EXPLANATORY NOTE

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

These Regulations, which are made after consultation with the Agricultural Statistics Advisory Committee, provide that the information which may be required under the Agricultural Statistics (England and Wales) Regulations, 1948, from occupiers of land used for agriculture shall include statistical information relating to the total number of flower bulbs forced under glass in any season, and as to the total capacity of permanent tanks on any holding for the storage of fuel oil.

AGRICULTURAL MARKETING

1956 No. 2082

The British Egg Marketing Scheme (Approval) Order, 1956

Made - - - - 21*st December*, 1956

Whereas the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for the Home Department (being the Secretary of State concerned with agriculture in Northern Ireland) laid before each House of Parliament a draft of a scheme, as set forth in the Schedule hereto, under the Agricultural Marketing Acts, 1931 to 1949(a), for regulating the marketing of eggs produced in the United Kingdom:

And Whereas, prior to the laying of the draft as aforesaid, each House of the Parliament of Northern Ireland had resolved, pursuant to sub-section (3) of Section 18 of the Agricultural Marketing Act, 1949(b), that it was expedient that a scheme in the terms of the draft should, if approved as hereinafter mentioned, extend to Northern Ireland:

And Whereas, the House of Commons resolved on the eleventh day of December, 1956, and the House of Lords on the twentieth day of December, 1956, that the said Scheme should be approved:

Now, therefore, the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for the Home Department, in pursuance of subsection (8) of Section 1 of the Agricultural Marketing Act, 1931(c), and Section 18 of the Agricultural Marketing Act, 1949, hereby make the following Order:—

1. This Order may be cited as the British Egg Marketing Scheme (Approval) Order, 1956.

2. The said Scheme is approved in the terms of the said draft.

3. The said Scheme shall come into force on the thirty-first day of December, 1956.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this twentieth day of December, nineteen hundred and fifty-six.

(L.S.) *D. Heathcoat Amory,*
Minister of Agriculture, Fisheries and Food.

(a) 21 & 22 Geo. 5. c. 42; 23 & 24 Geo. 5. c. 31; 24 & 25 Geo. 5. c. 1; 12, 13 & 14 Geo. 6. c. 38.
(b) 12, 13 & 14 Geo. 6. c. 38.
(c) 21 & 22 Geo. 5. c. 42.

Given under the Seal of the Secretary of State for Scotland this twenty-first day of December, nineteen hundred and fifty-six.

(L.S.)

James Stuart,
Secretary of State for Scotland.

Given under the Hand of the Secretary of State for the Home Department this twenty-first day of December, nineteen hundred and fifty-six.

G. Lloyd-George,
Secretary of State for the Home Department.

SCHEDULE

Scheme under the Agricultural Marketing Acts, 1931 to 1949, Regulating the Marketing of Eggs

PART I.—PRELIMINARY

Application of Scheme

1. This Scheme may be cited as the British Egg Marketing Scheme, 1956, and applies to the United Kingdom of Great Britain and Northern Ireland.

2.—(1) The regulated products to which this Scheme applies are eggs laid by domestic fowls and eggs laid by domestic ducks.

(2) The said products shall not be treated as separate products for the purposes of Section 3 (4) of the Act of 1931.

Interpretation

3.—(1) The Interpretation Act, 1889, applies for the interpretation of this Scheme as it applies for the interpretation of an Act of Parliament.

(2) A reference in this Scheme to a paragraph or to a Schedule shall, unless the context otherwise requires, be construed as a reference to a paragraph or to a Schedule in this Scheme.

(3) In this Scheme, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, namely:

"The Act of 1931" and "the Act of 1949" mean respectively the Agricultural Marketing Act, 1931, and the Agricultural Marketing Act, 1949, in each case as amended or extended by any subsequent Act;

"The Board" means the British Egg Marketing Board constituted by this Scheme;

"Class" in relation to producers means a class defined by reference to the area, district, locality, or place where any producer produces eggs or by reference to any other circumstances whatsoever;

"County" means an area of land commonly known by one of the names set out in the second column of the First Schedule:

Provided, however, that the Board shall have power to determine from time to time for all the purposes of this Scheme the boundary of any County;

"Description" in relation to eggs includes a description by reference to quality or weight or to both those matters;

"Eggs" means eggs laid by poultry in the United Kingdom;

"The Minister" means the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State concerned with agriculture in Northern Ireland, acting in conjunction;

"To prescribe" means to prescribe by resolution and "prescriptive" and "prescriptive resolution" shall be construed accordingly;

"Possession of poultry" includes possession in accordance with paragraph 95;

"Poultry" means domestic fowls and domestic ducks, but not geese, guinea fowls or turkeys;

"Producer" means a producer of eggs;

"Region" has the meaning ascribed to it in paragraph 4;

"Registered" means registered pursuant to this Scheme, and "registration" shall be construed accordingly;

"Retirement date" has the meaning ascribed to it in paragraph 9;

"Sale of eggs by retail" means a sale of eggs (in a market place or elsewhere) to a person who the seller has reasonable cause to believe is buying them otherwise than for the purpose of resale or manufacturing or is buying them for the purpose of reselling them as part of a meal supplied by him; and "manufacturing" means using eggs, for the purposes of a trade or business (other than a catering business), in the composition, manufacture or preparation of any other product;

and corresponding expressions have corresponding meanings;

"Sale of eggs to a retailer" means a sale of eggs to a person—

(*a*) whose ordinary business with eggs the producer has reasonable cause to believe is wholly or mainly to sell them by retail, and

(*b*) who the producer has reasonable cause to believe is buying those eggs for the purpose of reselling them himself by retail and for no other purpose;

and corresponding expressions have corresponding meanings;

"Secretary" includes any person for the time being authorised by the Board to act as secretary;

"Standard number of votes" has the respective meanings ascribed to it in paragraphs 16 (6) and 90 (1);

"United Kingdom" means the United Kingdom of Great Britain and Northern Ireland;

"Year" means a period of twelve months starting on the 1st January.

(4) In the application of this Scheme to Northern Ireland the provisions of Part VI of this Scheme and so much of the provisions of paragraph 6 as is ancillary to the said Part VI are not to be construed as authorising disregard of the Marketing of Eggs Acts (Northern Ireland) 1924 to 1937 or of any re-enactment (with or without modification) of those Acts for the time being in force and the said provisions shall have effect accordingly.

Regions

4. For the purposes of this Scheme there shall be eleven regions called respectively by the number and name set out in the first column of the First Schedule and each region shall consist of the counties described opposite its name in the second column of the First Schedule:

Provided that if at any time the Board are of the opinion that the average number of registered producers, or the average annual total quantity of eggs

produced by registered producers, in any region or regions for the three preceding years is such that a readjustment should be made, the Board may, by prescriptive resolution, alter the extent of all or any of the regions, as the Board think fit, so however that the aggregate of the regions shall at all times comprise the whole of the United Kingdom. Any such alteration shall take effect at the next elections of members of the Board in the regions affected thereby.

PART II.—THE BOARD AND COMMITTEES

The Board and Their General Powers

5.—(1) There shall be constituted a Board, to be called the British Egg Marketing Board, to administer this Scheme. The Board shall be a body corporate with a common seal and power to hold land without licence in mortmain.

(2) The Board shall have an office in England, an office in Wales, an office in Scotland and an office in Northern Ireland at any of which communications and notices (except as otherwise in this Scheme expressly provided) will at all times be received, and shall notify the Minister of the addresses thereof and of any change in those addresses.

6. The Board may have such district and local offices and other premises as they think fit, may employ a secretary and such other officers, servants and agents as they think fit and may enter into such agreements, acquire such property and do such things as may, in their opinion, be necessary or desirable for the purpose of exercising or performing any of their powers or duties under this Scheme, and may sell or otherwise dispose of any property acquired by them which they do not need for such purpose.

7. The Board may pay to any member of the Board any such travelling and out-of-pocket expenses as have, in the opinion of the Board, been reasonably incurred by him in connection with the business of the Board, and shall also pay to the members of the Board such remuneration (if any) as may be determined by the registered producers in general meeting.

Constitution of the Board

8. Until the first retirement date provided for in the next following paragraph, the Board shall consist of the following persons:

William Montgomery Buchanan, The Bawn, Aughnacloy, Co. Tyrone;
Gordon Guttridge, Overwood, Langley Hill, Hertfordshire;
Christopher John Harrisson, The Old Vicarage, Holbeach Hurn, Lincolnshire;
Robert Rentoul Hastings, LL.B., Motalee, Magherafelt, Co. Londonderry;
Ewart William Hebditch, South Somerset Poultry Farm, Martock, Somerset;
Norman Richardson Hunter, Cottagequin Lodge, Dungannon, Co. Tyrone;
Joseph Kemp, M.B.E., J.P., Oaklea, Drighlington, near Bradford, Yorks;
Gilbert Arthur Leonard, Field House, Preston, Hull, Yorkshire;
Harry Wedderburn Melville, Balmullo House, Leuchars, Fifeshire;
Alexander George Norrie, Slackadale, Turriff, Aberdeenshire;
Ernest Leslie Pattison, Hooks Green, Oulton, Near Stone, Staffordshire;
John Atkins Peacock, C.M.G., Astra, Send, Surrey;
Noel Stephen Kinsey Pugh, Llandewy Hall, Llandrindod Wells, Radnorshire;
John Rossall, Goose Hall Farm, Grimsargh, Preston, Lancashire;
James Megarry Wadsworth, Senr., Kilcorig House, Lisburn, Co. Antrim;
Rupert Gavin Chalmers Watson, Fenton Barns, Drem, East Lothian;
William John Welford, Clifton, Deddington, Oxfordshire;

and four persons appointed by the Minister in accordance with Section 1 (1) of the Act of 1949.

9.—(1) The Board shall determine a date (hereinafter called "the first retirement date") being a date after the end of the suspensory period mentioned in paragraph 60 and not later than twelve months from the day on which this Scheme comes into force, upon which all the members of the Board except the members appointed by the Minister shall retire from office.

(2) From time to time after the first retirement date, the Board shall determine a retirement date upon which some members of the Board other than those appointed by the Minister shall retire from office as hereinafter provided. Every retirement date after the first retirement date shall be not less than ten and not more than fourteen months after the previous retirement date.

10. Subject to the provisions of this Scheme as to the filling of casual vacancies the Board shall, after the first retirement date, consist of fourteen regional members, two special members for England and Wales, and one special member for Scotland, all of whom shall be elected as hereinafter provided, and four persons appointed by the Minister in accordance with Section 1 (1) of the Act of 1949. There shall be one regional member for each region, except that there shall be four regional members for the Northern Ireland Region.

