a licence of that class is made in respect of any other premises, and which shall embody—

(*a*) the condition that while the licence is in force not more than sixty hundredweight of bacon shall be produced in any four consecutive weeks on the premises to which the licence relates; and

(*b*) no other conditions except such as, in the opinion of the Development Board, are necessary or expedient in order to secure that the bacon produced on the premises is produced in a hygienic manner:

Provided that nothing in this subsection shall render it obligatory on the Development Board to issue a small curer's licence in respect of any premises if a producer's licence previously granted under this Act in respect thereof has ceased to have effect.

(5) If no factory rationalisation scheme has come into force by the expiration of two years from the passing of this Act or such lesser period as the Minister may order, or if any such scheme which has come into force ceases to have effect by reason of an order for the revocation thereof, no licence other than a small curer's licence shall contain any conditions except such as in the opinion of the Board are necessary or expedient

in order to secure that the bacon produced on the premises is produced in a hygienic manner.

Licences only to be refused on specified grounds.

10.—(1) An application which is duly made for a producer's licence shall not be refused except on one or more of the following grounds, that is to say—

(*a*) that, immediately before the passing of this Act, no licence was in force in respect of the premises under Part III of the Bacon Development Scheme, 1935, and that, having regard to the existing and prospective consumption and the existing and prospective sources of supply of bacon, whether produced in Great Britain or elsewhere, it is, in the opinion of the Development Board, inexpedient that the premises should be used for the production of the bacon proposed to be produced thereon;

(*b*) that, immediately before the passing of this Act, no licence was in force in respect of the premises under Part III of the Bacon Development Scheme, 1935, and that, in the opinion of the Development Board, the situation of the premises is unsuitable, having regard to the places at which pigs are being produced in Great Britain by registered producers of pigs and to the facilities for the disposal of bacon produced on the premises;

(*c*) that, in the opinion of the Development Board, the premises are not, and (regard being had to any alterations or additions which it is proposed to make with respect to the premises, or the buildings or plant thereon) will not be, equipped for the efficient, hygienic and economical production of bacon;

(*d*) that a licence granted under Part III of the Bacon Development Scheme, 1935, in respect of the premises was revoked, or that a producer's licence previously granted under this Act in respect of the premises has ceased to have effect;

(*e*) that it will be lawful to use the premises in the manner in which they are proposed to be used without any producer's licence being granted in respect thereof:

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PART III. —*cont.*

Provided that—

(i) a factory rationalisation scheme may provide for the refusal of applications for producers' licences (not being small curers' licences) on grounds other than the grounds specified in this section;

(ii) if no such scheme has come into force by the expiration of two years from the passing of this Act or such lesser period as the Minister may order or if any such scheme which has come into force ceases to have effect by reason of an order for the revocation thereof, applications for producers' licences shall thereafter only be refused on the ground that in the opinion of the Development Board the premises are not, and (regard being had to any alterations or additions which it is proposed to make with respect to the premises, or the buildings or plant thereon) will not be, equipped for the hygienic production of bacon.

(2) When the Development Board is proposing to refuse an application for a producer's licence, the Board shall serve upon the applicant a written notice stating—

(*a*) that the Board proposes to refuse the application upon the grounds specified in the notice; and

(*b*) that the matter of the application will be finally determined at a meeting of the Board, to be held at an office of the Board, at such address and at such time and on such day (not being less than twenty-one days from the day on which the notice is served) as may be specified in the notice, and that the Board will consider any representations with respect to the matter which the applicant may make at the meeting, either in person or by any agent, and any written representations with respect to the matter on the part of the applicant which may have been received by the secretary of the Board before the time fixed for the meeting;

and before finally deciding the matter, the Board shall consider any representations on the part of the applicant

which, by the terms of the said notice, it has undertaken to consider.

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PART III. —*cont.*

Duration of licences and penalty for breach of conditions.

11.—(1) Subject to the provisions of this Part of this Act with respect to factory rationalisation schemes, a producer's licence, once granted, shall remain in force until it ceases to have effect by reason of the surrender or revocation thereof in accordance with the provisions of this and the next succeeding section.

(2) The Development Board may revoke a producer's licence if any of the conditions thereof have been contravened or if the premises have ceased to be used for the production of bacon.

(3) Where any of the conditions of a producer's licence have been contravened and the Development Board does not think fit to revoke the licence, it may in lieu thereof by resolution impose upon, and recover from, the person who was the holder of the licence at the time of the contravention a monetary penalty not exceeding five hundred pounds.

(4) The holder of a producer's licence may at any time surrender it to the Board and it shall thereupon cease to have effect, and the Board may, in consideration of an agreement by the holder of a licence to surrender the licence to the Board, agree to issue a new licence in respect of the same or other premises or to pay to him such sum as may be determined by or under the agreement or both to issue such a new licence and to pay such a sum.

Procedure where licences are proposed to be revoked.

12.—(1) As soon as may be after deciding to revoke a producer's licence, the Development Board shall serve on the holder thereof a written notice of its decision setting out the grounds thereof and the licence shall be deemed to continue in force until the expiration of thirty days from the day of the service of the notice.

(2) Where a notice has been so served, the holder of the licence may within fourteen days by notice in writing to the Development Board refer the matter to arbitration, and in that event the licence shall continue in force until the expiration of thirty days from the date of the award of the arbitrator.

(3) Where such an arbitration is held, the arbitrator shall by his award reverse the decision of the Board to revoke the licence unless he is satisfied that the conditions

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PART III. —*cont.*

of the licence have been contravened or that the premises have ceased to be used for the production of bacon.

(4) If in any such arbitration the arbitrator is satisfied that the said conditions have been contravened but is of opinion that it is not proper that the licence should be revoked, he shall award that the licence shall remain in force and may award that there shall be paid to the Board by the person who referred the matter to arbitration such monetary penalty, not exceeding the maximum penalty which could have been imposed by the Board, as may be specified in the award.

(5) If in any such arbitration the arbitrator either—

(*a*) is satisfied that the conditions of the licence have been contravened and is of opinion that it is proper that the licence should be revoked; or

(*b*) is satisfied that the premises have ceased to be used for the production of bacon,

he shall by his award confirm the revocation thereof and thereupon the licence shall become void on the expiration of thirty days from the date of the award.

Variation of conditions.

13.—(1) The conditions of a producer's licence may be varied by the Development Board subject to and in accordance with the provisions of this section but not otherwise.

(2) The Development Board may, if it appears to it to be necessary or expedient to effect a general rise in the standards of efficiency, hygiene or economy prevailing as respects any class of bacon factory, publish, in such manner as it thinks best adapted for the purpose of bringing the matter to the attention of persons affected, a notice of proposals for the variation of the conditions of producers' licences of any specified class in the manner specified in the notice.

(3) Any such notice shall state that, within such period (not being less than one month from the date of the publication of the notice) as may be specified in the notice, any holder of a producer's licence who will be affected by the proposals may send a written objection thereto to the Board.

(4) If at the expiration of the said period no objections have been sent as aforesaid to the Board or if all

the objections so sent have been withdrawn, the Board may by resolution vary the conditions of any licence in such manner as may be necessary in order to give effect to the proposals, and, as from such date, not being earlier than three months from the publication of the proposals, as may be specified in the resolution, the conditions of the licence shall be varied accordingly.

(5) If any objections are sent to the Board as aforesaid during the said period and are not withdrawn, the Board shall consider those objections and, unless it decides to abandon the proposals, shall transmit the objections to the Minister, and the Minister shall, if any objections are so transmitted to him, direct the committee of investigation to consider the matter in accordance with section nine of the Agricultural Marketing Act, 1931, as adapted for the purposes of this Act.

(6) If, on receiving the report of the committee of investigation, the Minister informs the Board that he does not propose to make an order, the Development Board may by resolution vary the conditions of any producer's licence in such manner as may be necessary in order to give effect to the proposals, and, as from such date as may be specified in the resolution (not being less than one month from the date on which the Minister gives notice to the Board as aforesaid), the conditions of the licence shall be varied accordingly.

(7) If, as a result of the report of the committee of investigation, an order is made by the Minister requiring the Board to vary its proposals, it shall publish a notice of amended proposals and the foregoing provisions of this section shall apply accordingly, except that—

(*a*) the notice shall not contain any statement as to the making of objections to the amended proposals and the amended proposals shall be treated as proposals to which no objection is made; and

(*b*) the minimum period which must elapse between the publication of the proposals, and the time when the variation of the conditions of the licences affected thereby takes effect, shall be one month instead of three months.

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(8) A factory rationalisation scheme may contain proposals for the variation of the conditions of producers' licences in the manner specified in the scheme in the case of such classes of premises as may be so specified and may authorise the Board by resolution to vary the conditions of any licence in such manner as may be necessary in order to give effect to the said proposals; and where any such resolution is passed with respect to a licence, the conditions thereof shall, as from such date as may be specified in the resolution, not being earlier than a date to be specified in the scheme, be varied accordingly.

Provisions as to factory rationalisation schemes.

14.—(1) A factory rationalisation scheme may provide for the revocation of a producer's licence (other than a small curer's licence) by or under the scheme, notwithstanding that no condition of the licence has been broken and that the premises have not ceased to be used for the production of bacon, but a scheme which so provides—

(*a*) shall also provide for the payment by the Development Board of compensation in respect of the revocation and for the determination by arbitration of any dispute whether or not a person is entitled to compensation under the scheme or as to the amount of compensation to which he is entitled thereunder, and

(*b*) may also provide for the determination by arbitration of any dispute whether or not the terms of the scheme authorise or effect the revocation of a producer's licence.

(2) If no factory rationalisation scheme has come into force by the expiration of two years from the passing of this Act or such lesser period as the Minister may order, or if any such scheme which has come into force ceases to have effect by reason of an order for the revocation thereof, so much only of the conditions of any producer's licence (other than a small curer's licence) as provides for securing that the bacon is produced in a hygienic manner shall continue in force and the remainder of the said conditions shall cease to have effect.

Register of holders of producers' licences.

15. It shall be the duty of the Development Board to keep at its office in England a register in which shall be entered particulars of the situation of all premises licensed by the Board for the production of bacon, and—

(*a*) to permit any person to inspect the register at any time between ten in the morning and four in the evening on any weekday, not being a Saturday, Christmas Day, Good Friday, or a Bank Holiday; and

(*b*) on the request of any person and on payment by him of such fee as the Board thinks fit, but not exceeding five shillings, to supply him with a copy of a list of the entries in the register.

PART IV.

SYSTEM OF PIG SUPPLY.

General Provisions.

Prohibition of certain transactions by unregistered producers and curers.

16.—(1) Subject to the provisions of this Part of this Act, a producer of pigs who is not registered shall not sell any pigs to any registered curer.

(2) A curer who is neither registered nor exempt from registration shall not sell any bacon.

(3) Any producer or curer who knowingly sells any pigs or bacon in contravention of this section shall for each offence be liable on summary conviction to a fine not exceeding five pounds or on conviction on indictment to a fine not exceeding two hundred pounds and in either case to an additional fine not exceeding half the price at which the pigs or bacon were sold:

Provided that the fines imposed on summary conviction for any offence under this subsection shall not exceed in the aggregate one hundred pounds.

(4) It shall be part of the functions of the Pigs Marketing Board to enforce the provisions of this section as respects producers of pigs, and part of the functions of the Bacon Marketing Board to enforce the provisions thereof as respects curers, but nothing in this subsection shall be construed as authorising either of the said Boards to institute proceedings in Scotland for any offence against the said provisions.

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Pigs for bacon to be supplied to curers under long contracts.

17.—(1) Subject to the provisions of this Part of this Act—

(*a*) no registered producer of pigs shall sell any pigs to any registered curer except under a long contract as defined for the purposes of this Act by the subsequent provisions of this Part thereof;

(*b*) no registered curer shall buy any pigs except under such a contract;

(*c*) no registered curer shall buy any carcase or part of a carcase of a pig unless the pig has been bought, either by him or by some other person, under such a contract; and

(*d*) no registered curer shall produce or sell any bacon unless it is produced from a pig bought, either by him or by some other person, under such a contract.

(2) If any registered producer sells any pigs in contravention of subsection (1) of this section, the Pigs Marketing Board shall by resolution impose upon, and shall recover from, him a monetary penalty not exceeding five pounds for each pig so sold.

(3) If any registered curer buys any pigs, carcases or parts of carcases, or produces or sells any bacon, in contravention of the said subsection (1), the Bacon Marketing Board shall by resolution impose upon, and shall recover from, him a monetary penalty not exceeding five pounds for each pig, carcase or part of a carcase so bought, or, as the case may be, for each hundredweight of the bacon so produced or sold.

Power of Development Board to grant exemptions from the long contract system.

18.—(1) Subject to the provisions of this section, the Development Board may by general or special determination from time to time exempt from the provisions of the last preceding section such sales and purchases of pigs, carcases or parts of carcases as may be specified in the determination, or by a Marketing Board acting under and in accordance therewith; and if any such determination is made it shall be lawful, notwithstanding anything in the last preceding section, for any registered curer to produce and sell bacon made from pigs, carcases or parts of carcases sold or purchased in accordance with the determination.

(2) Any such exemption may be absolute or conditional and, without prejudice to the generality of the foregoing provisions of this section, may be made conditional on a permit being obtained from a Marketing Board or on the sale or purchase in question being made at, below or above a price, and on terms, specified in the determination, or by a Marketing Board acting under and in accordance therewith:

Provided that, if no factory rationalisation scheme has come into force by the expiration of two years from the passing of this Act, or such lesser period as the Minister may order, or if such a scheme which has come into force ceases to have effect by reason of an order for the revocation thereof, any exemption of purchases granted under this section shall either be a general and unconditional exemption or a general exemption limited only by specifying the prices at, below or above which, and the terms on which, the purchases may be made.

(3) No determination shall be made under this section, other than a determination exempting specified sales to or purchases by a specified curer, unless a draft of the determination has been submitted to the Minister and the Minister has informed the Development Board that in his opinion the determination will not result in the exemption of an excessive number or quantity of, or of any description of, pigs, carcases or parts of carcases.

General exemptions.

19.—(1) Nothing in the foregoing provisions of this Part of this Act shall prohibit a producer of pigs, whether registered or not, from selling in any manner to a registered curer—

(*a*) any pigs not more than sixteen weeks old; or

(*b*) any pigs, if the seller has reasonable cause to believe that bacon will not be produced therefrom, or will only be produced therefrom on premises in respect of which no producer's licence is required under Part III of this Act or in respect of which a small curer's licence is in force.

(2) Nothing in the foregoing provisions of this Part of this Act shall prohibit a registered curer—

(*a*) from purchasing in any manner or from any person any pigs not more than sixteen weeks

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old or any pigs from which no bacon is produced, or from which bacon is produced only on premises in respect of which no producer's licence is required under Part III of this Act or in respect of which a small curer's licence is in force; or

(*b*) from producing and selling bacon—

(i) produced only on premises in respect of which no producer's licence is required under Part III of this Act or in respect of which a small curer's licence is in force, or

(ii) if his business includes the production of pigs, produced from pigs which are for the purposes of this Part of this Act to be treated as pigs sold under long contracts, or

(iii) produced from pigs, carcases or parts of carcases lawfully bought by him or his predecessor in his business before such day as the Minister may appoint for the purposes of this provision:

Provided that it shall be conclusively presumed for the purposes of this subsection that bacon has been produced from a pig and has been so produced otherwise than on premises in respect of which no producer's licence is required under Part III of this Act or in respect of which a small curer's licence is in force, if it is proved that a mark or indication has been duly affixed to the carcase or part of the carcase of the pig in pursuance of the provisions of this Act which prohibit the production of bacon, otherwise than on such premises as aforesaid, from carcases or parts of carcases to which no such mark or indication has been affixed.

(3) Nothing in the foregoing provisions of this Part of this Act shall prevent a registered curer from purchasing in any manner, and from producing and selling bacon produced from, any pigs, or carcases or parts of carcases of pigs, not produced in Great Britain if it is shown in such manner as may be specified by regulations made by the Minister that the pigs, carcases or parts of carcases were taken into account for the purposes of any such order or arrangements as may be so specified, being an order or arrangements regulating the importation from

the country where the pigs in question were produced into the United Kingdom or into Great Britain of bacon or of pigs, and carcases and parts of carcases of pigs.

(4) If no factory rationalisation scheme has come into force by the expiration of two years from the passing of this Act, or such lesser period as the Minister may order, or if such a scheme which has come into force ceases to have effect by reason of an order for the revocation thereof, subsection (2) of this section shall have effect as if for sub-paragraph (ii) of paragraph (*b*) thereof there were substituted the following sub-paragraph :—

"(ii) if his business includes the production of pigs, produced from pigs bred or purchased when not more than sixteen weeks old by him or his predecessor in his business and thereafter kept on premises in Great Britain occupied for the purposes of that business by him or his predecessor therein."

Long Contracts.

Long contracts to be made in a prescribed form and through the Pigs Marketing Board.

20.—(1) Subject to the following provisions of this Part of this Act, the Pigs Marketing Board may, before the beginning of any of the following periods (hereinafter referred to as "contract periods"), that is to say—

(*a*) the twelve months beginning with such day as the Minister may appoint for the purposes of this provision,

(*b*) any subsequent period of twelve months beginning on the expiration of a previous contract period,

determine forms of contract to be used for sales to registered curers of pigs to be delivered in that period, which shall, among other things, fix, or provide for the fixing of, the prices to be paid for the pigs delivered thereunder.

For the purposes of this Part of this Act, a contract shall be deemed to provide for the sale of pigs to be delivered in a period notwithstanding that the terms thereof allow for the delivery of certain of those pigs, at the option of one or other of the parties to the contract, before the beginning or after the end of that period.

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(2) Contracts in a form so determined, made through the Pigs Marketing Board in accordance with the subsequent provisions of this Part of this Act, are in this Act referred to as "long contracts."

Procedure for determining form of long contracts.

21.—(1) Before determining forms of contract under the last preceding section, the Pigs Marketing Board shall consult the Bacon Marketing Board, and may consult the Development Board.

(2) The Development Board shall be entitled to be represented, if it so desires, at any meeting of, or of representatives of, the two Marketing Boards held for the purpose of such consultation between them as aforesaid, and the two Marketing Boards shall give such notice of any such meeting to the Development Board as will enable that Board to be represented thereat; and whether the Development Board is represented at any such meeting or not, the two Marketing Boards shall jointly send to the Development Board an agreed record of the proceedings at the meeting or, if no such record can be agreed upon, shall each of them send to the Development Board a separate record of those proceedings; and any such record shall include a copy of any document which was before the representatives of both Marketing Boards at the meeting.

(3) No form of contract shall be determined by the Pigs Marketing Board under the last preceding section later than the beginning of the ten weeks immediately preceding the contract period to which it relates or, except with the consent of the Bacon Marketing Board, later than the beginning of the fourteen weeks immediately preceding that period.

(4) If ten weeks before the beginning of a contract period no forms of contract have been determined for that period, the Development Board may, at any time before the commencement of that period, determine the forms of contract therefor, and the like consequences shall ensue as if the determination had been a determination of the Pigs Marketing Board:

Provided that, if before the Development Board has made such a determination the two Marketing Boards furnish that Board with a statement of the matters on which they have agreed, that Board shall

not in its determination depart from the agreement of the two Marketing Boards except after consulting them.

(5) Except with the consent of the Development Board, no provision shall be included in any form of contract which would require pigs sold thereunder to be transported or insured in a particular manner or on particular terms, but save as aforesaid and save as otherwise expressly provided in this section, the two Marketing Boards shall, as respects the determination of the forms of contract for a contract period, act independently of the Development Board.

Requirements as to manner of exercise of power to determine form of long contracts.

22.—(1) The power to determine forms of contract shall be exercised as follows, that is to say :—

(*a*) there shall be one or more main forms of contract, according as the determination may provide, for use according to the option of the producer;

(*b*) in the case of each of those main forms of contract there shall be the five variants mentioned in the next succeeding subsection.

(2) The said variants are as follows, that is to say :—

(*a*) a variant, in this Act referred to as "the nominated buyer variant," to be used in the case of pigs sold to a curer whom the seller has duly nominated as the person to whom he wishes those pigs to be sold;

(*b*) a variant, in this Act referred to as "the open offer variant," to be used where the seller has not so nominated a curer and does not desire to avail himself of the group contract arrangements mentioned in the next succeeding paragraph;

(*c*) a variant, in this Act referred to as "the group contract variant," to be used where a producer has not so nominated a curer as aforesaid and desires to avail himself of any arrangements made by or under authority of the Pigs Marketing Board (in this Act referred to as "group contract arrangements") under which two or more sellers are to employ the same agent for the purpose of arranging the deliveries under their respective contracts;

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(*d*) a variant, in this Act referred to as "the transferred pig variant," to be used where a registered producer of pigs has exercised his right of nomination aforesaid but the pigs are nevertheless being sold to another curer; and

(*e*) a variant, in this Act referred to as "the transferred pig (producer-curers) variant," to be used in the circumstances specified in the provisions of this Act relating to curers who produce pigs:

Provided that, where any of the main forms of contract provides for a price calculated by reference to dead weight, a seller shall not be deemed to have duly nominated a curer as the person to whom he wishes pigs to be sold unless he has specified the premises at which he wishes the carcases of those pigs to be graded.

(3) In the case of each main form of contract, all the said variants shall be identical except for the differences specified in the following provisions of this section.

(4) The nominated buyer variant of any of the main forms of contract which provides for a price calculated by reference to dead weight shall also provide (without prejudice to any other provision thereof relating to the place at which the carcases of the pigs are to be graded) for an addition of sixpence to the price of each pig the carcase of which is graded at premises other than those specified as aforesaid by the seller as the premises at which he wishes the carcases to be graded.

The said addition of sixpence is hereafter in this Act referred to as "a change of premises premium".

(5) The open offer variant shall be identical with the nominated buyer variant except that it shall not contain any provision for a change of premises premium but must provide—

(*a*) for the addition to the price of each pig delivered thereunder of a specified sum, hereinafter referred to as "the allocation premium"; and

(*b*) for the Pigs Marketing Board guaranteeing to the seller in a specified manner and subject to specified conditions the performance of all the obligations of the purchaser.

(6) The group contract variant shall be identical with the open offer variant, except that it may contain—

(*a*) provisions relating to the identity, powers, rights and duties of the agent;

(*b*) provisions designed to secure that, as between the various producers who employ that agent, the burden of any particular class of risk or expense is shared in a specified manner;

(*c*) provisions designed to secure that where several producers who employ the same agent enter into contracts with one curer, that curer is, as nearly as may be, in the same position as respects deliveries under those contracts as he would be in if all the pigs to which those contracts relate were being sold to him under one contract in the open offer variant of the main form of contract in question.

(7) The transferred pig variant shall be identical with the open offer variant, except that the allocation premium must be one shilling of which sixpence must be made payable to the Pigs Marketing Board.

The said sum of sixpence shall be so payable for the benefit of the curer nominated by the seller as the person to whom he wished the pigs to be sold.

(8) The transferred pig (producer-curers) variant shall be identical with the open offer variant, except that the allocation premium must be one shilling.

(9) If no factory rationalisation scheme has come into force by the expiration of two years from the passing of this Act or such lesser period as the Minister may order, or if such a scheme which comes into force ceases to have effect by reason of an order for the revocation thereof, there shall be determined, in relation to each of the main forms of contract, the following three variants only, that is to say, the nominated buyer variant, the open offer variant and the group contract variant.

Proceedings subsequent to determination of forms of contract.

23.—(1) Where forms of long contract have been determined, the Pigs Marketing Board shall forthwith publish, in such manner as it thinks best calculated to bring the matter to the notice of registered producers of pigs and registered curers, a notice stating that the forms have been determined, and specifying a place at which registered producers and registered curers can obtain

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copies thereof free of charge, and inviting registered producers to declare to the Board within a specified time and in a specified manner, in relation to each of the main forms of contract, if there is more than one—

(*a*) the quantities of pigs, of each of the descriptions mentioned in the form of contract, which they are respectively prepared to sell to registered curers for delivery during the contract period under a long contract or long contracts;

(*b*) the times at which they are prepared to deliver the pigs thereunder;

(*c*) whether or not they desire to avail themselves of the group contract arrangements; and

(*d*) whether or not they wish, in relation to all or any of the pigs which they are willing to contract to deliver (not being pigs contracted to be delivered under contracts in the group contract variant of the form of contract), to nominate a curer as the person to whom they wish the pigs to be sold, and, if so, what is his name and address and (in the case of pigs to be sold for a price calculated by reference to their dead weight) what are the premises at which they wish the carcases of the pigs in question to be graded.

(2) The said notice shall also embody a statement of the circumstances, if any (being such circumstances as the Board may determine), in which, where a producer has duly nominated a curer as the person to whom he wishes pigs to be sold, the Board may nevertheless cause those pigs to be sold to another curer:

Provided that, if no factory rationalisation scheme has come into force by the expiration of two years from the passing of this Act or such lesser period as the Minister may order, or if such a scheme which comes into force ceases to have effect by reason of an order for the revocation thereof, the foregoing provisions of this subsection shall cease to have effect and, where the producer has so nominated a curer, the Board shall in no circumstances be entitled to cause the pigs in question to be sold otherwise than to that curer.

(3) Where, within the time and in the manner specified in the notice aforesaid, a registered producer

declares to the Pigs Marketing Board that he is willing to sell pigs under long contracts, the declaration shall, subject to the following provisions of this section, operate as an irrevocable authority to the Board to enter on his behalf into such contracts or contracts in the appropriate variant or variants of the main form or main forms of contract as the Board may determine.