11.—(1) (*a*) Fourteen regional members shall be elected to take office on the dav after the first retirement date;

(*b*) two of the members so elected for regions in England or for the Welsh Region and chosen by lot and one of the members so elected for the Northern Ireland Region and chosen by lot shall hold office until the end of the retirement date next after they take office;

(*c*) three others of the members so elected for regions in England or for the Welsh Region and chosen by lot, another of the members so elected for the Northern Ireland Region and chosen by lot and one of the two members so elected for regions in Scotland and chosen by lot shall hold office until the end of the retirement date next but one after they take office;

(*d*) save as aforesaid, each regional member shall hold office from the end of the retirement date which immediately follows his election until the end of the third retirement date after he takes office.

(2) Three special members shall be elected to take office on the day after the first retirement date; one of them (to be chosen by lot) shall hold office until the end of the retirement date next but one after he takes office; but save as aforesaid each special member shall hold office from the end of the retirement date, which immediately follows his election, until the end of the third retirement date after he takes office.

Nomination of Candidates

12. Before each retirement date the Board shall publish, in such manner as the Board shall think fit, notice of the retirement date, the regions and countries for which members are to be elected, the address or addresses at which the Board are prepared to receive nominations and deposits, and the last date (hereinafter called "the closing date for nominations") on which the Board are prepared to receive them:

Provided that the period between the publication aforesaid and the closing date for nominations shall not be less than fifteen days.

13.—(1) No person shall be elected as a member of the Board unless he has been duly nominated in accordance with the provisions of this paragraph.

(2) A candidate for the office of regional member for any region shall be nominated in writing by at least ten registered producers entitled to vote in that election.

(3) A candidate for the office of special member shall be nominated in writing by at least ten registered producers entitled to vote in that election.

(4) The nominations shall be delivered to the Board at the address (or one of the addresses) specified in the notice referred to in paragraph 12, by 6 p.m. on the closing date for nominations specified in the same notice.

(5) A candidate shall deposit with the Secretary or other duly appointed officer of the Board, not later than 6 p.m. on the closing date for nominations, the sum of £20 in legal tender.

(6) If a candidate who has made the required deposit is not elected, and the number of votes polled by him does not exceed one-eighth of the total number of votes polled, or one-quarter of the number of votes polled by the candidate obtaining the highest number of votes, whichever is the less, the amount deposited shall be forfeited to the Board; but in any other case and in any case where the candidate dies before the completion of the election, that amount shall be returned to the candidate or his personal representatives as soon as practicable after the result of the election is declared.

(7) Any nomination not received within the time aforesaid, and any nomination received within the time aforesaid but without the said deposit being made, shall be void.

(8) A candidate may withdraw from his candidature by giving written notice thereof to the Board, provided it is delivered at the address (or one of the addresses) to which nominations are required to be delivered not later than 6 p.m. on the third day after the closing date for nominations; and in such case the said deposit shall be returned.

(9) No person shall be deemed to be duly nominated as a candidate for election as a regional member if, in connection with the then pending elections, he has been duly nominated as candidate for election as a special member, and has not withdrawn from the last-mentioned candidature in manner aforesaid.

(10) No person shall be deemed to be duly nominated as a candidate for election as a special member if, in connection with the then pending elections, he has been duly nominated as a candidate for election as a regional member, and has not withdrawn from the last-mentioned candidature in manner aforesaid.

(11) If at the end of the third day after the closing date for nominations there is no duly nominated candidate for any vacancy, the Board shall nominate a candidate for that vacancy.

(12) A retiring member of the Board or a member who resigns his office shall be eligible for election or re-election.

14. Where no more candidates are duly nominated for any region or country than there are vacancies to be filled, the Secretary of the Board shall declare them duly elected and the result shall be published in such manner as the Board think fit, but in any other case an election shall be held as hereinafter provided.

Election of Members

15.—(1) The following provisions shall have effect where an election of a regional or special member of the Board is required to be held.

(2) Not later than the fifteenth day before the retirement date, the Board shall send to every registered producer entitled to vote in the election a voting paper of such design that it can be returned through the post without a covering envelope. The voting paper shall state the names of the duly nominated candidates, such questions as will enable the Board to ascertain the number of votes the producer is entitled to have, the address to which the voting paper is to be returned, and the date (not being less than ten days after the Board send the voting papers to registered producers as aforesaid) by which the voting paper is to be received by the Board.

(3) A voting paper shall not be counted unless it is received by the Board at the said address through the post by 6 p.m. on the date by which it is required to be received, sufficiently completed and signed and with the postage prepaid by means of adhesive stamps of the proper value affixed to the voting paper itself.

(4) A voting paper shall not be deemed to be sufficiently completed and signed if the voter purports to vote for more candidates than there are vacancies, or if he omits to state the number of poultry in his possession where he is required to do so, or if the voting paper is not signed by the registered producer or his agent being an agent whose signature the Board have previously been authorised and requested by the registered producer in writing to accept:

Provided that the voting paper of a registered producer being a corporation aggregate may be signed by a member of the board of directors or other governing body of the corporation, or by its secretary or other permanent officer, and the voting paper of a registered producer being a partnership may be signed by one of the partners.

(5) The Board shall appoint such independent person as they think fit to count the votes and to give to the Board, not later than the day before the retirement date, a certificate stating the result of the election and declaring to be elected the candidate or those candidates (as the case may require) who receive the most votes. If any question shall arise with respect to a voting paper, the decision of the person so appointed shall be final. Such certificate as aforesaid shall be final and conclusive evidence of the facts stated therein and of the result of the election, save that the person giving the certificate shall have power to correct any inadvertent mistake therein. The result of the election shall be published in such manner as the Board think fit.

16.—(1) The following provisions shall apply to voting at the election of regional and special members of the Board.

(2) At the election of a regional member of the Board, only those persons shall be entitled to vote who, at noon on the closing date for nominations, were registered producers producing eggs within the region concerned, and each such registered producer shall have the standard number of votes (multiplied in the case of the Northern Ireland Region by the number of persons to be elected).

(3) At the election of a special member or special members for England and Wales, only those persons shall be entitled to vote who, at noon on the closing date for nominations, were registered producers producing eggs in England and Wales or either of them, and each such registered producer shall have the standard number of votes (multiplied by the number of persons to be elected where two persons are to be elected).

(4) At the election of a special member for Scotland, only those persons shall be entitled to vote who, at noon on the closing date for nominations, were registered producers producing eggs in Scotland, and each such registered producer shall have the standard number of votes.

(5) No registered producer shall give more or less than the standard number of votes in favour of any one candidate in any such election as aforesaid.

(6) In this paragraph, the expression "standard number of votes" means in relation to any registered producer, two votes plus one additional vote in respect of every 100 head of poultry over the age of six months in his possession on land in his occupation in the region or country or countries concerned at noon on such date between the 1st day of September immediately preceding the closing date for nominations and the 31st day of March next following as the Board may prescribe for the purposes of the election, any fraction of 100 being reckoned as 100.

(7) The Board may require a registered producer who intends to vote at the election of a regional member or special member of the Board to state in writing the number of poultry in his possession as aforesaid.

Casual Vacancies

17. A regional member or special member of the Board shall cease to hold office:

(*a*) if he delivers to the Board a written resignation of his office and the resignation is accepted by the Board or, if not so accepted, is not withdrawn within seven days; or

(*b*) if he is detained for more than seven days in any place under any enactment in force in the United Kingdom relating to persons of unsound mind; or

(*c*) if he is adjudged bankrupt or a competent Court in Scotland has awarded sequestration of his estate or he enters into a composition or scheme of arrangement with his creditors; or

(*d*) if he is convicted of any offence under Section 17 (2) of the Act of 1931; or

(*e*) if he accepts office as a member of the staff of the Board; or

(*f*) if the Board, by resolution, declare that he has been absent from six consecutive meetings of the Board without reasonable excuse.

18.—(1) Where a regional member for any region or a special member for any country dies or ceases to hold office under the last foregoing paragraph, then:

(*a*) if the vacating member was due to retire at the end of the next retirement date after the vacancy occurred, the Board may co-opt as a member in his place any person who, in their opinion, is qualified to represent the registered producers producing eggs in the region or country concerned;

(*b*) in any other case, an election to fill the vacancy shall be held as soon as may be in accordance with the provisions of paragraphs 12 to 16, so far as they are applicable.

(2) Every person who becomes a member of the Board under the provisions of this paragraph shall be due to retire at the same time as his immediate predecessor would have been due to retire if such predecessor had not died or ceased to hold office under the last foregoing paragraph.

Proceedings of the Board

19. The quorum of the Board shall be seven or such other number, not being less than seven, as the Board may determine. The Board shall have power at all times to act notwithstanding any vacancy in their number.

20. The Board shall elect from amongst their members a Chairman and Vice-Chairman, both of whom shall (provided they remain members of the Board) hold office until the beginning of the first meeting of the Board to be held after the annual general meeting of registered producers which occurs next after their election as Chairman or Vice-Chairman.

21. Five members of the Board may, and the Secretary, on the request of any five members or of the Chairman, shall, convene a meeting of the Board.

22. Questions arising at any meeting of the Board shall be decided by a majority of the votes of the members present and voting, and if at any such meeting the votes are equally divided on any question the chairman of the meeting shall, for the purpose of deciding that question, have a second or casting vote.

23. All acts done at any meeting of the Board shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment, election or qualification of a person purporting to be a member of the Board, or that a member of the Board had voted upon any question upon which he was not entitled to vote, be as valid as if that defect had not existed or such member had been entitled to vote.

Minutes

24. Minutes shall be kept of the proceedings of the Board, 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 read, 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.

25. For the purpose of any proceedings a copy, purporting to be certified in writing by the Chairman or Vice-Chairman or Secretary of the Board to be a true copy of the minutes or any parts of the minutes of any meeting of the Board, shall be evidence of such of the proceedings at the said meeting as such minutes or parts of the minutes purport to relate to.

The Seal

26. The common seal of the Board shall not be applied to any document authorised by the Executive Committee mentioned in paragraph 29, except by the authority of the Executive Committee and in that case the application of the seal shall be attested by the Chairman or Vice-Chairman of the Executive Committee and at least one other member thereof and by the Secretary thereof; and, except as hereby provided, it shall not be applied to any document except by the authority of the Board, and in that case the application of the seal shall be attested by the Chairman or Vice-Chairman of the Board and at least one other member thereof and by the Secretary thereof.

Contracts

27. 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 them in that behalf, either generally or specially.

28. No contract to which the Board is a party shall be avoided by reason only that a member of the Board is also a party thereto or is interested therein, and a member of the Board who is a party to, or interested in, such a contract shall not, by reason only that he is a member of the Board, be liable to account to the Board for any profit realised by him by reason of the

contract; but a member of the Board must forthwith disclose to the Board any interest which he has or acquires in any contract whatsoever, if such interest in any way conflicts with his duty as a member of the Board, and shall not vote upon any question relating to the contract, and if he does vote his vote shall not be counted:

Provided that a member of the Board shall not be precluded from voting on a question relating to the general policy of the Board with respect to any matter by reason only that the determination of that question will or may affect contracts which have been, or may thereafter be, entered into by him with the Board.