(4) The authority conferred on the Board as aforesaid shall be so exercised as to secure that no producer is, under the contracts entered into by virtue of that authority, under obligation to deliver, either altogether or at any time within the contract period, more pigs or more pigs of any description than he has declared to the Board that he is willing to contract to deliver either altogether or at that time under long contracts (or, if there is more than one main form of contract, under long contracts in variants of that one of those main forms which is specified in that behalf in his declaration).

(5) The contracts shall be made with such registered curer or curers as the Board may determine, so however, that in so far as a producer has nominated a curer as the person to whom he wishes pigs to be sold, the Board shall not cause those pigs to be sold otherwise than to that curer except in the circumstances specified in a statement embodied by virtue of subsection (2) of this section in the notice published under subsection (1) thereof.

(6) Where the Board reasonably believes that a producer has declared that he is willing to sell more pigs or more pigs of any description than he would, apart from circumstances beyond his control, be in a position to deliver out of pigs bred or purchased when not more than sixteen weeks old by him or his predecessor in his business and thereafter kept on premises in Great Britain occupied for the purposes of that business by him or his predecessor therein, the Board shall in any case restrict the pigs or, as the case may be, the pigs of that description, which he contracts to sell under long contracts, to the number of pigs or pigs of that description which in the opinion of the Board he will, apart from such circumstances, be in a position so to deliver:

Provided that the Board may by general or special determination from time to time exempt from this subsection such producers as may be specified in the determination.

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(7) The Pigs Marketing Board shall so exercise its powers of making contracts under this section as to secure that the total quantity of pigs, or of pigs of any description, contracted to be delivered in the contract period in question under long contracts does not exceed such quantity as the Development Board may direct in relation to pigs generally, or, as the case may be, in relation to pigs of that description.

Pooling as between buyers of burden of allocation premiums.

24.—(1) As soon as may be after the end of every contract period, the Bacon Marketing Board shall ascertain in relation to each registered curer to whom allocated or transferred pigs have been delivered—

(*a*) the amount which bears to the total of the allocation premiums paid or payable, or deemed for the purposes of this section to have been paid, by the buyers of allocated or transferred pigs the same proportion as the number of allocated or transferred pigs delivered to him bears to the total number of allocated or transferred pigs;

(*b*) the total amount of the allocation premiums paid or payable, or deemed for the purposes of this section to have been paid, by him in respect of allocated or transferred pigs.

For the purposes of this section, the expression "allocated or transferred pigs" means, in relation to a contract period, pigs delivered under long contracts for that period, being pigs in respect of which allocation premiums or change of premises premiums are payable; and a registered curer who has paid or by whom there is payable a change of premises premium in respect of a pig, shall be deemed for the purposes of this section to have paid an allocation premium of one shilling in respect thereof.

(2) There shall be paid to the Bacon Marketing Board by, or by the Bacon Marketing Board to, each such curer (according as in his case the amount mentioned in paragraph (*a*) of the last preceding subsection exceeds or falls short of the amount mentioned in paragraph (*b*) thereof) a sum equal to the difference between those amounts.

(3) No sum shall be payable under subsection (2) of this section in respect of a contract period until three months after the conclusion of that period, but the

Board may make to, and by resolution require from, buyers of allocated or transferred pigs such payments on account of the sum which the Board estimates will become payable by or to those buyers respectively under that subsection as it may think proper, and any payment required from a curer by such a resolution shall be a debt due to the Board and shall be recoverable accordingly; and any necessary adjustments shall be made at the expiration of the said three months.

Safeguards for producers and curers as respects long contracts.

25.—(1) If after a determination of the forms of long contract has been made with respect to a contract period it is agreed between the two Marketing Boards, or, in default of agreement, decided by arbitration between them, that the determination is such that the general body of producers or the general body of curers cannot reasonably be expected to contract thereunder or that the performance or further performance of any contracts which may be or have been made under the determination will be unreasonably onerous, the determination shall stand annulled.

As respects anything to be done by virtue of this subsection, the two Marketing Boards shall act independently of the Development Board.

(2) Where a determination stands annulled as aforesaid, the Pigs Marketing Board, in agreement with the Bacon Marketing Board, may, within one week of the date of the award or agreement annulling the determination, or, if those Boards fail to agree within that period, the Development Board may thereafter, make a new determination with respect to the contract period, or with respect to so much thereof as remains unexpired on a date to be specified in the new determination, and the provisions of this Part of this Act shall with the necessary modifications apply with respect to such a determination as if it were a determination made in accordance with the provisions of the last preceding section.

(3) Any contract made in pursuance of an annulled determination before the annulment thereof shall, on the expiration of eight weeks from the date of the award or agreement annulling the determination, or as from the beginning of the period with respect to which a new determination has effect, whichever first occurs, become void :

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Provided that—

(*a*) if the contract provided for monthly deliveries, the time at which it is to become void as aforesaid shall be the end of the month during which it would under this subsection become void if it were a contract which did not provide for monthly deliveries;

(*b*) the avoidance of a contract under this subsection shall not affect the rights or liabilities of the parties thereto with respect to pigs which the producer has delivered or was obliged to deliver before the date on which it becomes void.

Special Provision for first three Contract Periods.

Special provisions with respect to the first three contract periods.

26.—(1) The provisions of this and the succeeding sections of this Part of this Act shall have effect with respect to the first three contract periods.

(2) Each form of contract shall—

(*a*) fix for each month the price which (subject to the special additions and subtractions provided for by the subsequent provisions of this Part of this Act, to the addition of any allocation or change of premises premium, to any deduction falling to be made under the contract in respect of any undertaking by the buyer to bear losses from death or damage during transit or from disease, and to any addition falling to be made under the contract in respect of loss of weight during transit) is to be paid per score of twenty pounds dead weight in the case of a standard pig duly delivered in that month free on rail at the railway station nearest to the seller's premises or free on board at the place of loading nearest to the seller's premises;

(*b*) so fix the said monthly prices that the average of the twelve figures fixed amounts in the first contract period to twelve shillings and sixpence, in the second contract period to twelve shillings and fivepence, and in the third contract period to twelve shillings and threepence:

Provided that nothing in this section shall prevent any form of contract from providing for the payment of higher or lower prices for pigs which are not standard pigs or which are delivered otherwise than free on rail or free on board as aforesaid, or which, in pursuance of an option reserved to one of the parties, are delivered in a month other than that in which they would have had to be delivered if no such option had been exercised.

(3) In this section the expression "standard pig" means a pig of such weight, quality and kind as may be prescribed by regulations of the Minister.

(4) The total quantity of pigs contracted to be delivered in a contract period under long contracts shall not exceed, in the first contract period two million one hundred thousand pigs, in the second contract period two million four hundred thousand pigs, and in the third contract period two million five hundred thousand pigs; and if, in the case of any contract period, documents which would but for the provisions of this subsection be valid long contracts are executed which, taken together, purport to provide for delivery of a quantity of pigs exceeding the limit aforesaid, those of the said documents which were last executed by the Board shall be void until the quantity is so reduced that the said limit is no longer exceeded.

Increases and decreases in price on account of rises and falls of costs of feeding stuffs.

27.—(1) There shall be added to, or, as the case may be, subtracted from, the price per score of twenty pounds dead weight which would otherwise be paid under a long contract in respect of any pig due to be delivered in any month one hundred and three one hundred and twentieths of the amount by which the price for that month of the standard ration for pigs exceeds, or, as the case may be falls short of, eight shillings and sixpence.

(2) In this section the expression "the price of the standard ration for pigs" means in relation to any month a sum ascertained by the Minister as follows:—

(*a*) before the beginning of the contract period during which the month occurs, he shall, in accordance with regulations to be made by him with the consent of the Treasury, determine the composition of a ration which in his opinion is suitable to be taken as the standard ration of feeding stuffs for pigs for the purposes of this section;

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(*b*) before the beginning of the month in question he shall, in accordance with regulations so made, determine what, in the sixteen weeks ending with the Wednesday next preceding the fifteenth day of the preceding month, was the average cost per hundredweight of the standard ration; and

(*c*) the average cost so determined shall be deemed to be the price of the standard ration for pigs.

(3) In ascertaining the amount to be added to or deducted from the price to be paid in respect of any pig in accordance with the provisions of this section, the amount to be added or deducted per score of twenty pounds dead weight shall be calculated to the nearest penny, any odd halfpenny being left out of account.

Payments to and by curers by and to Exchequer.

28.—(1) Where pigs are delivered to and accepted by a curer under a long contract, there shall, subject to the provisions of this section, be paid by the Minister to the curer out of moneys provided by Parliament the sums following, that is to say,—

(*a*) an amount equal to any additions to the price of those pigs falling to be made under the provisions of the last preceding section;

(*b*) in respect of each hundredweight of the bacon produced from those pigs on premises in respect of which a producer's licence, other than a small curer's licence, is in force, a sum equal to the amount, if any, by which the ascertained bacon price falls below, in the case of the first contract period ninety-four shillings and ninepence per hundredweight, in the case of the second contract period ninety-three shillings and ninepence per hundredweight and in the case of the third contract period ninety-one shillings and ninepence per hundredweight.

(2) Where pigs are delivered to and accepted by a curer under such a contract as aforesaid, there shall, subject to the provisions of this section, be paid by the curer to the Minister the sums following, that is to say,—

(*a*) an amount equal to any subtraction from the price of those pigs falling to be made under the provisions of the last preceding section;

(*b*) in respect of each hundredweight of bacon produced from those pigs on premises in respect of which a producer's licence, other than a small curer's licence, is in force, a sum equal to the amount, if any, by which the ascertained bacon price exceeds, in the case of the first contract period ninety-four shillings and ninepence per hundredweight, in the case of the second contract period ninety-three shillings and ninepence per hundredweight and in the case of the third contract period ninety-one shillings and ninepence per hundredweight.

(3) No amount shall be payable in respect of any pig under paragraph (*a*) of subsection (1), or paragraph (*a*) of subsection (2), of this section, unless bacon has been produced from the pig on premises in respect of which a producer's licence, other than a small curer's licence, is in force; and where the weight of the bacon produced on such premises from a pig is less than the prescribed fraction of the dead weight thereof, any amount payable under either of those paragraphs shall be reduced by applying thereto a fraction the numerator whereof is the number of pounds comprised in the weight of the bacon produced and the denominator whereof is the number of pounds comprised in the prescribed fraction of the dead weight of the pig; and except so far as the contrary is proved to the Minister by the curer in accordance with regulations made under this section, it shall be presumed—

(*a*) for all the purposes of subsection (1) of this section, that no bacon has been produced from a pig on such premises;

(*b*) for all the purposes of subsection (2) of this section, that a quantity of bacon equal in weight to the prescribed fraction of the dead weight of the pig has been produced therefrom on such premises.

(4) In this section—

(*a*) the expression "the ascertained bacon price" means, in relation to the bacon made from a pig, such sum (calculated to the nearest penny per hundredweight, any odd halfpenny being reckoned as a complete penny) as the Development Board may in accordance with regulations under this section determine to be the

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average price per hundredweight at which whole sides of green Wiltshire style bacon of all selections produced by the tank cure process from pigs produced in Great Britain (being bacon produced on premises specified from time to time by the Minister, after consultation with the Bacon Marketing Board, acting independently of the Development Board) were sold by the curers thereof during the month beginning with the sixteenth day of the month during which, under the provisions of the contract, the pig is due to be delivered; and

(*b*) the expression "the prescribed fraction" means four-fifths or such other fraction as may from time to time be prescribed by regulations under this section.

(5) The regulations under this section shall be made by the Minister with the consent of the Treasury, and regulations so made may contain provisions as to the methods by which the sums payable under this section are to be calculated, and in particular may contain provisions—

(*a*) enabling the Minister to determine in relation to any premises, according to the method of production adopted thereon, how much bacon may be presumed by him to have been produced from any pig or part of a pig which is dealt with thereon;

(*b*) directing that in the case of bacon other than Wiltshire style bacon there shall be added to the weight of the bacon an amount designed to correspond to the weight lost by the removal of bones and skin not removed in the case of bacon cured in the said style;

(*c*) specifying the times at which payments are to be made under this section; and

(*d*) specifying the documents and other information which a curer is to produce in connection with any claim by or against him under this section.

(6) All sums payable under this section by a curer to the Minister may be recovered by the Minister as a debt due from the curer to the Crown and, when received by the Minister, shall be paid into the Exchequer.

PART V.

QUOTAS.

Quotas for bacon.

29.—(1) The Bacon Marketing Board may from time to time determine—

(*a*) the descriptions of bacon which may be produced by any registered curer, either generally or on any particular premises;

(*b*) the quantity of bacon of any, or of any specified, description which may be produced by any registered curer, either generally or on any particular premises;

(*c*) the descriptions of bacon, and the quantity of bacon of any, or any specified, description, which may be sold by any registered curer:

Provided that nothing in this subsection applies to bacon produced only on premises in respect of which no producer's licence is required under Part III of this Act or in respect of which a small curer's licence is in force, or to the sale by a registered curer of bacon purchased by himself or by his predecessor in his business.

(2) If any registered curer produces or sells any bacon in contravention of any determination of the Bacon Marketing Board under this section, that Board shall by resolution impose upon, and shall recover from, him a monetary penalty not exceeding one hundred pounds or five pounds for each hundredweight of bacon so produced or sold, whichever is the larger.

(3) If no factory rationalisation scheme has come into force by the expiration of two years from the passing of this Act or such lesser period as the Minister may order, or if any such scheme ceases to have effect by reason of an order for the revocation thereof, the provisions of this section shall cease to have effect.

(4) If it is represented to the Minister by the Bacon Marketing Board, by the Pigs Marketing Board, by the prescribed number of registered curers or by registered curers who in a prescribed period produce a prescribed proportion of the bacon produced in Great Britain, that any direction given by the Development Board as to the manner in which the powers conferred by this section are to be exercised is inequitable or is not in the interests of the bacon industry or of the

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pig industry so far as it relates to the production of pigs for bacon purposes, and in either case is not in the public interest, the Minister shall direct the committee of investigation to consider the representation, and if that committee report that the representation is well founded, the Board's direction shall be void, but without prejudice to the making of a new direction.

The Bacon Marketing Board and the Pigs Marketing Board shall, as respects the making of any such representations as aforesaid, act independently of the Development Board.

(5) In making any such new direction the Development Board shall have regard to the findings of the committee.

(6) In this section "prescribed" means prescribed by regulations made by the Minister.

PART VI.

MISCELLANEOUS AND GENERAL.

Regulation of Imports.

Continuation of regulation of imports, &c. 23 & 24 Geo. 5. c. 31.

30. For the purposes of section one of the Agricultural Marketing Act, 1933, (which enables orders to be made regulating the importation into the United Kingdom of agricultural products in the interests of branches of the agricultural industry in the United Kingdom which are being or have been reorganised under agricultural marketing schemes or development schemes), the reorganisation provided for by this Act shall be treated as if it were a reorganisation by means of agricultural marketing schemes regulating the marketing of pigs and bacon and a development scheme under that Act organising the production of bacon; and for the purposes of section two of that Act (which relates to the regulation of sales of home-produced agricultural products) the Development Board shall be treated as if it were a board administering an agricultural marketing scheme.

Provisions as to Curers who produce pigs.

Application of Part IV of this Act to curers who produce pigs.

31.—(1) A registered curer whose business includes the production of pigs in Great Britain shall, whether or not he is a registered producer of pigs, be entitled to declare to the Pigs Marketing Board, at the time and in the manner fixed under Part IV of this Act in relation

to registered producers of pigs, that he is willing to sell pigs under long contracts for delivery within a contract period, and subject to the provisions of this section the provisions of the said Part IV shall apply accordingly.

(2) The right which a producer of pigs has to nominate a curer as the person to whom he desires any of his pigs to be sold shall, where that producer is such a curer as is mentioned in subsection (1) of this section, include a right to request the Board to reduce by a specified quantity of pigs of any description both the quantity of pigs of that description which the Board would otherwise have contracted on his behalf to sell under long contracts for the period in question, and the quantity of pigs of that description which would otherwise have been sold to him under long contracts for that period; and where such a request is made, the Board shall be bound to give effect thereto to the same extent as it would have been bound to give effect to a declaration by the curer that he desired the pigs in question to be sold to another curer, being a curer whose position was in all material respects similar to his own.

(3) If, when a request has been made under the last preceding subsection, the circumstances are such that the Board has the right, notwithstanding the request, to make long contracts on behalf of the curer for the sale to any other registered curer of any of the pigs covered by the request, and the Board exercises that right, the contract shall be made in the transferred pig (producer-curers) variant of the form of contract.

(4) Subject to the provisions of this section, the Board may, and, where it has complied with such a request as aforesaid, shall, execute and issue to such a curer as aforesaid a certificate stating that it has made a reduction in the quantity of pigs of any description which would otherwise have been so contracted to be sold by and to him and specifying the amount of the reduction; and where such a certificate is validly executed and issued, the curer may cause to be graded and marked during the contract period, under the provisions of this Act relating to grading and marking by persons employed in that behalf by the Pigs Marketing Board, a quantity of pigs of that description not exceeding the quantity specified in the certificate, and those pigs shall, for the purposes of Part IV of this Act, be treated as pigs sold under a long contract.

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(5) For the purposes of any provision of this Act imposing a limit on the total quantity of pigs, or of pigs of any description, which may be contracted to be delivered in a contract period under long contracts, a certificate under this section shall be deemed to be a long contract providing for the delivery in the contract period in question of the quantity of pigs specified in the certificate; and any reference in subsection (4) of section twenty-six of this Act to long contracts or to documents which would, but for the provisions of that subsection, be valid long contracts, shall be construed accordingly.

(6) There shall be payable to the curer by the Minister out of moneys provided by Parliament and by the curer to the Minister, in respect of any pigs which are to be treated for the purposes of Part IV of this Act as sold under long contracts, being pigs bred or purchased, when not more than sixteen weeks old, by the curer or his predecessor in his business and thereafter kept on premises in Great Britain occupied for the purposes of that business by him or his predecessor therein, the same amounts, if any, as would be payable if those pigs had been duly delivered to and accepted by the curer, on the dates on which they were slaughtered respectively, under a long contract providing for the delivery thereof on those dates, and any additions or subtractions which would in that event be required by section twenty-seven of this Act to be made to or from the price thereof had been duly made.

(7) If no factory rationalisation scheme has come into force by the expiration of two years from the passing of this Act or such lesser period as the Minister may order, or if such a scheme which has come into force ceases to have effect by reason of an order for the revocation thereof, this section shall cease to have effect.

Compensation and Safeguards.

Validity of acts of Boards and compensation.

32.—(1) The validity of anything done by either of the two Marketing Boards shall not be called in question by reason only that it is in contravention of a direction given to that Board by the Development Board, but where a registered producer of pigs or a registered curer suffers damage by reason of any contravention by either of the two Marketing Boards of any

such direction, he shall be entitled to receive from that Marketing Board such sum by way of compensation as represents the amount of that damage.

(2) Where any power of either of the Marketing Boards has been transferred by order of the Minister under this Act to the Development Board, it shall be the duty of the Development Board from time to time to formulate as principles for its own guidance the principles which it would, if the power had not been transferred to it, have formulated as directions to the Marketing Board with respect to its exercise of that power.

(3) The validity of anything done by the Development Board shall not be called in question by reason only that it is in contravention of any principle so formulated, but where a registered producer of pigs or a registered curer suffers damage by reason of any act or omission of the Development Board which amounts to a contravention of any such principle, he shall be entitled to recover from the Development Board such sum by way of compensation as represents the damage which he has suffered by reason of the contravention.

(4) It shall be the duty of the Development Board to keep at its office in England a register in which shall be entered copies of any such directions given, or principles formulated, as are mentioned in the foregoing provisions of this section, and—

(*a*) to permit any person to inspect the register at any time between ten in the morning and four in the evening on any weekday, not being a Saturday, Christmas Day, Good Friday or a Bank Holiday;

(*b*) on the request of any person and on payment by him of such fee as the Board thinks fit not exceeding one shilling, to supply to him a copy of any specified entry in the register.

(5) Any dispute between a Board and any other person as to whether that person is entitled to any and, if so, what compensation under this section from that Board shall be decided by arbitration.

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General safeguards.

33.—(1) The provisions of section nine of the Agricultural Marketing Act, 1931, (which relates to consumers' committees and committees of investigation) shall, subject to the provisions of this section, apply in relation to such of the provisions of this Act and of any factory rationalisation scheme in force thereunder, as relate to the powers of the Development Board, as if those provisions were an agricultural marketing scheme regulating the marketing of bacon in England and Scotland and as if the Development Board were the Board administering that scheme.

(2) Without prejudice to the generality of subsection (3) of the said section nine as so applied, it shall be the duty of the Minister to direct the committee of investigation to consider any complaint made to him as to the operation of the said provisions of this Act or of any factory rationalisation scheme, being a complaint made by either of the two Marketing Boards, by the prescribed number of registered curers, by registered curers who in a prescribed period have produced the prescribed proportion of the bacon produced in Great Britain, by the prescribed number of holders of producers' licences or by the holders of producers' licences in respect of premises on which there is together produced in a prescribed period the prescribed proportion of the bacon produced in Great Britain.

As respects the making of any such complaint, the two Marketing Boards shall act independently of the Development Board.

(3) Subsection (5) of the said section nine shall not have effect in relation to the said provisions of this Act or of any such factory rationalisation scheme, but if the committee of investigation reports to the Minister that any provision of a factory rationalisation scheme or any act or omission of the Development Board is contrary to the interest of consumers of bacon or is contrary to the interest of any persons affected by this Act and is not in the public interest, the Minister may—

(*a*) by order revoke or amend the factory rationalisation scheme, if any;

(*b*) by order direct the Board to take such steps to rectify the matter as may be specified in the order, whereupon it shall be the duty of the Board forthwith to comply with the order:

Provided that—

(i) before finally deciding whether to take any and if so what action the Minister shall give the Development Board notice of the course which he proposes to take and shall consider any representations made by that Board within fourteen days from the date of the notice; and

(ii) if the report of the committee relates to such a complaint as is mentioned in subsection (2) of this section, the Minister shall, if his final decision is to take no action, prepare and lay before Parliament a statement of his reasons for that decision.

(4) The power conferred by the last preceding subsection to make an order directing the Development Board to take steps specified in the order shall be deemed to include power to direct the Board to abstain wholly or to a specified extent from exercising such of its powers as may be specified in the order, either for a period so specified or until the Minister by order otherwise directs.

(5) An order under this section revoking a factory rationalisation scheme shall not take effect unless and until it has been approved by a resolution passed by each House of Parliament.

(6) Any other order under this section shall, as soon as may be after it is made, be laid before each House of Parliament and if either House within the next subsequent twenty-eight days on which that House has sat after any such order is laid before it resolves that the order shall be annulled, the order shall thenceforth be void, but without prejudice to anything previously done thereunder or to the making of a new order.

(7) The foregoing provisions of this section shall be in addition to and not in derogation of any other provision of this Act requiring the Minister to direct the committee of investigation to consider a matter and—

(*a*) any matter which under any provision of this Act the Minister directs the committee of investigation to consider shall be deemed for the purposes of subsection (4) of section nine of the Agricultural Marketing Act, 1931, (which relates to the procedure of committees) to be a matter

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which it is the duty of the committee under that section to consider;

(*b*) a complaint or representation as to a factory rationalisation scheme made by persons who have, under the provisions of Part II of this Act relating to the revocation of factory rationalisation schemes, the right to make representations to the Minister shall be treated as such a complaint as is mentioned in subsection (2) of this section unless it expressly purports to be a representation under the said provisions of the said Part II.

(8) Notwithstanding anything in the foregoing provisions of this section, the Minister shall not direct the Committee of Investigation to consider, and that Committee shall not consider, any allegation that a determination of the Development Board under section eighteen of this Act, being a determination a draft whereof was submitted to the Minister, was such as to result in the exemption from the provisions of that section of an excessive number or quantity of, or of any description of, pigs, carcases or parts of carcases.

(9) In this section "prescribed" means prescribed by regulations made by the Minister.

Ancillary provisions.

Grading and marking of carcases.

34.—(1) No bacon shall be produced on any premises in respect of which a licence is required under Part III of this Act (not being premises in respect of which a small curer's licence is in force) unless a person employed by the Pigs Marketing Board to grade and mark carcases and parts of carcases has graded the carcase or the part of the carcase from which the bacon is produced and affixed thereto such mark or other indication as may be prescribed by the Development Board in relation to carcases or parts of carcases of the description in question.

(2) It shall be the duty of the Pigs Marketing Board to employ a sufficient number of persons to grade and mark carcases and parts of carcases of pigs and to cause those persons to attend for the purposes specified in this section at such times and places as may be reasonably requested by a registered curer; and it shall be the duty of any person so attending to grade the carcase or, as

the case may be, the part of a carcase of a pig and to affix thereto such a mark or indication as is mentioned in subsection (1) of this section, if there is delivered to him a written statement stating the name and address of the person by whom, and identifying the contract under which or, if there was no written contract, the occasion on which, the pig or the carcase or part of the carcase of the pig, as the case may be, was sold to the registered curer, or otherwise accounting for his possession thereof.