Board Committees

29. The Board shall constitute from among the members thereof an Executive Committee, consisting of not more than seven persons and including the Chairman and Vice-Chairman of the Board and at least one of the members of the Board who are appointed by the Minister, and shall delegate to the Executive Committee all their functions under this Scheme, except their functions under paragraph 4 and Parts II to VIII inclusive of this Scheme:

Provided that the Board may at their discretion so delegate all or any of the said excepted functions.

30. The Board may constitute such other committees from amongst their members as they think fit, and, subject to the provisions of this Scheme with respect to the application of the common seal of the Board, may delegate to any such committee any of the functions of the Board except a function which is delegated to the Executive Committee.

31. The following provisions shall apply to the Executive Committee and to every committee constituted under the provisions of paragraph 30:

(*a*) the members shall be removable by the Board and shall not hold office beyond the beginning of the first meeting of the Board to be held after the annual general meeting of registered producers which occurs next after the members' appointment;

(*b*) the quorum shall be such number as the Board may fix from time to time and the Committee shall (subject to any directions from the Board) have power at all times to act notwithstanding any vacancy in its number;

(*c*) the Committee shall report its proceedings to the Board;

(*d*) the provisions of paragraphs 20 to 25, relating to the procedure of the Board, shall apply to the Committee as if it were therein named instead of the Board.

32. The Chairman and Vice-Chairman of the Board shall be *ex officio* members of every committee appointed under the foregoing provisions of this Scheme.

Regional Committees

33.—(1) There shall be for each region a committee (in this Scheme called a "regional committee") whose duty it shall be to report, or to make representations, to the Board from time to time on the operation of this Scheme in that region, and when consulted by the Board with respect to any proposal of the Board, to advise them as to the desirability of the proposal in so far as it concerns producers in that region:

Provided that there shall be two regional committees for the Welsh Region and accordingly that region shall be deemed for this purpose to be divided into two regions in such manner as the Board shall from time to time think fit.

(2) A regional committee shall consist of the regional member or members of the Board for the time being representing the region, or if constituted in respect of the period prior to the first retirement date referred to in paragraph 9, such member or members of the Board as the Board may appoint, together with representatives (in this Scheme called " regional county representatives ") of the counties in the region.

34. The Board shall constitute such regional committees within eighteen months from the end of the suspensory period mentioned in paragraph 60 and shall from time to time arrange for the election of regional county representatives by registered producers producing eggs in the counties respectively concerned in such manner as the Board think fit. The number of regional county representatives on each regional committee, the county or groups of counties for which each regional county representative is to be elected and the period for which he is to hold office shall be determined by the Board from time to time.

35.—(1) A regional county representative on a regional committee shall cease to hold office in any of the events mentioned in sub-paragraphs (*a*) to (*e*) of paragraph 17 or if his regional committee by resolution declare that he has been absent from six consecutive meetings of the committee without reasonable excuse.

(2) If a regional county representative dies or ceases to hold office under this paragraph, or becomes a member of the Board, the Board may appoint a person in his place and the person appointed shall be due to retire at the same time as his immediate predecessor would have been due to retire if he had not died or ceased to hold office as aforesaid or become a member of the Board.

36. The following provisions shall apply to each regional committee:—

(*a*) A quorum of the committee shall be such number as the Board may fix for the committee. The committee shall have power at all times to act notwithstanding any vacancy in its number.

(*b*) The committee shall elect from amongst its members a Chairman, who need not be a member of the Board, and who (provided he remains a member of the committee) shall hold office until the beginning of the first meeting of the committee to be held after the annual general meeting of registered producers which occurs next after his election as Chairman.

(*c*) The appropriate number of county representatives may, and the secretary of the committee may, and on the request of that number of members of the committee shall, convene a meeting thereof. The appropriate number means such number as the Board may determine for the respective committees.

(*d*) Questions arising at any meeting of the committee shall be decided by a majority of the votes of the members present and voting, and if at any such meeting the votes are equally divided on any question, the Chairman of the meeting shall, for the purpose of deciding that question, have a second or casting vote.

(*e*) The Board shall appoint a Secretary for each committee.

The Joint Consultative Committees

37.—(1) The Board shall constitute a consultative committee (to be known as "the Joint Consultative Committee") consisting of not more than twenty persons, of whom—

(*a*) twelve shall be appointed, as to four each by the advisory committees for England and Wales, Scotland and Northern Ireland hereinafter mentioned, as being persons whom the advisory committee concerned thinks suitable to represent respectively the views of:

(i) egg packers other than Producers' Co-operative Societies,

(ii) Producers' Co-operative Societies which are egg packers,

(iii) wholesalers of eggs, and

(iv) retailers of eggs;

(*b*) not more than three shall be appointed, as to one each by the said advisory committees as being a person whom the advisory committee concerned thinks suitable to represent the views of such other interest or interests concerned with the collecting, marketing or processing of eggs as that committee consider should be represented on the Joint Consultative Committee; and

(*c*) the remainder shall be members of the Board.

(2) The Chairman of the Joint Consultative Committee shall be a member of the Board who is also a member of that Committee and shall be appointed by the Committee.

(3) The Board shall consult the Joint Consultative Committee as often, and on such matters relating to the production and marketing of eggs, as the Board may think fit. In particular the Board shall consult that Committee—

(*a*) before making any change of principle in the handling and marketing of eggs (whether owned by the Board or not);

(*b*) before determining the manner, or making any change in the manner, in which the Board will grade, mark, pack, store, adapt for sale, insure, advertise or transport eggs owned by the Board;

(*c*) before prescribing the manner, or prescribing any change in the manner, in which eggs shall be graded, marked, packed, stored, adapted for sale, insured, advertised or transported by or on behalf of registered producers.

(4) As from the expiration of the suspensory period mentioned in paragraph 60, the Board shall consult the Joint Consultative Committee not less than four times a year in any event save that, as respects the period between such expiration and the 31st day of December next following, it shall be sufficient compliance with this sub-paragraph if the Board consult the Committee not less than once for every three months comprised in that period, any fraction of a period of three months being reckoned as three months.

38.—(1) The Board shall constitute a consultative committee (to be known as "the Northern Ireland Joint Consultative Committee") consisting of eleven persons of whom—

(*a*) one shall be appointed by the Ministry of Agriculture for Northern Ireland;

(*b*) four shall be appointed by the Northern Ireland Egg Merchants' Association;

(*c*) one shall be appointed by the Northern Ireland Grocers' Association;

(*d*) four shall be members of the Board (being, in respect of the period prior to the first retirement date, such members of the Board as the Board may appoint and being thereafter the regional members of the Board for the Northern Ireland Region); and

(*e*) one shall be a person appointed by the Board:

Provided that, if in the opinion of the Board either of the Associations referred to in clauses (*b*) and (*c*) of this sub-paragraph has ceased to exist or has ceased to represent the views of egg packers and wholesalers of eggs or of retailers of eggs, as the case may be, the members or member of the Consultative Committee who would otherwise be appointed by that Association shall be appointed by such other body or bodies as appear to the Board suitable to represent for the time being such views as aforesaid.

(2) The Chairman of the Northern Ireland Joint Consultative Committee shall be that member of the Committee who is appointed by the Ministry of Agriculture for Northern Ireland.

(3) The Board shall consult the Northern Ireland Joint Consultative Committee as often, and on such matters relating to the production and marketing of eggs produced in Northern Ireland, as the Board may think fit. In particular the Board shall consult that Committee—

(*a*) before making any change of principle in the handling and marketing of eggs produced in Northern Ireland (whether owned by the Board or not);

(*b*) before determining the manner, or making any change in the manner, in which the Board will grade, mark, pack, store, adapt for sale, insure, advertise or transport eggs produced in Northern Ireland and owned by the Board;

(*c*) before prescribing the manner, or prescribing any change in the manner, in which eggs produced in Northern Ireland shall be graded, marked, packed, stored, adapted for sale, insured, advertised or transported by or on behalf of registered producers.

(4) As from the expiration of the suspensory period mentioned in paragraph 60, the Board shall consult the Northern Ireland Joint Consultative Committee not less than four times a year in any event save that, as respects the period between such expiration and the 31st day of December next following it shall be sufficient compliance with this sub-paragraph if the Board consult the Committee not less than once for every three months comprised in that period, any fraction of a period of three months being reckoned as three months.

(5) If, at any time after the end of the period of three years from the coming into force of this Scheme, the Board and the said Committee so agree, the obligations of the Board under this paragraph shall cease.

Other Advisory Committees

39.—(1) For the purpose of facilitating the exercise by the Board of their functions under this Scheme, the Board shall constitute advisory committees for: (*a*) England and Wales; (*b*) Scotland, and (*c*) Northern Ireland, respectively, each of which shall consist of some members of the Board together with such number of other persons as the Board think fit who shall be appointed by such organisations as the Board think best qualified to represent the views of persons concerned with the collecting, marketing and processing of eggs, including separate representation of the views of Producers' Co-operative Societies which are egg packers.

(2) For the purpose of facilitating the exercise by the Board of their functions under this Scheme, the Board may constitute other advisory committees and may for the same purpose appoint representatives to any committee set up by any other persons.

(3) The Joint Consultative Committees and any advisory committee constituted by the Board shall have power at all times to act nothwithstanding any vacancy in their number, the quorum of each such committee shall be such number as the Board may fix from time to time and the provisions of paragraphs 22 to 25, relating to the procedure of the Board, shall apply to each such committee as if it were therein named instead of the Board.

Expenses of Committee Members

40. The Board may pay to any person appointed to be a member of a committee under the foregoing provisions of this Scheme any such travelling and out-of-pocket expenses as have, in the opinion of the Board, been reasonably incurred by him in connection with the business of the Board.

PART III.—REGISTER OF PRODUCERS

The Register

41. The Board shall keep a register of producers (in this Scheme called "the register") and every producer shall, on application to the Board, be entitled to have his name and address registered therein.

42. The register shall be open for inspection at the office of the Board in England from 10 a.m. to 4 p.m. on weekdays other than Saturdays, except on New Year's Day, Good Friday, Christmas Day and any Bank Holiday, and any person shall be entitled to be supplied with a copy or to take copies of the register or any part thereof on payment in either case of a fee of one shilling and an additional fee not exceeding threepence for each entry copied in excess of twenty-four:

Provided that:—

(*a*) if the person who desires to take a copy of the register or any part thereof is a registered producer and the fee for taking such a copy, calculated at the rate for the time being in force in relation to that person, would exceed five pounds, he shall not be required to pay more than that sum;

(*b*) where, in connection with an election of members of the Board, more persons than there are vacancies to be filled are duly nominated and pay the required deposit, any such person shall be entitled (upon written request made by him to the Board at their office in England within seven days after the closing date for nominations) to be supplied within seven days of the request with one copy free of charge of the entries appearing on the register on the closing date for nominations in respect of every registered producer entitled to vote at the election and with a second copy on payment of a fee not exceeding ten pounds;

(*c*) the Board shall be under no liability in respect of any error or omission in any such copy or for any delay in supplying any such copy, nor shall any election be invalid because of any such error, omission or delay.

Exemptions from Registration

43. A producer shall be exempt from registration if, for the time being,—

(*a*) he has in his possession in the United Kingdom not more than 50 head of live poultry over the age of six months or such larger number as may from time to time be prescribed by the Board; or

(*b*) all the eggs that he sells are sold in a cooked state; or

(*c*) he is a producer of any such other class or description as may from time to time be prescribed by the Board:

Provided that no prescription made under this paragraph shall come into operation until after the end of the suspensory period referred to in paragraph 60.

Partnerships, Deaths, etc.

44.—(1) Registration of the name or style under which two or more persons carry on business in partnership as producers shall operate as the registration of all the partners for the time being, so, however, that (*a*) for the purposes of the provisions of the Act of 1931 and this Scheme, which relate to elections, polls and voting at meetings and assessment of contributions on registered producers, all the partners shall be regarded as constituting together a single registered producer and (*b*) a person registered as a partner as aforesaid shall not be deemed to be registered as a producer except in respect of transactions which form part of the partnership business.

(2) Where, by reason of a registered producer dying, or becoming subject to some legal disability, or entering into a composition or scheme of arrangement with his creditors, the property in, or the control of, any business of producing eggs is transferred from him to a personal representative, trustee, committee or other person, the personal representative, trustee, committee or other person shall, until he has disposed of the property in or control of such business of producing eggs, be deemed to be a producer for all the purposes of this Scheme:

Provided that on the day of the transfer and for one month thereafter the personal representative, trustee, committee or other person may do, without being registered, anything in relation to the business so transferred which the registered producer might have done.

Removal from the Register

45.—(1) The Board, on being satisfied that a person who is registered has ceased to be a producer or is exempt from registration, shall remove his name from the register:

Provided that the name of a person shall not, by reason only that he is exempt from registration, be removed from the register without his consent.

(2) If any person registered as a producer does not sell for a period of twelve consecutive months any eggs under the provisions of this Scheme the Board may presume for the purposes of this paragraph that the said person has ceased to be a producer:

Provided that, before removing the name of any person from the register pursuant to the said presumption, the Board shall send to him a written notice of intention in that behalf, and if, at any time within twenty-one days after the date of service of such a notice, the said person shall satisfy the Board that he is a producer, then his name shall not be removed from the register without his consent.

(3) The Board may from time to time determine that every application by a registered producer that his name shall be removed from the register shall be in writing in such form as may be prescribed by the Board, and thereafter unless the Board shall otherwise determine the name of a producer shall not be removed from the register unless he has made application in the appropriate form.

Evidence of the Register

46.—(1) A copy of any entry in the register purporting to be certified in writing by the Chairman or Vice-Chairman or Secretary or Registrar for the time being of the Board to be a true copy shall be evidence of such entry in the register.

(2) A written statement purporting to be signed by the Chairman or Vice-Chairman or Secretary or Registrar for the time being of the Board that the name of a person does not appear on the register or did not appear on the register upon any stated date shall be evidence that such person is not a registered producer or was not a registered producer at the date stated, as the case may be.

PART IV.—POLLS

47. A poll of registered producers on the question whether this Scheme is to remain in force (in this Scheme referred to as the "initial poll") shall be taken on a date to be fixed by the Board, being a date not earlier than six weeks after the qualifying date applicable to the initial poll and defined in paragraph 48 and not later than fourteen weeks after the day on which this Scheme comes into force. The initial poll and any poll held in connection with a proposal for the amendment or revocation of this Scheme shall be taken in accordance with the following provisions of this Part of this Scheme.

48. The producers who are entitled to vote on the poll shall be the producers who are registered on the qualifying date, that is to say:

(*a*) in the case of the initial poll, the day on which the time for registration specified in the notice to be published by the Board in accordance with sub-section (1) of Section 4 of the Act of 1931 expires, being a day not earlier than the twenty-eighth day and not later than the forty-second day after the day on which this Scheme comes into force; and

(*b*) in the case of any other poll, such day as may be determined by the Board:

Provided that a producer who is exempt from registration by or under the provisions of this Scheme shall, notwithstanding that he is registered, not be entitled to vote on the initial poll.

49.—(1) The Minister shall appoint a person to be the returning officer for the purposes of the poll and his remuneration and expenses shall be defrayed by the Board.

(2) The returning officer may by writing under his hand appoint any fit person or persons to be his deputy or deputies for all or any of the purposes of the poll.

(3) A deputy returning officer shall have all the powers and duties of the returning officer in relation to the matters in respect of which he is appointed to act as a deputy.

(4) No member or servant of the Board and no registered producer shall be appointed as a returning officer or deputy returning officer.

50. The Board shall furnish to the returning officer a list of the names and addresses of the producers who are registered on the qualifying date.

51. The poll shall be conducted by post and the returning officer shall not later than the fourteenth day after the qualifying date send a voting paper to every producer entitled to vote. In the event of the loss of a voting paper so sent the returning officer may supply a duplicate voting paper.

52.—(1) The voting paper shall be substantially in the form set out in the Second Schedule and of such design that it can be returned through the post without a covering envelope.

(2) A voting paper shall not be taken into account unless it is properly completed and signed and returned through the post with the postage prepaid by means of adhesive stamps of the proper value affixed to the voting paper itself, and reaches the office of the returning officer before 6 p.m. on the date fixed by the Board for taking the poll, in the case of the initial poll, or on such day as may be fixed by the Board (not being earlier than the twenty-fourth day after the qualifying date), in the case of any other poll.

53. Any person who knowingly or recklessly makes any false statement in a voting paper shall be liable, on summary conviction, to imprisonment for a period not exceeding three months, or to a fine not exceeding £100, or to both such imprisonment and fine.

54.—(1) For the purposes of any poll, the quantity of eggs which a registered producer is capable of producing shall be that quantity of eggs which is in the same proportion to the total quantity of eggs that all the registered producers voting on the poll are capable of producing as his polling figure (defined in the next sub-paragraph) is to the total polling figure of all the registered producers voting on the poll.

(2) For the purposes of this paragraph, the polling figure of a registered producer shall be the number arrived at by reckoning one in respect of every 100 head of poultry over the age of six months which are in his possession on land in his occupation on such date between the 1st day of September immediately preceding the qualifying date and the 31st day of March next following as the Board may prescribe for the purposes of the poll in question, any fraction of 100 head of poultry being reckoned as 100 head.

55.—(1) The votes given on any poll shall be counted by the returning officer and his decision on any question arising with respect to a voting paper shall be final and conclusive.

(2) The returning officer shall draw up and deliver to the Minister and to the Board a certificate showing the result of the poll and including particulars of the number of voting papers sent out by the returning officer, the number of voting papers received by him in due time, the number of such papers which were rejected because, in the case of the initial poll, they were signed by registered producers who were exempted from registration by or under this Scheme, the number of such papers which were rejected because they were not properly completed, and the number of registered producers who voted respectively in favour of or against this Scheme remaining in force, or the amendment or revocation of this Scheme, as the case may be, and the quantity of eggs that they were capable of producing.

(3) The result of the poll as shown in the certificate given by the returning officer shall be declared at a meeting of the Board by the member acting as chairman of that meeting, and that certificate (or such part thereof as the Minister may determine) shall be published by the Board in *The Times, The Scotsman, The Glasgow Herald, The Belfast News Letter, The Liverpool Daily Post* and *The Western Mail* newspapers and such other newspapers as the Board may think fit or, at the option of the Board, by sending a notice of the result (*a*) in the case of the initial poll to every person who is known by the Board to be a producer, and (*b*) in the case of any other poll, to every registered producer.

PART V.—FINANCE AND ACCOUNTS

56. There shall be established a fund (in this Scheme referred to as "the fund") which shall be administered and controlled by the Board. All moneys received by the Board shall be paid into the fund and any moneys required by the Board for the operation of this Scheme shall be paid out of the fund. Any moneys for the time being standing to the credit of the fund may be left on current or deposit account in any bank or, if not for the time being required for the purposes of the functions of the Board, may be invested, but, except with the approval of the Minister, shall not be invested otherwise than in securities in which a trustee is authorised under Sections 1 and 2 of the Trustee Act, 1925, as extended by any subsequent enactment, to invest trust funds, or in the stocks, funds or securities mentioned in Sections 10 or 11 of the Trusts (Scotland) Act, 1921, or for the time being approved by the Court of Session under Section 27 of the last mentioned Act.

57. The Board may, for the purpose of exercising any of their functions under this Scheme, borrow money in such manner, on such terms and on such security as may be arranged by them with the person from whom the money is borrowed.

58.—(1) The Board shall keep proper accounts, and in particular shall annually make out a balance sheet and either a profit and loss account or, if the Board do not trade for profit, an income and expenditure account, and shall cause them to be audited by an accountant or firm of accountants appointed by the registered producers in general meeting but no person or firm shall be qualified to be so appointed unless he is a member or in the case of a firm each partner is a member of one or more of the following bodies:

The Institute of Chartered Accountants in England and Wales;
The Society of Incorporated Accountants;
The Institute of Chartered Accountants of Scotland;
The Association of Certified and Corporate Accountants;
The Institute of Chartered Accountants in Ireland;

and as soon as may be after the auditor has reported thereon, and in any case within eight months of the close of the period covered by the profit and loss account or income and expenditure account, shall send to the Minister and to every registered producer a copy of the account and balance sheet and of the report of the auditor thereon, and also a report by the Board as to the working of this Scheme in the period covered by the profit and loss or income and expenditure account, and such last mentioned report shall contain a statement of the manner in which in accordance with paragraph 56 any moneys of the Board are invested.

(2) Notwithstanding the foregoing provisions of this paragraph, the auditor for the period up to the first annual general meeting of registered producers shall be appointed by the Board, and a person other than a retiring auditor shall not be capable of being appointed auditor by the registered producers in general meeting unless notice of intention to nominate that person has been given by a registered producer to the Secretary of the Board not later than the fourteenth day before the meeting.

(3) In case of vacancy the Board may appoint a person or firm qualified as aforesaid to act as temporary auditor or auditors, but a person or firm so appointed shall not be deemed to be the retiring auditor or firm of auditors for the purposes of the last preceding sub-paragraph.