(3) If any person—

(*a*) knowingly causes or permits any bacon to be produced in contravention of this section, or

(*b*) not being a person authorised in that behalf by the Pigs Marketing Board affixes to a carcase or part of a carcase any such mark or indication as aforesaid, or

(*c*) affixes to a carcase or part of a carcase any mark or other indication so closely resembling any such mark or indication as aforesaid as to be calculated to deceive,

he shall be liable on summary conviction to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months, or to both such imprisonment and fine:

Provided that this subsection shall not render any person liable to conviction for affixing, or causing to be affixed, to a carcase or part of a carcase any trade mark in use at the passing of this Act of which he is the owner.

(4) In this section the expression "grade" means, in relation to the carcase or part of the carcase of a pig sold under a long contract or on terms specified by a Board, grade in such manner as may be required for the purposes of that contract or those terms, and, in relation to any other carcase or part of a carcase, grade in such manner as may be required by any determination in that behalf of the Pigs Marketing Board; and if, in the case of any carcase or part of a carcase, no grading is required as aforesaid, this section shall, in relation to that carcase or part of a carcase, have effect as if the references therein to grading were omitted.

(5) The Development Board may pay to the Pigs Marketing Board such sums, if any, as it thinks fit

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towards the expenses of the Pigs Marketing Board under this section.

Power of Boards to enter premises.

35.—(1) Any person authorised in that behalf in writing by the Development Board may for the purpose of securing compliance with any provision of this Act enter and inspect, at any reasonable time, on production of his authority—

(*a*) any part of the premises occupied by a registered producer of pigs which is used for producing pigs, or

(*b*) any premises in respect of which a producer's licence under this Act is in force, or

(*c*) any premises which the Board has reasonable cause to suspect are being used for the production of bacon,

being in any case premises specified in the authority.

(2) Where under the provisions of the last foregoing subsection a person is empowered to enter and inspect any premises in respect of which a producer's licence is in force, he may also take such measurements and carry out such inspections, tests or other investigations (including the taking of samples) as he thinks fit in order to ascertain the condition of the premises, and of any plant, machinery or fittings thereon, the size or quantity, and the condition, of any pigs, or any carcases or parts of carcases of pigs, on the premises (including carcases or parts of carcases which have been or are being made into bacon), and the condition, composition and quality of any pickle, salt or other curing materials stored or in use on the premises.

(3) The powers conferred on the Development Board by subsection (1) of this section shall, as respects premises in the occupation of registered producers of pigs, be exercisable also by the Pigs Marketing Board and, as respects premises in the occupation of registered curers, be exercisable also by the Bacon Marketing Board.

(4) Any person who obstructs any person authorised under this section in the exercise of the powers conferred on him thereunder shall be liable on summary conviction to a fine not exceeding one hundred pounds or in the case of a second or subsequent offence to a fine not exceeding two hundred and fifty pounds.

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Power of Boards to obtain information.

36.—(1) The Development Board may, whenever it considers it necessary for the operation of this Act so to do, serve on any registered producer of pigs, on any registered curer or on any holder of any producer's licence, a demand in writing requiring him—

(*a*) to furnish to the Board such estimates, returns and other information as may be specified in the demand, being estimates, returns and information relating, in the case of a registered producer of pigs, to the purchase, ownership, production, sale or disposal of any pigs, and, in the case of a registered curer or the holder of a producer's licence, to the purchase, ownership, sale or disposal of any pigs, carcases, parts of carcases, or other products of the slaughtering of pigs, or to the ownership, production, sale or disposal of any bacon;

(*b*) to produce for the inspection of representatives of the Board, at any reasonable time and place specified in the notice, such books, records or documents in his possession or under his control as may be so specified.

The representatives mentioned in paragraph (*b*) of this subsection shall not be entitled to disclose to the Board any information other than information which the Board could have required under paragraph (*a*) of this subsection, and shall, if the person on whom the demand is made so requests, be professional accountants who are not in the service of the Board; and where such a request is made, the person on whom the demand was made shall repay to the Board any fees reasonably paid by the Board to the representatives.

(2) The powers conferred on the Development Board by subsection (1) of this section shall be exercisable also as respects registered producers of pigs by the Pigs Marketing Board, and as respects registered curers by the Bacon Marketing Board.

(3) If any person fails without reasonable excuse to comply with any demand made on him under this section or knowingly makes any false statement in reply thereto, the Board by which the demand was made shall by resolution impose upon him and recover from him a monetary penalty not exceeding one hundred pounds.

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(4) It shall be the duty of each of the two Marketing Boards to furnish to the Development Board such information as the Development Board may require, being information as to the manner in which that Marketing Board is exercising any of its powers (other than powers in the exercise of which it is under this Act directed to act independently of the Development Board) or information which that Marketing Board is empowered under this Act to obtain from registered producers of pigs or registered curers, as the case may be.

(5) The Development Board and each of the two Marketing Boards shall, on being required by him, furnish to the Minister such information (being information which that Board is under this Act empowered to obtain) as he may request for any purpose connected with the payments required to be made to and by him under the provisions of this Act relating to the first three contract periods or for any purpose connected with the making of orders under section one or section two of the Agricultural Marketing Act, 1933 (which sections relate to the regulation of importation of agricultural products and of sales of home-produced agricultural products), and may furnish to him any other information which he may request should be furnished to him.

Restrictions on disclosure of information.

37. No information with respect to the business of any particular producer of pigs, curer or holder of a producer's licence which has been obtained under or by virtue of this Act shall, without the consent of the producer, curer or holder, be disclosed otherwise than in connection with the execution of this Act; and if any person discloses any such information in contravention of this section, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or to both such imprisonment and such fine or, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine:

Provided that nothing in this section—

(*a*) shall prevent the disclosure of any information by a Marketing Board to the Development Board, or by the Development Board to a

Marketing Board, or by the Development Board or a Marketing Board to the Minister;

(*b*) shall apply to any disclosure made for the purposes of any proceedings pursuant to this Act (including arbitrations) or of any criminal proceedings which may be begun whether by virtue of this Act or otherwise, or for the purposes of any report of such proceedings as aforesaid.

Provision of funds for Boards.

Contributions to expenses of Development Board.

38.—(1) There shall be paid to the Development Board—

(*a*) by every registered producer of pigs who delivers pigs to a registered curer under a long contract;

(*b*) by every registered curer who causes to be graded and marked, under the provisions of this Act relating to grading and marking by persons employed in that behalf by the Pigs Marketing Board, any quantity of pigs which, under the provisions of this Act relating to the application of Part IV thereof to curers who produce pigs, are to be treated as pigs sold under a long contract;

such sum in respect of each such pig as may be prescribed by a resolution of the Development Board for the time being in force.

(2) There shall be paid to the Development Board by every registered curer in respect of each pig purchased by him otherwise than under a long contract (not being a pig purchased while not more than sixteen weeks old or a pig not produced in Great Britain or a pig from which no bacon is produced or a pig from which bacon is produced only on premises in respect of which no producer's licence is required under Part III of this Act or in respect of which there is in force a small curer's licence) such sum as may be prescribed by a resolution of the Development Board for the time being in force, and different sums may be prescribed in relation to pigs purchased at different times, at different prices, on different terms, or in different circumstances.

(3) There shall be paid to the Development Board by every registered curer in respect of every hundredweight of bacon produced by him otherwise than on

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premises in respect of which no producer's licence is required under Part III of this Act, such sum as may be prescribed by a resolution of the Development Board for the time being in force, so however that a smaller sum may be prescribed in relation to bacon produced on premises in respect of which a small curer's licence is in force.

(4) The sums payable to the Development Board under the preceding provisions of this section shall be prescribed by that Board by reference to the amount estimated to be required for the expenses and liabilities of that Board other than any expenses and liabilities incurred or to be incurred in connection with the payment of any compensation payable under a factory rationalisation scheme or otherwise exclusively referable to a factory rationalisation scheme:

Provided that—

(*a*) nothing in this subsection shall be deemed to limit the power of the Development Board to apply any moneys belonging to it in the exercise of any functions of that Board under this Act;

(*b*) the validity of anything done by the Development Board shall not be called in question by reason only that it was done otherwise than in accordance with the provisions of this subsection.

(5) Where a factory rationalisation scheme has come into force in accordance with the provisions of this Act, there shall, in addition to any contributions payable under the foregoing provisions of this section, be paid to the Development Board by the holders of producers' licences other than small curers' licences, such contributions as may be fixed by or under the scheme:

Provided that such contributions shall be so fixed by or under the scheme that the contributions shall not exceed the sum of one shilling in respect of every hundredweight of bacon in respect of which a sum is payable under subsection (3) of this section unless the Minister shall approve, and shall then only exceed such sum during such period and to such extent as the Minister shall approve.

(6) If no factory rationalisation scheme has come into force by the expiration of two years from the passing of this Act, or such lesser period as the Minister may order,

or if such a scheme which has come into force ceases to have effect by reason of an order for the revocation thereof, subsection (1) of this section shall have effect as if for paragraph (*b*) thereof there were substituted the following paragraph:—

"(*b*) by every registered curer who produces bacon from pigs bred or purchased when not more than sixteen weeks old by him or his predecessor in his business and thereafter kept on premises occupied for the purposes of that business by him or his predecessor therein."

(7) It shall be the duty of the Pigs Marketing Board and the Bacon Marketing Board to perform on behalf of the Development Board such services in connection with the recovery of the sums due under this section to the Development Board from registered producers of pigs or, as the case may be, registered curers, as the Development Board may require.

Contributions to expenses of Marketing Boards.

39.—(1) There shall be paid to the Pigs Marketing Board by the persons mentioned in subsections (1) and (2) of the last preceding section in respect of each pig in respect of which a sum may become payable thereunder such sum not exceeding one shilling and sixpence as may be specified by a resolution of that Board for the time being in force.

(2) There shall be paid to the Bacon Marketing Board by the persons mentioned in subsection (3) of the last preceding section in respect of the bacon in respect of which a sum may become payable thereunder such sum per hundredweight as may be specified by a resolution of that Board for the time being in force, so however that—

(*a*) except with the consent of the Minister (to be embodied in an order made by him) the sum specified shall not exceed sixpence; and

(*b*) a smaller sum may be specified in relation to bacon produced on premises in respect of which a small curer's licence is in force.

(3) An order of the Minister under this section—

(*a*) may be revoked or varied by a subsequent order of the Minister made thereunder;

(*b*) shall be laid before Parliament as soon as may be after it is made;

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and if either House within the next subsequent twenty-eight days on which that House has sat after the order has been laid before it resolves that the order be annulled the order shall thenceforth be void, but without prejudice to the making of a new order.

(4) In the exercise of their functions under this section, the two Marketing Boards shall act independently of the Development Board.

Miscellaneous powers of Development Board.

Miscellaneous powers of Development Board.

40.—(1) The Development Board may, for the purposes of this Act, borrow money and pledge, mortgage or charge any of its property, and may lend money to either of the Marketing Boards.

(2) If and when authorised so to do by a factory rationalisation scheme, but not otherwise, the Development Board may acquire by agreement any premises in respect of which a producer's licence has been revoked or surrendered by virtue of the provisions of the scheme, or any interest in any such premises, and may sell or otherwise dispose of any premises or interest so acquired.

(3) The Development Board may, either alone or in co-operation with any other person, advertise bacon or any description of bacon.

Encouragement of research and education.

41.—(1) The Development Board shall from time to time submit to the Minister a programme for the carrying out, either alone or in co-operation with any other person, of research and education in matters affecting the production and marketing of pigs suitable for bacon or the production and marketing of bacon, and shall submit with it an estimate of the amount of expenditure to be incurred in carrying out that programme; and if the Minister approves the programme and estimate so submitted to him, the Board shall cause that programme to be carried out and may for that purpose expend an amount not exceeding that specified in the estimate.

(2) The amount to be expended under this section shall not in any financial year exceed fifty thousand pounds.

(3) Without prejudice to the generality of the foregoing provisions, provision may be made by such a programme as aforesaid for the carrying on by the Board,

either alone or in co-operation with any other person, of any activities designed to secure an improvement in the breed of pigs.

(4) Where in pursuance of this section the Board renders any services to any person, it may make such charges in respect thereof as may be agreed upon between the Board and that person.

Pig census.

42.—(1) The Development Board may from time to time serve on any person who it has reason to believe is producing pigs in Great Britain a notice requiring him to send to the Board such particulars with respect to the number and description of pigs which he possesses or intends to produce as may be specified in the notice; and if any person who at the date of the service of the notice on him is a registered producer of pigs or is in possession of more than the prescribed number of pigs fails to comply with the notice or wilfully makes any false statement therein he shall be liable on summary conviction to a fine not exceeding five pounds.

(2) Every such notice shall contain a statement to the effect that the recipient thereof, if when the notice is served upon him he is neither a registered producer of pigs nor in possession of more than the said number of pigs, is under no obligation to reply thereto.

(3) The Minister shall, at the request of the Development Board, cause a list to be compiled containing the names of all such persons as he has reason to believe are producers of pigs, together with their respective addresses so far as known to him, and forward a copy of the list to the Board, and, notwithstanding anything in the Agricultural Returns Act, 1925, any returns made under that Act may be used for the purpose of compiling any such list:

15 & 16 Geo. 5. c. 39.