59. The Board shall on the demand of any person, and on payment by him of such fee (not exceeding 2s. 6d. in respect of each balance sheet) as may be fixed by the Board, furnish him with a copy of any of their balance sheets.

PART VI.—MARKETING PROVISIONS AND PRINCIPAL POWERS OF THE BOARD

Suspensory Period

60. The provisions of this Part of this Scheme (other than the provisions of sub-paragraph (8) of paragraph 70 and of sub-paragraph (2) of paragraph 73 so far as it incorporates the first mentioned sub-paragraph by reference and other than the provisions of paragraph 77) shall come into force at the expiration of the suspensory period, that is to say, at the expiration of a period of six weeks commencing on the day on which the result of the initial poll is declared to be favourable to the continuance in force of this Scheme.

Prohibition of Sales by Unregistered Producers

61. Subject to the provisions of the Act of 1931 with respect to the effect of schemes on contracts no sale of eggs shall be made by any producer who is not either a registered producer or a person exempted from registration by or under the provisions of this Scheme.

Agriculture Act, 1947

62.—(1) For the purpose of securing for registered producers the benefits of Part I of the Agriculture Act, 1947, relating to prices and assured markets, and in particular for the purpose of implementing any decision of H.M. Government made consequent on a review held pursuant to that Act, the Board may enter into any agreement with the appropriate Minister (as defined in the said Act) and may receive or pay money in pursuance of such agreement and it shall be the duty of the Board to implement any such agreement.

(2) In the exercise of the powers conferred on the Board by this Part of this Scheme the Board shall have regard to the provisions of any such agreement as aforesaid.

Exemptions

63.—(1) There shall be exempt from all the provisions of this Part of this Scheme—

(*a*) sales of eggs by a registered producer to a person employed by him for consumption in the household of that person;

(*b*) sales by a registered producer of eggs that are in a cooked state at the time of the sale;

(*c*) sales of eggs by a registered producer for export out of the United Kingdom;

(*d*) sales of eggs by a registered producer where the sales are made solely for the purposes of hatching and in circumstances reasonably calculated to ensure that the eggs sold will be used only for that purpose.

(2) The Board may from time to time prescribe that registered producers and sales of eggs of such classes or descriptions as may be specified in the prescriptive resolution shall be exempt from such of the provisions of this Part of this Scheme as may be so specified.

(3) The exemptions referred to in clauses (*c*) and (*d*) of sub-paragraph (1) of this paragraph and any exemption granted by the Board under the power conferred by the last foregoing sub-paragraph shall be subject to such conditions as the Board may prescribe including, without prejudice to the

generality of the foregoing, conditions as to the marking of the eggs sold, the obtaining of declarations from buyers, the making of records, the keeping of such records and declarations for a reasonable time and the production of them to the Board, and the rendering to the Board of returns and information about the sales.

Sales to or through the Board

64. Subject to the provisions of paragraphs 69 and 72, the Board may from time to time by prescriptive resolution require registered producers to sell eggs or any description of eggs or such quantity thereof or of any description thereof as may from time to time be prescribed by the Board only to or through the agency of the Board.

Prices and Terms

65. Subject to the provisions of paragraphs 69 and 72, the Board may regulate sales of eggs by prescribing from time to time the prices at, below or above which and the terms on which eggs or any description or quantity of eggs may be sold by any registered producer:

Provided that such terms as aforesaid shall not include a term requiring that, on a re-sale of eggs by the buyer or on any subsequent re-sale, the eggs shall be sold at, below or above a specified price.

Description, Grading, etc.

66. Subject to the provisions of paragraphs 69 and 72, the Board may regulate sales of eggs by prescribing from time to time the description of eggs which may be sold by any registered producer otherwise than to the Board.

67. Subject to the provisions of paragraphs 69 and 72, the Board may from time to time prescribe:

(*a*) the manner in which eggs or any description or quantity of eggs shall be graded by or on behalf of registered producers;

(*b*) the manner in which eggs or any description or quantity of eggs shall be marked, packed, stored, adapted for sale, insured, advertised, or transported by or on behalf of registered producers.

Sales to or through Approved Buyers

68.—(1) Subject to the provisions of paragraphs 69 and 72, the Board may from time to time prescribe either or both of the following matters, that is to say—

(*a*) that no registered producer shall sell eggs, or any description or quantity of eggs, to any person who is not for the time being the holder of a licence in that behalf granted by the Board;

(*b*) that no registered producer shall sell eggs, or any description or quantity of eggs, through the agency of any person who is not for the time being the holder of a licence in that behalf granted by the Board.

(2) Any such licence as aforesaid (hereafter in this paragraph referred to as a "licence") may contain such conditions to be observed by the holder thereof in relation to his trade in eggs as the Board may from time to time prescribe and without prejudice to the generality of the foregoing reference to conditions, the Board may prescribe different conditions for different classes of applicants and any licence may contain conditions dealing with all or any of the matters specified in sub-paragraph (3) of paragraph 77 so far as they may be applicable for the purposes of this paragraph. In a case where the licence so provides, the Board may, subsequently to its

issue, by prescriptive resolution add to the conditions contained therein or vary or cancel all or any of them and the licence shall have effect accordingly on and after the third day immediately following the service of written notice of such resolution by the Board on the holder of the licence or on and after such later day as the Board may prescribe.

(3) Every licence shall state the period of its operation and any application for the renewal of a licence shall be made not later than two months before the expiry thereof.

(4) The Board shall not—

(*a*) refuse to grant a licence to an applicant therefor unless they are satisfied that he is unable to perform all such conditions as are for the time being prescribed by the Board under sub-paragraph (2) of this paragraph and (if the Board has prescribed different conditions for different classes of applicants) are applicable to the class to which he belongs;

(*b*) refuse to renew a licence or revoke a licence unless they are satisfied that the holder thereof has failed to comply with one or more of the conditions thereof.

(5) The Board shall not take any such action as is referred to in sub-paragraph (4) of this paragraph until, after affording to the person affected an opportunity of being heard by the Board, they have given to him twenty-one days' notice in writing of the proposal to take that action and, where the action proposed is the refusal to renew a licence, the notice required by this sub-paragraph shall be served not later than one month before the expiration of the current licence.

(6) A person to whom notice of a proposal is given under sub-paragraph (5) of this paragraph may, by notice in writing served by him on the Board within that period of twenty-one days, require that there shall be referred to arbitration the question whether that person is unable to perform licence conditions or, as the case may be, has failed to comply with any condition of his current licence.

(7) The Board shall not give effect to the proposal until the expiration of the period of twenty-one days within which a reference to arbitration may be required or, in a case where such a reference is duly required, until the expiration of a period of ten days after the receipt by the Board of the arbitrator's award.

(8) Where such a reference is duly required the Board shall, upon receipt by them of the arbitrator's award, reconsider the question whether the licence should be granted or the current licence should be renewed or revoked, as the case may be.

(9) Subject to the provisions of the last preceding sub-paragraph, every such arbitration shall be conducted, and the arbitrator shall be appointed, as if the arbitration were an arbitration under paragraph 97 of this Scheme.

(10) Forthwith after taking any such action as is referred to in sub-paragraph (4) of this paragraph, the Board shall serve notice thereof in writing on the person who was entitled under sub-paragraph (5) to be afforded an opportunity of being heard by the Board.

(11) Where notice has been given under sub-paragraph (5) of this paragraph of a proposal to refuse to renew a licence and that licence would, but for the provisions of this sub-paragraph, have expired, the licence shall be deemed to remain in force until the Board have served notice under sub-paragraph (10) of this paragraph or, if a reference to arbitration has been required, until the Board have served the last-mentioned notice or have renewed the licence.

Direct Sales

69.—(1) No sale of eggs by retail shall be made by any registered producer except under the authority of a licence (hereinafter called a " Producer's A Licence ") granted by the Board and for the time being in force and in accordance with the conditions to which it is for the time being subject.

(2) Sales of eggs by retail made by a registered producer who is for the time being the holder of a Producer's A Licence shall be exempt from the provisions of paragraphs 64 to 68 (both inclusive).

70.—(1) A Producer's A Licence shall state the period of its operation and may be granted subject to such one or more of the conditions provided for in paragraph 71 as the Board may from time to time prescribe.

(2) For the purpose of granting Producer's A Licences the Board may divide registered producers into classes and may prescribe different conditions for different classes.

(3) In a case where a Producer's A Licence so provides, the Board may, subsequently to its issue, by prescriptive resolution add to the conditions contained therein or vary or cancel all or any of them, and the licence shall have effect accordingly on and after the third day immediately following the service of written notice of such resolution by the Board on the holder of the licence or on and after such later day as the Board may prescribe.

(4) The Board shall not—

(*a*) refuse to grant a Producer's A Licence to any registered producer who applies therefor, upon such form as the Board may from time to time prescribe, except on the ground that he is unable to perform all such conditions as are for the time being prescribed by the Board under sub-paragraph (1) of this paragraph and (if the Board has prescribed different conditions for different classes of registered producers) are applicable to the class to which he belongs;

(*b*) refuse to renew a Producer's A Licence, or revoke such a licence, except on the ground that the holder thereof has failed to comply with one or more of the conditions thereof.

(5) As soon as may be after every decision of the Board to refuse to grant or renew, or to revoke, a Producer's A Licence, the Board shall serve written notice of that decision on the registered producer concerned and he may, on or before the fourteenth day after the service of the notice, give notice in writing to the Board referring the matter to arbitration under the provisions of this Scheme and the arbitrator may make such award in the matter as he thinks just.

(6) No decision of the Board to revoke a Producer's A Licence shall come into effect until the expiration of the period of fourteen days within which a reference to arbitration may be required, or, in a case where such a reference is duly required, unless and until the arbitrator shall so decide.

(7) Where application, upon such form as the Board may from time to time prescribe, is made for the renewal of a Producer's A Licence not later than one month before the expiration thereof, such licence shall be deemed to remain in force until renewed, or, where the Board decide to refuse to renew the licence, then until the expiration of the period of fourteen days within which a reference to arbitration may be required, or, in a case where such a reference is duly required, until, after the arbitrator has made his award, the Board in accordance therewith either renew the licence or serve notice on the registered producer concerned that the arbitrator has upheld their decision, as the case may be.

(8) For the purpose of ensuring that, on the coming into operation of this Part of this Scheme, Producer's A Licences will be available to those who have duly applied for them, the Board may, and shall to such extent as may be practicable for the purpose aforesaid, receive and deal with applications for and issue such licences before the coming into operation of this Part of this Scheme and the foregoing provisions of this paragraph relating to the prescription of forms and conditions, the service of notices and arbitration shall have effect accordingly.

71. A Producer's A Licence may be granted subject to such one or more of the following conditions as the Board may from time to time prescribe, that is to say—

(*a*) that the holder of the licence shall furnish to the Board such estimates, returns, accounts and other information relating to his sales of eggs by retail as the Board may from time to time by notice in writing require;

(*b*) that the holder of the licence shall keep such books, accounts and records relating to his sales of eggs by retail as may from time to time be prescribed by the Board and shall produce the same to any person authorised by the Board to inspect them;

(*c*) such other conditions in relation to his trade in eggs under the licence as the Board may from time to time prescribe, not being conditions relating to anything that could not be prescribed by the Board in relation to sales of eggs by retail by reason of the provisions of paragraph 69 (2):

Provided that nothing in this or the last two preceding paragraphs shall prevent the Board from prescribing as a condition of the licence that the licence holder shall not sell eggs by retail through the agency of any person other than a person in the whole-time employment of the licence holder.

72.—(1) No sale of eggs to a retailer shall be made by any registered producer except under the authority of a licence (hereinafter called a "Producer's B Licence") granted by the Board and for the time being in force and in accordance with the conditions to which it is for the time being subject.

(2) Sales of eggs to retailers made by a registered producer who is for the time being the holder of a Producer's B Licence shall be exempt from the provisions of paragraphs 64 to 68 (both inclusive), save so far as paragraph 67 empowers the Board to prescribe, subject as hereinafter mentioned, the manner in which eggs or any description or quantity of eggs shall be marked in such a way as to identify the producer by whom they were produced:

Provided that any such prescription shall not take effect in relation to that producer earlier than seven days after the day on which his licence comes into operation or earlier than seven days after the Board have notified him of the nature of the mark required to be used by him under that prescription, whichever event first happens.

73.—(1) A Producer's B Licence shall state the period of its operation.

(2) All the provisions of sub-paragraphs (2) to (8), both inclusive, of paragraph 70 shall apply to Producer's B Licences as they apply to Producer's A Licences so, however, that the Board shall from time to time prescribe the forms of application for a Producer's B Licence and for the renewal thereof which forms shall require the applicant to specify therein the names and addresses of the persons to whom at the date of the application he proposes to sell under the licence.

(3) A Producer's B Licence may be granted subject to such one or more of the following conditions as the Board may from time to time prescribe, that is to say—

(*a*) a condition that the licence holder shall, before he makes a sale of eggs to a retailer not specified in his form of application for licence, post to the Board with postage prepaid or deliver to the Board a notice upon such form as the Board may prescribe of that retailer's name and address;

(*b*) conditions of the kind described in sub-paragraphs (*a*) and (*b*) of paragraph 71 but in relation to the licence holder's sales of eggs to retailers;

(*c*) such other conditions in relation to the licence holder's trade in eggs under the licence as the Board may from time to time prescribe, not being conditions relating to anything that could not be prescribed by the Board in relation to the sale of eggs to retailers by reason of the provisions of sub-paragraph (2) of paragraph 72:

Provided that nothing in this or the last preceding paragraph shall prevent the Board from prescribing as a condition of the licence that the licence holder shall not sell eggs to a retailer through the agency of any person other than a person in the whole-time employment of the licence holder.

(4) The receipt by the Board of a producer's notification of the name of a person to whom he proposes to sell shall not be deemed to be an admission by the Board that sales of eggs by him to that person are sales of eggs to a retailer.

Notice to Minister

74.—(1) A prescriptive resolution passed by the Board under paragraph 65, 66, 68, 70, 71, or 73 shall not come into operation unless—

(*a*) the Board have given to the Minister notice in writing of the passing of the resolution and at least seven days have elapsed from the giving of the notice; or

(*b*) the Board have given to the Minister notice in writing of their proposal to pass the resolution at least seven days before the passing thereof.

Any such notice shall contain a copy of the resolution or the proposed resolution, as the case may be, to which it relates and shall state the Board's purpose in passing it or proposing to pass it.

(2) Nothing in the last foregoing sub-paragraph shall apply to resolutions of such classes as the Minister may from time to time specify in a written notification to the Board and the Minister may direct that, in the case of any resolution specified in the direction, the provisions of that sub-paragraph shall have effect subject to such reduction of the period of seven days therein mentioned as may be so specified or that those provisions shall be waived.

(3) The Board shall, if the Minister so requests for the purpose of facilitating the exercise by him of his functions under Section 2 of the Act of 1949, give to him such particulars of any such contracts for the sale of eggs entered into by the Board or which they propose to enter into, or any such class of those contracts, as the Minister may specify in the request and within such time as may be so specified and the said particulars so required may include details of the terms (other than the sale price) that are or will be incorporated in the contract or contracts.

Obligation of the Board

75.—(1) If the Board pursuant to paragraph 64 by prescriptive resolution require registered producers to sell eggs or any description of eggs only to

the Board then and in that case it shall be the duty of the Board to purchase all eggs or all eggs of that description (as the case may be) which are from time to time duly tendered to the Board by any registered producer.

(2) The Board shall from time to time specify the price or prices at which and the terms on which the Board will purchase such eggs as aforesaid and shall announce such prices and terms in such manner as the Board think fit.

(3) For the purposes of this paragraph the expression "duly tendered" means tendered, notified and delivered at such time and place as the Board may from time to time direct.

Miscellaneous Powers

76. The Board may:

(*a*) process any eggs and produce from eggs any of the commodities specified in the Third Schedule;

(*b*) subject to the provisions of paragraph 77, buy eggs;

(*c*) sell, grade, pack, store, adapt for sale, insure, advertise and transport eggs and any commodity produced by the Board as aforesaid;

(*d*) erect, acquire and operate egg packing stations;

(*e*) acquire and sell or let for hire to registered producers and other persons anything required for the production, grading, packing, storing, adaptation for sale, transport or sale of eggs, and render to registered producers or other persons, on payment or otherwise, any service which is calculated to promote the more efficient production, grading, packing, storing, adaptation for sale, transport or sale of eggs:

Provided that any such thing sold or let for hire and any services rendered shall be sold or let for hire or rendered primarily in such circumstances as to be likely to be utilised mainly by registered producers or in connection with eggs produced by them;

(*f*) co-operate with any person in doing any of the things aforesaid, and do anything calculated to procure, promote or facilitate the doing by any other person of such things;

(*g*) lend or grant money to any other board administering a scheme under the Act of 1931, for any purpose which in the opinion of the British Egg Marketing Board will be beneficial to registered producers under this Scheme:

Provided that, when selling eggs, the Board shall not have power to include in the contract for sale a term requiring that, on a re-sale by the buyer or on any subsequent re-sale, the eggs shall be sold at, below or above a specified price.

77.—(1) When, in the exercise of the power to buy eggs conferred by the last preceding paragraph, the Board propose to buy eggs from registered producers through agents appointed by the Board, the Board shall not refuse to appoint as such agent, on the like terms and conditions as are for the time being normally applicable to the appointment of similar agents by the Board, any person who applies to be appointed unless the Board are satisfied that he does not possess such qualifications as make him a fit and proper person to be so appointed or does not operate with such staff, in such manner, in such premises and with such equipment as enable him to perform efficiently the duties required of such an agent; and the Board shall not terminate any contract of agency entered into with such an applicant unless they are satisfied that he no longer possesses such qualifications or no longer operates as aforesaid or unless the Board no longer propose to buy through agents.

(2) Without prejudice to the generality of the foregoing reference to qualifications, those qualifications may include the support of an adequate number of producers for the application in question.

(3) Without prejudice to the generality of the foregoing reference to terms and conditions, the Board may apply different sets of terms and conditions to different classes of agents and to different districts and any such sets of terms and conditions may include terms and conditions dealing with all or any of the following matters, namely:—

(*a*) that the agent shall exercise all due diligence to buy eggs in accordance with the contract of agency;

(*b*) that, except as agent for the Board, the agent shall not buy any eggs from the producer thereof or do or permit to be done anything calculated to assist or facilitate such buying by any other person;

(*c*) that if the agent is a registered producer, he shall surrender to the Board for the duration of the agency any Producer's A Licence and any Producer's B Licence held by him and shall not during the agency apply for any such licence;

(*d*) that the agent shall give such reasonable security as the Board may from time to time require for payment of moneys due or likely to become due to the Board;

(*e*) that the agent shall deduct from payments to any producer and pay to the Board any moneys due from the producer to the Board;

(*f*) that the agent shall not (whether on behalf of the Board or on his own behalf) buy eggs from a producer who is not either a registered producer or a producer exempt from registration or buy from any registered producer any eggs which that producer is, by virtue of any prescription of the Board for the time being in force, prohibited from selling to the agent.

(4) The Board shall not refuse to make such an appointment or, except where they no longer propose to buy through agents, terminate such a contract as aforesaid until, after affording to the person affected an opportunity of being heard by the Board, they have given to him twenty-one days' notice in writing of their proposal to take that action.

(5) A person to whom notice of a proposal is given under the last preceding sub-paragraph may, by notice in writing served by him on the Board within that period of twenty-one days, require that there shall be referred to arbitration the question whether that person possesses such qualifications as make him a fit and proper person to be such an agent as aforesaid and operates with such staff, in such manner, in such premises and with such equipment as enable him to perform efficiently the duties required of such an agent.

(6) The Board shall not give effect to the proposal until the expiration of the period of twenty-one days within which a reference to arbitration may be required, or, in a case where such a reference is duly required, until the expiration of a period of ten days after the receipt by the Board of the arbitrator's award.

(7) Where such reference is duly required, the Board shall, upon receipt by them of the arbitration award, reconsider the question whether the appointment should be made or the contract of agency terminated, as the case may be.

(8) Subject to the provisions of the last preceding sub-paragraph, every such arbitration shall be conducted, and the arbitrator shall be appointed, as if the arbitration were an arbitration under paragraph 97 of this Scheme.

(9) Forthwith after taking any such action as is referred to in sub-paragraph (4) of this paragraph, the Board shall serve notice thereof in writing on the person who was entitled under that sub-paragraph to be afforded an opportunity of being heard by the Board.

(10) Nothing in sub-paragraphs (1) and (4) of this paragraph shall apply to the termination by the Board of any such contract as aforesaid if the contract provides for its termination by the Board for any of the following reasons, and the contract is terminated for one or more of those reasons, namely:—

(*a*) that the agent has broken a term of the contract;

(*b*) that execution against the agent has been levied by seizure of his goods under process in an action in any court or that any corresponding legal remedy has been exercised against him in Scotland or Northern Ireland;

(*c*) that a receiving order in bankruptcy has been made against the agent or that a competent Court in Scotland has awarded sequestration of his estate or that he has entered into a composition or scheme of arrangement with his creditors or that, if the agent is a corporate body, the agent is being wound up by the Court or voluntarily (otherwise than for the purpose of amalgamation or reconstruction);

(*d*) that the agent has been convicted of any offence involving fraud;

(*e*) that the agent has been detained for more than seven days in any place under any enactment in force in the United Kingdom relating to persons of unsound mind.