Provided that, except in the case of the first such list, there shall be payable to the Minister by the Board in respect of each list compiled and forwarded to it in pursuance of such a request a fee of such amount as may be certified by the Minister to represent the cost of compiling the list.

(4) The Development Board and the Pigs Marketing Board may agree that the powers of the Development Board under this section shall, while the agreement is

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in force, be exercisable by the Pigs Marketing Board, and the said powers shall be exercisable accordingly.

The Pigs Marketing Board shall, as respects the making of any such agreement, act independently of the Development Board, and any such agreement may provide for the making of payments by the Development Board to the Pigs Marketing Board.

(5) In this section "prescribed" means prescribed by regulations made by the Minister.

Miscellaneous provisions as to Marketing Boards.

Modifications of Agricultural Marketing Schemes.

43.—(1) The provisions of this Act shall have effect in lieu of Part VI of the Pigs Marketing Scheme, 1933, and Part VI of the Bacon Marketing Scheme, 1933, and accordingly those Parts of those Schemes shall cease to have effect and shall not be capable of being replaced by any amendment of those Schemes.

(2) The remainder of the said Schemes shall, notwithstanding anything in the Agricultural Marketing Act, 1931, requiring particular provisions to be included in schemes thereunder, continue to have effect subject to the adaptations and modifications set out in the Fifth Schedule to this Act and to such other adaptations and modifications as the Minister may, after consulting the Marketing Board affected, by order prescribe, being adaptations and modifications appearing to him to be necessary or expedient for bringing the provisions of those Schemes into accord with the provisions of this Act.

(3) Any power to amend or revoke either of the said Schemes shall be deemed to include power to amend or revoke the Scheme as modified and adapted in accordance with the provisions of any such order; and section nine of the Agricultural Marketing Act, 1931, (which relates to consumers' committees and committees of investigation) shall apply in relation to the Schemes as if any reference therein to a Scheme included a reference to so much of this Act as confers or imposes powers and duties on the Marketing Board in question other than powers and duties as respects which those Boards are by this Act required to act in accordance with any directions given to them by the Development Board; but nothing in this section shall authorise the amendment or revocation, under any provision of the Agricultural Marketing Act, 1931, of any provision of this Act.

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Miscellaneous powers of Pigs Marketing Board.

44.—(1) The Pigs Marketing Board may from time to time determine, for such period as may be fixed by that Board on the occasion of each determination, the manner in which and the terms on which pigs or any description or quantity of pigs sold to, or to any class of, registered curers shall be transported or insured by or on behalf of registered producers of pigs: and if any registered producer causes any pig to be transported or insured in contravention of any determination in force under this section, the Pigs Marketing Board shall impose upon, and shall recover from, him a monetary penalty not exceeding one pound for each pig so transported or insured:

Provided that nothing in this subsection shall apply in relation to any pigs not produced in Great Britain, or in relation to any pigs from which bacon cannot lawfully be produced under this Act in Great Britain except on premises in respect of which no producer's licence is required under Part III of this Act or in respect of which a small curer's licence is in force.

(2) The said Board may also—

(*a*) buy and sell pigs;

(*b*) produce from pigs bacon or any other commodity normally produced from pigs by persons whose business it is to slaughter pigs or to produce bacon;

(*c*) sell, grade, pack, store, adapt for sale, insure, advertise and transport any pigs bought or commodities produced by it as aforesaid;

(*d*) for the purpose of producing from pigs any such commodities as aforesaid, establish slaughter-houses;

(*e*) buy and sell or let for hire to registered producers of pigs anything required for the production of pigs;

(*f*) co-operate with any other person in doing any of the things previously mentioned in this subsection; and

(*g*) do such things as appear to the Board to be calculated to encourage co-operation among producers of pigs, or education or research conducted in connection with the production or marketing of pigs or bacon, and, in particular (but without prejudice to the generality

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of the foregoing provisions) may provide or join in providing for producers of pigs the services known as "pig recording" and "litter testing" and any services for similar purposes;

and where in pursuance of paragraph (*g*) of this subsection the Board renders any services to any producer, it may make such charges in respect thereof as may be agreed upon between it and the producer.

(3) In exercising the powers referred to in paragraphs (*e*) and (*g*) of the last preceding subsection (including its powers of making charges for services rendered), the Pigs Marketing Board shall act independently of the Development Board, and, as respects its powers to produce and sell bacon, the Pigs Marketing Board shall be subject to the provisions of this Act relating to the production and sale of bacon.

(4) The Pigs Marketing Board, acting independently of the Development Board, may lend money to the Bacon Marketing Board, the Development Board or any registered producer of pigs who has contracted to sell pigs under a long contract, upon such terms as to interest, security or otherwise as it thinks fit:

Provided that the Pigs Marketing Board shall not lend to a registered producer of pigs any sum in excess of two-thirds of the total amount (if any) which the Board estimates to be then due or growing due to that producer under any such contract.

Provisions as to transport of pigs on behalf of curers.

45.—(1) If the Bacon Marketing Board so determines with respect to any period, such expenses as may be specified in the determination of the Board, being expenses of or incidental to the transport, by or on behalf of registered curers, of pigs to which the determination applies, shall, to such extent as may be specified in the determination, be shared, in the manner hereinafter specified, among the registered curers in proportion to the number of pigs for which they are respectively accountable for that period.

(2) A determination under subsection (1) of this section may be made applicable to all or any of the following pigs:—

(*a*) pigs delivered to registered curers during the period to which the determination relates under

long contracts or contracts made in pursuance of a determination of the Development Board under subsection (1) of section eighteen of this Act, including pigs which, after being transported by or on behalf of a curer, are rejected by him;

(*b*) pigs slaughtered in that period, being pigs which are, by virtue of the provisions of this Act relating to curers who produce pigs, to be treated for the purposes of Part IV of this Act as pigs sold under long contracts;

and references in this section to the number of pigs for which a registered curer is accountable for any period to which such a determination relates shall be construed as references to the number of pigs to which that determination applies which in that period are so delivered to, or, as the case may be, slaughtered by or on behalf of, that curer.

(3) Any such determination—

(*a*) may provide, as respects all or any specified classes of cases, that any pigs to which the determination applies shall be transported on behalf of the registered curer affected only by such person, in such manner, in pursuance of such contract and on such terms as may be specified (either generally or in relation to the particular curer or in relation to the particular pigs) in the determination, or, if and so far as the determination so provides, by the Bacon Marketing Board acting thereunder;

(*b*) may provide, as respects all or any specified classes of cases, that the Bacon Marketing Board shall do such one or more of the following things as may be specified (either generally or in relation to the particular curer or in relation to the particular pigs) in the determination or, if and so far as the determination so provides, by the Bacon Marketing Board acting thereunder, that is to say—

(i) itself defray all or any of the expenses of or incidental to the transport by or on

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behalf of the registered curer affected, of such pigs as aforesaid;

(ii) repay to the registered curer affected all or any of the said expenses incurred by him;

(iii) pay to the curer affected, in respect of all or any of the said expenses incurred by him, such sums as may be specified in the determination or, if and so far as the determination so provides, by the Bacon Marketing Board acting thereunder.

(*c*) may require that, in all or any specified classes of cases, the registered curer affected shall insure any pigs to which the determination applies in such manner as may be specified (either generally or in relation to the particular curer or in relation to the particular pigs) in the determination, or, if and so far as the determination so provides, by the Bacon Marketing Board acting thereunder.

(4) Any such determination may require any registered curer to act as respects the exercise of any option which he has under any contract for the purchase of pigs to which the determination applies, being an option affecting the extent to which the pigs will be transported by or on behalf of a curer, in such manner as may be specified in the determination, or, if and so far as the determination so provides, by the Bacon Marketing Board acting thereunder; and where any such requirement is made by any determination, the determination may require any registered curer affected to pay to the Bacon Marketing Board an amount equal to any payment made to him or any deduction allowed to him from the price of any pigs to which the determination applies, being a payment or deduction to which he becomes entitled by reason of the exercise or, as the case may be, the non-exercise, of the option in question.

(5) Every determination under any of the foregoing provisions of this section shall require the payment to the Bacon Marketing Board by each registered curer, in respect of each pig for which he is accountable for the period to which the determination relates, of a contribution of an amount specified in the determination, being

such amount as the Board estimates is as nearly as may be equal to the total expenses which it will incur by reason of the determination, divided by the number of pigs to which the determination applies:

Provided that the Board, if it appears that the amount specified as aforesaid will be insufficient or more than sufficient to make good to it the said expenses, may amend the determination by fixing a higher or lower amount, and thereupon the determination shall be deemed always to have had effect as so amended, and any sums underpaid by any curer to the Board shall be recoverable from him by the Board as a debt and any sums overpaid by any curer shall be repaid or allowed to him by the Board.

(6) The Bacon Marketing Board shall, at least six weeks before the beginning of the period to which a determination under the foregoing provisions of this section relates, publish a draft of the determination in such manner as it thinks best adapted for the purpose of bringing the matter to the notice of the curers affected, and shall consider any representations made to it during the four weeks following the date of the publication of the draft by or on behalf of any of those curers, and may then make the determination either in the form of the draft or with modifications.

(7) If any registered curer causes any pig to be transported or insured in contravention of any determination in force under this section, the Bacon Marketing Board shall by resolution impose upon, and shall recover from, him a monetary penalty not exceeding one pound for each pig so transported or insured.

For the purposes of this subsection—

(*a*) a curer who fails to insure a pig when he is required to do so by a determination shall be deemed to have caused that pig to be insured in contravention of that determination;

(*b*) a curer who contravenes any provision of a determination requiring him to act in a particular manner as respects the exercise of an option shall be deemed to have caused each pig affected by the contravention to be transported in contravention of the determination.

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(8) The power conferred by the foregoing provisions of this section on the Bacon Marketing Board to make a determination with respect to any period shall be construed as including power to specify, as the period to which the determination relates, a period beginning with a specified date and ending at the end of the contract period within which that date falls or at such earlier time as may be determined by the Board.

(9) References in the foregoing provisions of this section to pigs shall, in relation to pigs slaughtered before being transported by or on behalf of the curer, be construed as including references to the carcases thereof.

(10) Any sum duly required to be paid to the Bacon Marketing Board by a determination under the foregoing provisions of this section shall be recoverable by that Board as a debt.

(11) The Bacon Marketing Board may—

(*a*) contract with any person for the carriage by him, on behalf of any registered curer, of pigs or carcases of pigs;

(*b*) enter into an arrangement with any person whereby that person undertakes to contract on specified terms with any registered curer, or any registered curer of a specified class, for the carriage on behalf of that curer of pigs or carcases of pigs;

(*c*) enter into an arrangement with any person whereby that person undertakes to insure any registered curer, or any registered curer of a specified class, against loss in respect of pigs by death, or damage during transit, or by disease;

but, save in so far as a determination under the foregoing provisions of this section applies,—

(i) a curer shall not be bound to avail himself of anything done by the Board under this subsection; and

(ii) if he does avail himself thereof with respect to any pigs or carcases, he shall repay to the Board any sums which the Board may become liable to pay to any other person in connection with the carriage of those pigs or carcases.

(12) References in this section, in relation to pigs or carcases, to expenses of or incidental to the transport thereof, shall be deemed to include references—

(*a*) to any addition to the price of any pig ascribable to the fact that, in pursuance of a term of the contract in that behalf, that pig or the carcase thereof is wholly or partly transported by or on behalf of the seller instead of by or on behalf of the buyer; and

(*b*) to the cost of insurance; and

(*c*) to any loss borne or sum payable by the registered curer in question in respect of death, damage, or loss of weight during transit or in respect of disease;

and where a determination under this section is so made as to relate to any losses so borne, a registered curer who receives any payment, or is, under any contract, allowed any deduction from the price payable by him, in return for an undertaking by him to bear the whole or any part of such a loss in the case of pigs to which the determination applies, shall pay to the Board a sum equal to that payment or, as the case may be, that deduction.

Power of Bacon Marketing Board to regulate grading of bacon.

46.—(1) The Bacon Marketing Board may regulate sales of bacon by determining the grade designations to be employed, either generally or in particular circumstances, in connection with the sale of bacon by or on behalf of any registered curer, not being bacon produced only on premises in respect of which no producer's licence is required under Part III of this Act or in respect of which a small curer's licence is in force, and by determining the meanings to be attached to any such grade designation:

Provided that nothing in this subsection shall operate so as to affect the free use by any registered curer of any trade mark of which he is the owner.

(2) If bacon is sold in contravention of the determination under this section, the Bacon Marketing Board shall by resolution impose upon, and shall recover from, the curer by or on whose behalf the bacon was sold a monetary penalty not exceeding fifty pounds.

(3) In this section "grade designation" means, in relation to bacon, a designation indicating the nature, size, weight or quality of that bacon.

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Miscellaneous powers of Bacon Marketing Board.

47.—(1) The Bacon Marketing Board, acting independently of the Development Board, may, either alone or in co-operation with any other person, advertise bacon or any description of bacon, and may do such things as it thinks fit to encourage any form of agricultural co-operation, research or education connected with the production or marketing of pigs or bacon.

(2) The Bacon Marketing Board may also—

(*a*) buy and sell pigs;

(*b*) produce from pigs bacon or any other commodity normally produced from pigs by persons whose business it is to slaughter pigs or to produce bacon;

(*c*) sell, grade, pack, store, adapt for sale, insure, advertise and transport any pigs bought or commodities produced by it as aforesaid;

(*d*) for the purpose of producing from pigs any such commodities as aforesaid, establish slaughter houses;

so, however, that, as respects its powers to produce and sell bacon the Bacon Marketing Board shall be subject to the provisions of this Act relating to the production and sale of bacon.

(3) The Bacon Marketing Board, acting independently of the Development Board, may lend money to the Pigs Marketing Board or the Development Board upon such terms as to interest, security or otherwise as it thinks fit.

Fair Wages.

Wages and conditions of employment of persons employed in producing bacon.

48.—(1) The wages paid by the holder of a producer's licence or a registered curer to persons employed by him in the production of bacon and the conditions of their employment shall, unless agreed upon by the employer and by an organisation representative of those persons or by a joint industrial council, not be less favourable to those persons than the wages which would be payable and the conditions which would have to be observed under a contract which complied with the requirements of any resolution of the House of Commons for the time being in force applicable to contracts of Government

Departments, and if any dispute arises as to what wages ought to be paid or what conditions ought to be observed in accordance with this section, it shall, if not otherwise disposed of, be referred by the Minister to the Industrial Court for settlement.

(2) Where any matter is referred to the Industrial Court under this section, the Court, in arriving at its decision, shall have regard to any determination that may be brought to its notice relating to the wages or conditions of service of persons employed in a capacity similar to that of the persons to whom the reference relates, being a determination contained in a decision of a joint industrial council, conciliation board, or other similar body, or in an agreement between organisations representative of employers and workpeople.

(3) Where an award has been made by the Industrial Court upon a dispute referred to that Court under this section, then, as from the date of the award or such later date as the Court may direct, it shall be an implied term of the contract between the employer and workers to whom the award applies that the rate of wages to be paid and the conditions of employment to be observed under the contract shall, until varied in accordance with the provisions of this section, be in accordance with the award.

Supplemental.

General provisions as to penalties, arbitration, and service of notices.

49.—(1) Where under any of the provisions of this Act a Board has power to impose upon and to recover from any person a monetary penalty, the following provisions shall have effect:—

(*a*) no penalty shall be imposed under this Act in respect of any act or omission which constitutes an offence under any Act other than this Act;

(*b*) no penalty shall be so imposed on any person unless he has had a reasonable opportunity of being heard in person or by his agent;

(*c*) every penalty so imposed shall, subject as hereinafter provided, be a debt due to the Board and be recoverable accordingly.

(2) Immediately on the passing of any resolution imposing a penalty, notice of the resolution shall be served

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on the person in question, and he may within fourteen days from the day on which the notice was so served on him give notice to the Board referring the matter to arbitration, and if the matter is so referred no proceedings shall be taken by the Board otherwise than in or for the purposes of the arbitration or to enforce the award of the arbitrator, and the arbitrator may award payment of such penalty, if any (not exceeding the maximum penalty which could have been imposed by the Board), as he thinks just.

(3) Where under the provisions of this Act any dispute is referred to arbitration, it shall be referred to such single arbitrator as may be agreed upon between the parties or, in default of agreement, nominated by the Minister, and any such arbitration shall, if any of the parties thereto who carries on business in Scotland so requires and the matter in dispute relates to that business, be held in, and in accordance with the law of, Scotland.

(4) Any provision of this Act which authorises the imposition of a penalty in respect of an act or omission of any registered producer of pigs or registered curer shall be construed as authorising the imposition of such a penalty on any person who was at the time of the act or omission a registered producer of pigs or a registered curer, as the case may be, and a penalty may be imposed accordingly, notwithstanding that the person in question has ceased to be a producer of pigs or a curer or has ceased to be registered as such.

(5) Where an offence punishable on summary conviction under this Act is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(6) Any document authorised or required by this Act to be served on any person may be served by post, and any document so authorised or required to be served on the holder of a producer's licence in respect of any premises may be addressed to "the occupier"

of those premises, specifying them, without any further name or description.

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Form, publication, validity and commencement of orders.

50.—(1) As soon as may be after any order approving a factory rationalisation scheme or an amendment of such a scheme, or transferring functions of a Marketing Board to the Development Board, has been made by the Minister under this Act, the Minister shall cause to be published in the London and Edinburgh Gazettes, and in such other manner as appears to him to be best adapted for informing persons affected, a notice stating that the order has been made and specifying the place where copies of the order can be obtained.

(2) The validity of any such order shall not be called in question except in proceedings duly begun during the period of six weeks beginning with the day on which notice of the order having been made is published in accordance with this section, and, unless the final decision in proceedings duly begun during the said period is that the order is invalid, the order shall be conclusive evidence that the requirements of this Act have been complied with in relation to the making of the order, and that the order and any scheme or amendment approved thereby have been duly made and approved respectively, and are within the powers conferred by this Act.

(3) Subject as hereinafter provided, any such order shall come into operation at the end of the period of six weeks beginning with the day on which the notice of the making of the order is published in accordance with this section:

Provided that, if proceedings for the purpose of questioning the validity of such an order are duly begun within the said period, the court before which those proceedings are begun may, at any time before the end of the period, direct that the order shall not come into operation before the final determination of the proceedings.

(4) Nothing in the foregoing provisions of this section affects so much of any provision of this Act as provides for an order ceasing to have effect on the passing of a resolution by either House of Parliament.

(5) Notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, an order

56 & 57 Vict. c. 66.

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PART VI. —*cont.* Miscellaneous provisions as to contracts.

under this Act shall not be deemed to be a statutory rule to which that section applies.

51.—(1) Any power of a Board under this Act to specify, whether by determining a form of contract or otherwise, the terms on which pigs, carcases, or parts of carcases may be sold or purchased, shall (without prejudice to the power of the Board to include any other terms) include power to require that the Pigs Marketing Board shall be a party to the contract of sale with such rights or obligations thereunder as may be specified therein, including in particular rights or obligations designed to secure all or any of the following purposes :—

(*a*) that that Board guarantees to a party to the contract the performance by any other party to the contract of all or any of his obligations thereunder;

(*b*) in the case of long contracts, that, as between persons who enter into those contracts as sellers, the burden of any particular class of risk or expense is shared in a specified manner;

(*c*) that that Board can recover and retain for its own benefit so much of the price payable in respect of the pigs sold under the contract as is equal to any contributions payable by the seller to that Board in respect of those pigs;

(*d*) that where by virtue of any provision of this Act any sum becomes payable to or for the benefit of any Board which, or person who, is not a party to the contract, being a sum payable out of the purchase price of any pigs sold under the contract or a sum payable by the seller in respect of any of those pigs, the Pigs Marketing Board can recover from the purchaser, for the benefit of that other Board or person, so much of the price of those pigs as is equal to that sum;

(*e*) that the Pigs Marketing Board is entitled to recover any damages or other sums payable by any other party to the contract in respect of that other party's failure to perform any of his obligations thereunder, and to retain for its own benefit such part, if any, of such damages or other sums as may be specified therein;

and the form of contract may be framed accordingly.

(2) Any power of a Board under this Act to specify, whether by determining a form of contract or otherwise, the terms on which pigs, carcases, or parts of carcases may be sold or purchased shall, in relation to any form of contract to be used for the sale of pigs where two or more registered producers are to employ the same agent for the purpose of arranging deliveries under their respective contracts, be deemed (without prejudice to the power of the Board to include any other terms) to include power to make all or any of the following requirements:—

(*a*) that the agent shall be a person appointed by the Pigs Marketing Board and that that Board shall have power to remove him and appoint another agent in his place;

(*b*) that the terms of the employment of the agent shall be such as may be specified by the Pigs Marketing Board;

(*c*) that the agent shall be a party to the contract;

(*d*) that the agent shall have the right to recover, as or towards his remuneration, a part of the sums payable by the purchaser under the contract;

(*e*) that the agent shall be wholly or partly liable to the purchaser, to the Pigs Marketing Board, or both to the purchaser and to that Board, for the performance of the seller's obligations under the contract;

and the form of contract may be framed accordingly.

(3) Where any contract made in a form determined by, or on terms specified by, a Board in pursuance of this Act provides for the payment by any party to the contract, in the event of a breach by him of his part of the contract, of a sum either to a Board or to another party thereto, that provision shall be enforceable notwithstanding any rule of law or equity relating to the enforceability of stipulations for penalties.

Expenses of administration of Act.

52. Any administrative expenses incurred for the purposes of this Act by the Minister shall be defrayed out of moneys provided by Parliament.

Definition of "bacon."

53.—(1) In this Act, in the Pigs Marketing Scheme, 1933, and in the Bacon Marketing Scheme, 1933, "bacon" includes hams and any other part of the carcase of a pig which has in any way been cured by

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salting or pickling or by any other process which will in any way alter the character of the meat, except the feet, the offal, and the head without the chaps:

Provided that in considering whether—

(*a*) a curer is or is not exempt from registration; or

(*b*) premises are or are not exempt from the necessity for a producer's licence; or

(*c*) the conditions embodied in a small curer's licence are or are not contravened;

no part of the carcase of a pig the weight whereof does not exceed one-fifth of the dead weight of the whole pig shall be deemed to be bacon unless it is subjected to a process of curing for a period exceeding forty-eight hours or, when the period includes any part of a public holiday, sixty hours.

(2) The Minister may by order amend the provisions of subsection (1) of this section in such manner as may be specified in the order.

(3) An order under this section may be revoked or varied by a subsequent order made thereunder by the Minister.

(4) The Minister, as soon as may be after an order is made under this section, shall lay the order before each House of Parliament, and if either House within the next subsequent twenty-eight days on which that House has sat after the order is laid before it resolves that the order shall be annulled, the order shall thenceforth be void, but without prejudice to anything previously done thereunder or to the making of a new order.

(5) Except so far as is expressly provided thereby, nothing in this Act or the said Schemes applies to bacon produced outside Great Britain, and references to bacon shall be construed accordingly.

Definitions of "curer" and "production of bacon."

54.—(1) In this Act, in the Pigs Marketing Scheme, 1933, and in the Bacon Marketing Scheme, 1933, "curer" means a producer of bacon, and where, by arrangement between two persons, pigs, carcases or parts of carcases belonging to one of those persons are converted into bacon on premises in the occupation of the other, then (whosesoever servants the individuals actually engaged in the processes resulting in the production of the bacon may be) the

bacon shall for the purposes of this Act and those Schemes be treated as having been produced by the person to whom the pig, carcase or part of a carcase belonged.

(2) Any references in this Act to the production of bacon shall be construed as referring also to any of the processes which together make up the production of bacon, and the process of the production thereof shall be deemed to commence—

(*a*) if the pig from which the bacon is made is slaughtered by or on behalf of the producer of the bacon, from the commencement of the process of the slaughtering of the pig;

(*b*) in any other case, from the arrival of the carcase or part of a carcase from which the bacon is made at any premises occupied by the producer of the bacon, or by any person who on his behalf subjects the carcase or part of a carcase to any process of curing, or by any person who permits the producer of the bacon to subject the carcase or part of a carcase to any process of curing on any premises in that person's occupation;

and to continue until the bacon is fit for sale as green bacon.

(3) In determining for any of the purposes of this Act how much bacon has been produced, any reference in this Act to a weight or quantity of bacon shall be taken as a reference to the weight of the part of the carcase which becomes bacon after that part of the carcase has been dressed but before the application thereto of any pickle, salt, or other curing material.

Interpretation.

55.—(1) In this Act unless the context otherwise requires—

"registered" means, in relation to a producer of pigs or curer, registered under the Pigs Marketing Scheme, 1933, or the Bacon Marketing Scheme, 1933, as the case may be, or if the scheme in question has been revoked, registered in a register kept by the Development Board by virtue of the transfer to it under this Act of the power of the Marketing Board to keep such a register, and "registration" shall be construed accordingly;

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"the Pigs Marketing Board" and "the Bacon Marketing Board" mean respectively the Boards established under the Pigs Marketing Scheme, 1933, and the Bacon Marketing Scheme, 1933, and "the Marketing Boards" and "the two Marketing Boards" mean the Pigs Marketing Board and the Bacon Marketing Board;

"calendar year" means a year commencing with the first day of January;

"financial year" means a year ending with the thirty-first day of March;

"Minister" means the Minister of Agriculture and Fisheries and the Secretary of State for Scotland acting in conjunction;

"committee of investigation" means the committee of investigation for Great Britain established under section nine of the Agricultural Marketing Act, 1931;

"dead weight" means the weight (after the animal heat has departed) of a dressed carcase including the skin, the head with the tongue, the kidneys, the tenderloins, the fleck or flare, the tail, the backbone and the feet.