78. The Board may:

(*a*) furnish to registered producers, or publish to them in such manner as they think fit, market intelligence and other information likely to promote the efficient production and marketing of eggs;

(*b*) encourage, promote and conduct agricultural co-operation, research and education in connection with the production and marketing of eggs or poultry or of egg products:

Provided that—

(i) the Board shall not be under any liability for any error in any information so supplied or for any failure to obtain or supply such information; and

(ii) nothing in this paragraph shall authorise the disclosure of any information contrary to section 17 of the Act of 1931.

Advances

79. The Board may lend to any registered producer, on such security (if any) and on such terms as to interest and otherwise as they think fit, a portion, not exceeding two-thirds, of the amount which they estimate that he will receive from the sale of any eggs produced or in course of production by him.

Estimates and Returns by Producers

80. The Board may, whenever they consider it necessary for the operation of this Scheme so to do, serve on any registered producer a demand in writing requiring him to furnish to them, within such period and in such form and manner and through such channels as may be specified in the demand, such estimates, returns and other information relating to eggs as may be so specified.

Inspection

81. Any person authorised in writing by the Board may, for the purpose of securing compliance with this Scheme, enter and inspect at any reasonable time on production of his authority any part of the land or premises occupied by a registered producer (being the producer specified in the authority) which the person so authorised has reason to believe is used for producing eggs or for doing any of the following things which is for the time being regulated under this Scheme, that is to say, marking, packing or storing eggs or adapting them for sale.

Contributions by Registered Producers

82.—(1) The Board may obtain the whole or such part as they think fit of the money required in the opinion of the Board for the operation of this Scheme (including the provision of reserves) from money received by the Board through the exercise of their powers under this Part of this Scheme (other than their powers under the next following sub-paragraph) and may obtain the balance (if any) of the money so required by contributions under the next following sub-paragraph.

(2) The Board may by prescriptive resolution require every registered producer to contribute to the fund such sums as the Board may prescribe and the Board may prescribe different rates or amounts of contribution for different classes of registered producers:

Provided that—

(*a*) subject to the succeeding paragraphs of this proviso, the Board shall not require the payment by any registered producer in any year of a contribution or contributions exceeding a sum calculated at the rate of one half-penny for every dozen eggs sold by him in that year, or such greater rate as may be determined by a general meeting of registered producers;

(*b*) the contribution payable by a registered producer, in so far as it is calculated by reference to his sales of eggs by retail or to retailers, shall be calculated at a rate not exceeding one-half of the highest rate for the time being applicable to any other class of sales of eggs or, if no contribution is required in respect of any such other class of sales of eggs in any year, at a rate not exceeding one farthing for every dozen eggs sold in that year;

(*c*) nothing contained in the foregoing paragraphs of this proviso shall prevent the Board from requiring a registered producer to pay to them in any year a sum not exceeding ten shillings in satisfaction of his contribution so far as it is referable to his sales of eggs by retail in that year, so, however, that if after the end of that year the producer satisfies the Board that the amount of his contribution (so far as it is calculated by reference to his sales of eggs by retail and at the rate appropriate thereto) is less than the sum so paid by him to the Board, he shall be entitled to recover from the Board the amount of the excess.

(3) If the Board are unable to obtain from any registered producer a sufficient return showing the number of eggs sold by him during any period, he shall, if the Board think fit, be treated as having sold during that period such number of eggs as the Board may think proper, having regard to any information available to the Board as to the number of poultry in his possession at any time during that period.

(4) Any sum required by the Board to be paid by a registered producer under this paragraph shall be payable on such date or dates and at such place as the Board may prescribe and shall be recoverable as a debt due to the Board.

Compensation

83. If any registered producer satisfies the Board, or establishes by arbitration in accordance with paragraph 97, that the Board have committed any breach of the obligations expressly imposed on the Board by this Scheme, and that he has thereby suffered loss, the Board shall pay compensation to him in respect of such loss.

Surplus Funds

84. The Board may set aside reserves and may use such reserves in the operation of this Scheme in such manner as the Board may think fit, but subject thereto any moneys standing to the credit of the fund which in the opinion of the Board are not required for the operation of this Scheme, after meeting the Board's expenses and losses (if any), shall be distributed in such manner as may be determined by a resolution passed at a general meeting of registered producers.

Penalties

85.—(1) (*a*) If any registered producer contravenes any prescription made by the Board pursuant to the provisions of paragraph 64, 65, 66, 67 or 68, or contravenes the provisions of paragraph 69 or 72 then the Disciplinary Committee hereinafter described shall impose upon him and the Board shall recover from him, such monetary penalty (not exceeding £100 plus half the price of any eggs sold in contravention of the said prescription) as that Committee think just :

Provided that it shall be a good defence for a registered producer charged with selling eggs by retail or to retailers while he was not the holder of a licence in that behalf or charged with contravening any such prescription as aforesaid by reason of that sale to prove that, at the date of the alleged sale, application had been duly made to the Board for such a licence, that, if it was an application for a Producer's B Licence, it was made not less than ten days before that date, that the application was the first application of its kind that he had made and that the Board had not given notice of their decision to refuse to grant such licence.

(*b*) If any registered producer—

(i) fails without reasonable excuse to comply with any demand made by the Board under paragraph 80 or if he knowingly or recklessly makes any false statement in reply thereto ; or

(ii) obstructs or interferes with any person duly authorised by the Board under paragraph 81 ; or

(iii) knowingly or recklessly makes in any statement that may be required by the Board under paragraph 16 (7) or 90 (2) a false statement as to the number of poultry in his possession on land in his occupation for the purpose of voting in an election of a regional or special member of the Board, or of voting at a general or regional meeting of registered producers ;

then the Disciplinary Committee shall impose upon him, and the Board shall recover from him, such monetary penalty (not exceeding £200) as that Committee think just.

(*c*) No such penalty shall be imposed in respect of such a contravention as aforesaid which constitutes an offence under any Act other than the Act of 1931.

(2) (*a*) There shall be a Committee of the Board, to be known as the Disciplinary Committee, constituted at each sitting thereof of not less than

four nor more than six members of the Board and a Chairman who is not a member of the Board, but is an independent person who is a barrister of not less than seven years' standing, an advocate of not less than seven years' standing, or a solicitor of not less than seven years' standing, and is approved by the Minister.

(*b*) No penalty shall be imposed on a registered producer pursuant to this paragraph except after a hearing by the said Committee and by the decision thereof, taken in accordance with the opinion of the majority of the members thereof, so however, that if there is an equal division of opinion on any question, the opinion of the Chairman shall prevail. At any such hearing, the producer shall be entitled to appear and be heard in person or by counsel or solicitor or by any other person authorised by him.

(*c*) Notice of the time and place of every such hearing and a written statement of the charge against the producer in question shall be served personally or by registered post on that producer not later than the fourteenth day before the day of the hearing.

(*d*) No penalty shall be imposed for any contravention which occurred more than six years before the service of the said written statement of charge.

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

(*f*) The said Committee if they find that a contravention has occurred may postpone the imposition of a penalty for a period not exceeding twelve months.

(3) As soon as may be after every hearing by the Disciplinary Committee, written notice of their decision shall be sent to the registered producer in question, and he may, on or before the fourteenth day after the day on which the notice was so sent to him, give notice to the Board referring the matter to arbitration under the provisions of this Scheme, and, if the matter is so referred, no proceedings shall be taken by the Board otherwise than for the purposes of the arbitration or to enforce the award of the arbitrator; and the arbitrator may award payment by the producer of such penalty or other sums as he thinks just but not exceeding the maximum penalty or other sums respectively which could have been imposed or required by the Disciplinary Committee.

(4) The Disciplinary Committee shall have the power to reconsider their decision in relation to the case of any registered producer, if, upon considering any written application in that behalf by the registered producer in question made within six months after the date of the original hearing by the said Committee, the Committee is satisfied that:

(*a*) there may be facts relevant to the case other than the facts which were before the Committee at the original hearing, and

(*b*) if such other facts had previously been known to the Committee their decision would have been influenced thereby, and

(*c*) the matter has not been referred to arbitration pursuant to sub-paragraph (3) of this paragraph.

(5) (*a*) If the said Committee determine pursuant to the last preceding sub-paragraph of this paragraph to reconsider any case, it shall be their duty to rehear the case and, if as a result they are of opinion that a

substantial miscarriage of justice has occurred, they shall vary the previous decision of the Committee and the Board shall thereupon give effect to any such variation.

(*b*) The provisions of sub-paragraphs (2) (*b*) and (3) of this paragraph shall apply to every such rehearing.

(6) Subject as aforesaid every penalty imposed and every sum required to be paid by a decision of the Disciplinary Committee shall be a debt due to the Board and recoverable accordingly.

(7) A person whose name appeared upon the register of producers at the date when he contravened any provision of this Scheme or any prescription of the Board thereunder shall, notwithstanding that his name has since been removed from the register, be deemed to remain a registered producer for the purposes only of this paragraph.

PART VII.—MEETINGS OF REGISTERED PRODUCERS

86.—(1) The Board shall in each year hold a general meeting of registered producers as their annual general meeting and shall specify the meeting as such in the notices calling it, and not more than fifteen months shall elapse between the date of one annual general meeting and that of the next:

Provided that so long as the Board hold their first annual general meeting within eighteen months of the coming into force of this Scheme, they need not hold it in the year in which this Scheme comes into force or in the following year.

(2) The Board may hold other general meetings of registered producers at such times as the Board think fit.

(3) The Board may hold regional meetings of registered producers in any region at such times as the Board think fit and, if a requisition requesting that a regional meeting be held to consider some question relating to the Scheme and affecting some region is signed by not less than fifty of the registered producers who produce eggs in that region and lodged with the Board, the Board shall hold such a meeting at such time and at such place in the region as the Board may appoint.

87.—(1) At least twenty-one days in the case of an annual general meeting, and at least fourteen days in the case of any other general or regional meeting, before the day fixed for the holding of such meeting, the Board shall publish in such manner as the Board think fit notice of the meeting stating:

(*a*) the time and place of the meeting;

(*b*) the business to be transacted;

(*c*) the name of the chairman.

No business shall be transacted at any meeting other than the business of which notice has been given as aforesaid by the Board.

(2) The chairman of every general or regional meeting of registered producers shall be appointed by the Board:

Provided that if the person appointed by the Board to be chairman is not present within fifteen minutes after the time appointed for the meeting, the meeting shall choose a chairman.

88.—(1) Every registered producer shall be entitled to vote in person or by proxy at a general meeting of registered producers and every registered producer who produces eggs in a particular region shall be entitled to vote in person or by proxy at a regional meeting of registered producers in that region.