(2) For the purposes of this Act, any person whose business it is to keep pigs for the purpose of breeding from them or using or selling them in an improved condition shall be deemed to produce pigs; and a person who produces pigs shall be deemed to sell pigs if he sells the carcases of pigs produced in Great Britain by him.

Short title, commencement and extent.

56.—(1) This Act may be cited as the Bacon Industry Act, 1938.

(2) This Act shall come into force on such day as the Minister may appoint, and different days may be appointed for different purposes and different provisions of this Act.

(3) This Act shall not extend to Northern Ireland.

SCHEDULES.

FIRST SCHEDULE.

Section 1 (4).

PROVISIONS WITH RESPECT TO THE DEVELOPMENT BOARD AND TO ITS PROCEEDINGS.

1. A member of the Board, on vacating his office, shall be eligible for re-appointment.

2. The Board may act notwithstanding that the office of any member is vacant.

3. The quorum of the Board shall be five, and such of the members appointed by him as the Minister may select in that behalf shall be chairman and vice-chairman of the Board.

4. The common seal of the Board shall not be applied to any document except in pursuance of a resolution of the Board, and the application of the seal shall be attested by two members of the Board, and by the Secretary of the Board.

5. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed on behalf of the Board by any person authorised by the Board, either generally or in the particular case, so to do.

6.—(1) A contract entered into by the Board shall not be avoided by reason only that a member of the Board is also a party thereto or is interested therein.

(2) A member of the Board shall not be liable to account to the Board for any profits realised by him out of any contract by reason only of the fact that the Board is a party to the contract or is interested therein.

(3) A member of the Board shall disclose to the Board—

(*a*) any interest which he has or acquires in any contract in which the Board has or acquires any interest, and

(*b*) any interest which he has or acquires in any other contract whatsoever, if that interest in any way conflicts with his duty as a member of the Board,

immediately after he becomes a member, or the interest is acquired, as the case may be.

(4) A member of the Board shall not vote upon any question relating to a contract in which he has an interest, and if he does vote, his vote shall not be counted :

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1ST SCH. —*cont.*

Provided that nothing in this paragraph shall preclude a member of the Board from voting on any question relating to the general policy of the Board.

7. Subject to the provisions of this Schedule, the procedure of the Board shall be such as the Board may from time to time determine.

8. The Board shall have an office in England and an office in Scotland, and shall notify to the Minister the addresses of those offices and any change in those addresses.

9. The Board may enter into such agreements, acquire such property, and do such things as may, in its opinion, be necessary or expedient for the performance of any of its functions under this Act, and may sell or otherwise dispose of any property so acquired which is not required for the purpose for which it was so acquired.

10. The moneys of the Board may be left on current or deposit account in any bank or invested in any securities in which trustees may lawfully invest trust moneys under section one of the Trustee Act, 1925, as extended by any subsequent enactment.

15 & 16 Geo. 5. c. 19.

11. The Board may appoint such secretaries and other officers and such servants, and may pay to them such salaries and allowances, as the Board may determine.

12.—(1) The Board may appoint such advisory committees as it thinks fit to consider such matters as the Board may specify and to report thereon to the Board.

(2) Any such committee may consist wholly or partly of persons who are not members of the Board.

(3) In particular the Board shall appoint an advisory committee (to be called "the Retailers Committee") consisting of not more than twelve representatives of such organisations as the Board may consider best qualified to express the views of retailers of bacon, in order to consider and report to the Board on matters particularly affecting the retailers of bacon and matters affecting the retail trade in bacon generally.

(4) The quorum and proceedings of any such committee shall be such as the Board may determine.

13. The Board may pay to any member of the Board or of any committee thereof such travelling and other expenses as the Board may determine.

14. In the case of an equality of votes at any meeting of the Board or any committee thereof, the chairman of the meeting shall have a second or casting vote.

15. A member of the Board (not being a member appointed by the Minister) may by writing appoint a deputy to act for him at any meeting which he does not attend either of the Board or

of a committee thereof, and any such deputy may, in the case of a meeting of the Board, with the consent of the chairman of the meeting, or, in the case of a meeting of the committee, without such consent, be present at the meeting, and in that case, notwithstanding anything in his appointment, he shall have such rights as the person appointing him would have had if he had been present at the meeting.

16. All acts done at any meeting of the Board or any committee thereof shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment or qualification of a person purporting to be a member of the Board or of the committee, be as valid as if that defect had not existed.

17. Minutes shall be kept of the proceedings of the Board and of every committee thereof, and any such minutes shall, if signed by a person purporting to have acted as chairman of the meeting to which the minutes relate or of a meeting at which they were confirmed, be evidence of the proceedings at the first mentioned meeting, and the meeting to which any such minutes relate shall be presumed, until the contrary is proved, to have been regularly convened and constituted.

18.—(1) The Board shall, in respect of each financial year, make out a balance sheet and either an income and expenditure account or a profit and loss account as the circumstances of the case may require, and shall cause those accounts to be audited by an auditor to be nominated by them and approved by the Minister.

(2) Where a factory rationalisation scheme has come into force in accordance with the provisions of this Act, the Board shall, in making out any such balance sheet or account as aforesaid, distinguish the payments made and expenses and liabilities incurred in connection with the payment of any compensation payable under the scheme, or otherwise exclusively referable to the scheme.

(3) As soon as may be after the auditor has reported on the accounts and in any case within three months after the close of the period covered by the income and expenditure account or the profit and loss account as the case may be, the Board shall send the Minister a copy of the accounts (including the balance sheet) and of the report of the auditor thereon and also a report by the Board as to the working of this Act in the period covered by the income and expenditure account or the profit and loss account.

(4) The Minister shall lay a copy of any reports and accounts so sent to him under this paragraph before Parliament.

19. The Board shall, at the request of any person and on payment of such fee, not exceeding one shilling, as may be fixed by the Board, furnish to him a copy of any of its balance sheets.

SECOND SCHEDULE.

Section 3 (1).

MATTERS WITH RESPECT TO WHICH FUNCTIONS OF THE BACON MARKETING BOARD ARE TO BE FUNCTIONS OF THE BACON CURERS' ADVISORY COMMITTEE.

1. The nomination of members of the Development Board and consultation with the Minister as to the determination of their remuneration and the period for which and the terms on which they shall hold office.

2. Consultation with the Development Board on matters of policy.

3. The settling of forms of contract under Part IV of this Act.

4. The preparation and approval of factory rationalisation schemes.

5. The making of representations and complaints to the Minister.

6. Such other matters, if any, as may from time to time be determined by agreement between the Development Board and the Committee with the consent of the Minister:

Provided that the Development Board, the Committee, or the Minister may at any time declare as respects any matter that it or he is no longer willing that functions with respect thereto should be functions of the Committee, and thereupon the Committee shall, unless and until a further agreement in that behalf is made under this paragraph, cease to have functions with respect to that matter.

THIRD SCHEDULE.

Section 3 (2).

PROVISIONS AS TO THE BACON CURERS' ADVISORY COMMITTEE.

1. Such of the provisions of the Bacon Marketing Scheme, 1933 (as in force immediately before the revocation of that scheme) as relate to the composition of the Bacon Marketing Board, its quorum and its procedure (including the provisions relating to elections of members and other ancillary provisions) shall, with such exceptions and subject to such adaptations and modifications as the Minister may by order prescribe, have effect with respect to the Committee.

2. All acts done at any meeting of the Committee shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment of a person purporting to be a member of the Committee, be as valid as if that defect had not existed.

3. The Development Board shall at its own expense provide and remunerate for the use of the Committee such secretary or other officer or officers, and shall provide for the Committee such office accommodation, as the Development Board considers necessary for the purposes of the Committee.

4. The Committee shall from time to time submit to the Development Board for approval estimates of its expenditure (which may include sums for travelling or hotel expenses or remuneration of members of the Committee) and the Board may approve the estimate with or without modification; and any expenditure of the Committee incurred in accordance with an estimate so submitted to and approved by the Board shall be defrayed by the Board.

5. The Committee shall be dissolved if at a meeting of the Committee it is resolved by a majority of all the existing members thereof that it be dissolved.

FOURTH SCHEDULE.

Section 4 (1).

PROVISIONS AS TO WINDING-UP OF DEVELOPMENT BOARD.

1. For the purposes of section three hundred and thirty-eight of the Companies Act, 1929, the offices of the Board in England and Scotland shall be deemed to be a principal place of business of the Board.

2. Sub-paragraph (ii) of paragraph (*e*) of subsection (1) of the said section three hundred and thirty-eight shall not apply, and sub-paragraph (iii) of that paragraph shall apply as if the words " or any member thereof as such " were omitted.

3.—(1) Every person who at any time during the relevant period was a registered producer of pigs or a registered curer shall be liable to contribute to the payment of the debts and liabilities of the Board (other than the liabilities mentioned in sub-paragraph (3) of this paragraph) and of the costs and expenses of the winding-up a contribution proportionate, in the case of a registered producer of pigs, to the total number of pigs contracted to be sold by him to any registered curer or to the Pigs Marketing Board for delivery at any time during the relevant period, and, in the case

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4TH SCH. —*cont.*

of a registered curer, to the total quantity of bacon produced by him during that period:

Provided that, where under any contract of sale the period allowed for delivery of any pigs does not fall wholly within the relevant period, those pigs shall, for the purposes of this paragraph, be deemed to have been contracted to be sold for delivery on the first day of the period allowed by the contract for delivery thereof.

(2) Contributions under the last preceding sub-paragraph shall be assessed as between the persons liable to contribute thereunder at a flat rate not exceeding one shilling in respect of each pig so contracted to be sold or each hundredweight of bacon so produced, as the case may be, and so that the like sum shall be assessed in respect of each such hundredweight of bacon as is assessed in respect of each such pig.

(3) Where a factory rationalisation scheme has come into force in accordance with the provisions of this Act, every person who at any time during the relevant period was the holder of a producer's licence, other than a small curer's licence, in respect of any premises shall be liable to contribute to any sum required for the payment of any outstanding liabilities of the Board incurred in connection with the payment of any compensation payable under the scheme or otherwise exclusively referable to the scheme, a sum proportionate to the quantity of bacon produced during the relevant period on the premises while he was the holder of the licence, so however that the sum payable by any person under this paragraph shall not exceed such sum as may have been specified in the scheme in respect of each hundredweight of bacon so produced.

(4) For the purposes of this paragraph, "the relevant period" means the period of twelve months ending with the day of the commencement of the winding-up.

4. A proof for an amount agreed or awarded to be due in respect of compensation under the provisions of this Act relating to compensation may be rejected in whole or in part on the ground that in view of the winding-up of the Board it is just that no compensation, or as the case may be, less compensation should be paid.

5. Any surplus remaining in the hands of the liquidator after the liabilities of the Board have been discharged shall be applied for the benefit of the agricultural industry in such manner as the Minister may by order direct.

An order of the Minister under this paragraph shall be laid before each House of Parliament as soon as may be after it is made, and if either House within the next subsequent twenty-eight days on which that House has sat after any such order is

laid before it resolves that the order shall be annulled, the order shall thenceforth be void but without prejudice to the making of a new order.

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4TH SCH.
—*cont.*

FIFTH SCHEDULE.

Section 43 (2).

ADAPTATIONS AND MODIFICATIONS OF PIGS MARKETING SCHEME, 1933, AND BACON MARKETING SCHEME, 1933.

1. Any reference in either of the Schemes to that Scheme shall be deemed to include a reference to so much of this Act as confers powers or imposes duties on the Board constituted under the Scheme:

Provided that nothing in the Bacon Marketing Scheme, 1933, providing for the exemption of persons from the operation of that Scheme, shall exempt any person from the operation of any provision of this Act.

2. Paragraph 67 of the Pigs Marketing Scheme, 1933, and paragraph 60 of the Bacon Marketing Scheme, 1933, (which enable persons aggrieved by acts or omissions of the Boards constituted under those Schemes respectively to refer the matter to arbitration) shall not apply in relation to acts or omissions of the Boards in relation to any functions conferred on them by this Act, as respects which the Boards are under this Act required to act in accordance with any directions given to them by the Development Board.

3. Any surplus remaining in the hands of the liquidator of either of the Marketing Boards shall be applied for the benefit of the pig-production industry or, as the case may be, the bacon-curing industry, in such manner as the Minister may by order direct.

An order of the Minister under this paragraph shall be laid before each House of Parliament as soon as may be after it is made, and if either House within the next subsequent twenty-eight days on which that House has sat after any such order is laid before it resolves that the order shall be annulled, the order shall thenceforth be void but without prejudice to the making of a new order.

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