(2) Every question put before a general meeting or regional meeting of registered producers shall be decided on a show of hands (a proxy who is not a registered producer being entitled to show his hand), unless either before or immediately after the show of hands, a formal vote is demanded by at least six registered producers entitled to vote and present in person or by proxy, in which case a formal vote shall forthwith be taken.

(3) At any meeting a declaration by the chairman of the meeting of the result of any show of hands or formal vote shall be final and in the event of an equality of votes the chairman shall, in addition to his other votes (if any) have a casting vote.

89.—(1) At any meeting registered producers may vote either personally or by proxy. The instrument appointing a proxy shall be in writing in such form as the Board may require under the hand of the registered producer or his agent whose signature the Board have previously been authorised and requested by the registered producer in writing to accept or, if the registered producer is a corporation aggregate, either under its seal, or under the hand of a member of the board of directors or other governing body of the corporation or of its secretary or other permanent officer. The said instrument and the authority (if any) under which it is signed shall be deposited at the office of the Board in England not later than 6 p.m. on the third day before the day fixed for the meeting, and in default the instrument shall be treated as invalid. A proxy need not be a registered producer but shall not be a person employed on the staff of the Board.

(2) Without prejudice to the foregoing provisions of this paragraph relating to proxies, a registered producer being a corporation aggregate may exercise any of its rights at a meeting by a member of the board of directors or other governing body of the corporation or by its secretary or other permanent officer; and a registered producer being a partnership firm may exercise any of their rights at a meeting by any one of their partners.

90.—(1) On the taking of a formal vote, each registered producer present at the meeting in person or by proxy shall have the standard number of votes calculated in accordance with paragraph 16 (6) but by reference to the seventh day before the day fixed for the meeting and in relation to (*a*) the United Kingdom, in the case of a general meeting, and (*b*) the region concerned, in the case of a regional meeting.

(2) It shall, if the Board so prescribe, be a condition precedent to any registered producer voting (whether personally or by proxy) on a formal vote taken at any general or regional meeting of producers that a statement, in such form as the Board may require, of the number of poultry by reference to which his standard number of votes is calculated shall be delivered to the Board signed by the registered producer or his agent, being an agent whose signature the Board have previously been authorised and requested by the registered producer in writing to accept, or, in the case of a corporation aggregate, by a member of the board of directors or other governing body of the corporation or by its secretary or other permanent officer.

PART VIII.—AMENDMENT AND REVOCATION OF SCHEME AND WINDING UP OF THE BOARD

91. Before submitting a substitutional scheme or an amendment of this Scheme to the Minister, the Board shall publish the proposed Scheme or amendment by serving notice thereof on every registered producer.

92. A poll on the question whether or not a substitutional scheme or an amendment of this Scheme shall be submitted to the Minister may, within

one month from the publication thereof, be demanded in writing by any one thousand registered producers of whom not more than five hundred are producers producing eggs in any one region, and a poll on the question whether or not this Scheme is to be revoked may be demanded at any time in the said manner by the same number and description of registered producers. No poll on the question whether or not this Scheme is to be revoked shall, without the consent of the Board, be taken within three years of the declaration of the result of a previous poll on that question.

93. Part IX of the Companies Act, 1948, (which relates to the winding up of unregistered companies) shall apply in relation to the Board subject to the modifications set out in paragraphs 4 to 8 of the Second Schedule to the Act of 1931.

94. Contributions under paragraph 7 of the Second Schedule to the Act of 1931 shall be assessed proportionately to the maximum head of poultry over the age of six months which each contributor had on land in his occupation in the United Kingdom at any time during the relevant period as defined in that Schedule (according to the records of the Board) and shall not exceed two pence for each head of such poultry; and each contributor shall contribute the same proportion of his maximum contribution as every other contributor.

PART IX.—MISCELLANEOUS

Possession of Poultry

95. For the purposes of this Scheme, poultry which is or was for the time being upon premises occupied by a producer shall unless the contrary is proved be deemed to be or to have been in the possession of that producer.

Prescriptive Resolutions

96.—(1) Where any provision of this Scheme authorises the Board to prescribe anything, the resolution prescribing it shall be recorded by the Board in a separate record of prescriptive resolutions.

(2) Such record shall be open for inspection at the principal office of the Board from 10 a.m. to 4 p.m. on weekdays other than Saturdays, except on New Year's Day, Good Friday, Christmas Day and any Bank Holiday; and any person shall be entitled to be supplied with a copy of an entry therein on payment of a fee not exceeding one shilling in respect of each prescriptive resolution copied, or to take extracts therefrom for his own use free of charge.

(3) As soon as practicable after passing a prescriptive resolution the Board shall publish the same in such manner as the Board think fit or take such other steps as the Board think desirable to bring the same to the notice of registered producers who may be concerned therewith.

Arbitration

97. Any producer who is aggrieved by an act or omission of the Board may refer the matter to the arbitration of a single arbitrator to be agreed upon between the producer and the Board, or, in default of agreement, to be nominated by the Minister on the application of either party and the arbitrator may make such order in the matter as he thinks just. Every such arbitration shall be held in such place in the United Kingdom as the arbitrator may appoint, and shall be conducted in accordance with the law of that place.

Service of Documents

98. Any requirement of this Scheme (other than those contained in paragraphs 74 and 85) that a document shall be sent to or served on a person by the Board or by a returning officer shall be deemed to have been complied with if, within the period (if any) limited for the sending or service of the document, the document is despatched to him by post properly addressed and with the postage prepaid, and a document so despatched shall, unless the contrary is proved, be deemed to have been served immediately before the expiration of the third day after the day on which it was posted. For the purpose of this paragraph, the proper address of a registered producer shall be his address as the same appears on the register of producers.

Paragraph 4

THE FIRST SCHEDULE

REGIONS

NOTE: Each region returns one regional member of the Board except Region 11 (Northern Ireland) which returns four regional members.

1 Number and Name of Region	2 Counties
1. North Eastern ...	Durham (the whole County) Northumberland Yorkshire
2. North Western ...	Cumberland Lancashire Westmorland
3. East Midland ...	Derbyshire Leicestershire Lincolnshire Northamptonshire (including the Soke of Peterborough) Nottinghamshire Rutland
4. West Midland ...	Cheshire Herefordshire Shropshire Staffordshire Warwickshire Worcestershire
5. Eastern	Bedfordshire Cambridgeshire (including the Isle of Ely) Essex Hertfordshire Huntingdonshire Norfolk Suffolk

1 Number and Name of Region	2 Counties
6. South Eastern ...	Berkshire Buckinghamshire Hampshire Kent London (including the City) Middlesex Oxfordshire Surrey Sussex Isle of Wight
7. South Western ...	Cornwall (including the Isles of Scilly) Devonshire Dorsetshire Gloucestershire Somersetshire Wiltshire
8. Welsh	Anglesey Breconshire Caernarvonshire Cardiganshire Carmarthenshire Denbighshire Flintshire Glamorganshire Merionethshire Monmouthshire Montgomeryshire Pembrokeshire Radnorshire
9. Northern Scotland ...	Aberdeenshire Argyllshire Banffshire Caithness Inverness-shire Kincardineshire Morayshire Nairnshire Orkney Ross and Cromarty Sutherland Zetland
10. Southern Scotland ...	Angus Ayrshire Berwickshire Buteshire Clackmannanshire Dumfriesshire Dunbartonshire Fifeshire Kinross-shire Kirkcudbrightshire

1 Number and Name of Region	2 Counties
10. Southern Scotland —*cont.*	Lanarkshire East Lothian Midlothian West Lothian Peeblesshire Perthshire Renfrewshire Roxburghshire Selkirkshire Stirlingshire Wigtownshire
11. Northern Ireland ...	County Antrim County Armagh County Down County Fermanagh County Londonderry County Tyrone

Paragraph 52

THE SECOND SCHEDULE

Form of Voting Paper on a Poll

The British Egg Marketing Board

To (1).....

A poll is being held under the British Egg Marketing Scheme, 1956, on the following question, to which voters must answer " Yes " or " No ":

(2).....

Answer " Yes " or " No ".....

How many head of poultry (i.e. domestic fowls and domestic ducks) over the age of six months were in your possession on land in your occupation on

(3)..... ?

Answer:.....

Signature of registered producer or his authorised agent.....

If you knowingly or recklessly mis-state the number of poultry which you are asked to state above, you will render yourself liable to imprisonment or a heavy fine or both.

Your vote will not count unless this paper, properly completed and signed and without any covering envelope, is returned through the post with the proper postage stamps affixed and reaches the office of the Returning Officer at

(4).....

.....

before 6 p.m. on the (5).....

(6).....

.....

Returning Officer.

The Returning Officer must fill in:

(1) the name and address of the registered producer;
(2) the question on which the poll is being taken;
(3) the appropriate date as fixed by the Board under paragraph 54 (2);
(4) the address of the Returning Officer;
(5) the appropriate date as fixed by the Board under paragraph 52;
(6) such explanations of the terms used as the Returning Officer may agree with the Board. Such explanations may appear on the back of the voting paper.

Paragraph 76

THE THIRD SCHEDULE

COMMODITIES WHICH THE BOARD MAY PRODUCE FROM EGGS

Liquid whole eggs;
liquid yolks;
liquid albumen;
frozen liquid whole eggs;
frozen liquid yolks;
frozen liquid albumen;
dried whole eggs;
dried yolks;
dried albumen;
glycerinated yolks;
whole eggs, yolks or albumen preserved by boric acid (for non-edible purposes) or other means;

and any other commodities of which eggs form a substantial ingredient.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

By this Order the Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for the Home Department approve the British Egg Marketing Scheme, 1956, set out in the Schedule, and bring it into force on the 31st December, 1956. By the terms of the Scheme a producer of eggs may not sell eggs produced in the United Kingdom, if he is neither registered under the Scheme nor exempt from registration on certain specified grounds (including possession of not more than 50 head of poultry over the age of six months).

The principal matters provided for by the Scheme are—

(1) the constitution of a Board to administer it; the election of members thereto and the procedure of the Board and its Committees;

(2) the keeping of a register of producers;

(3) the procedure for holding polls of registered producers (including the initial poll on the question whether the Scheme is to remain in force);

(4) regulatory powers in relation to sales of eggs by registered producers including power to prescribe that sales shall be made only to or through the agency of the Board and to prescribe prices and terms of sale, the description of eggs that may be sold and the persons to whom they may be sold and power for the Board's Disciplinary Committee to impose a penalty for a breach of any such prescription;

(5) miscellaneous powers including the power to buy and sell eggs, to produce certain commodities therefrom and to supply goods and services required for the production, etc., of eggs; and

(6) the contribution by registered producers to the Board's fund.