SCHEDULE (B.)—PART 12.

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REVENUE DEPARTMENTS, &c.

Revenue Departments, &c.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several REVENUE DEPARTMENTS, &c. herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1907; viz.:—

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	For the salaries and expenses of the Customs Department - - - - - -	952,700	54,550
2.	For the salaries and expenses of the Inland Revenue Department - - - -	2,259,500	17,000
3.	For the salaries and expenses of the Post Office including Telegraphs - - - -	16,746,741	376,988
	TOTAL REVENUE DEPARTMENTS - £	19,958,941	448,538

CHAPTER 27.

An Act to amend the law with respect to the sale of Agricultural Fertilisers and Feeding Stuffs.

[4th August 1906.]

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

Warranties as to fertilisers and feeding stuffs.

1.—(1) Every person who sells for use as a fertiliser of the soil any article which has been subjected to any artificial process in the United Kingdom, or which has been imported from abroad, shall give to the purchaser an invoice stating the name of the article and what are the respective percentages (if any) of nitrogen, soluble phosphates, insoluble phosphates, and potash contained in the article, and the invoice shall have effect as a warranty by the seller that the actual percentages do not differ from those stated in the invoice beyond the prescribed limits of error.

(2) Every person who sells for use as food for cattle or poultry any article which has been artificially prepared shall give to the

purchaser an invoice stating the name of the article, and whether it has been prepared from one substance or seed or from more than one substance or seed, and in the case of any article artificially prepared otherwise than by being mixed broken ground or chopped, what are the respective percentages (if any) of oil and albuminoids contained in the article, and the invoice shall have effect as a warranty by the seller as to the facts so stated, except that as respects percentages the invoice shall have effect as a warranty only that the actual percentages do not differ from those stated in the invoice beyond the prescribed limits of error.

(3) Where any article sold for use as food for cattle or poultry is sold under a name or description implying that it is prepared from any particular substance or from any two or more particular substances, or is the product of any particular seed or of any two or more particular seeds, and without indication that it is mixed or compounded with any other substance or seed, there shall be implied a warranty by the seller that it is pure, that is to say, is prepared from that substance or those substances only, or is a product of that seed or those seeds only.

(4) On the sale of any article for use as food for cattle or poultry, there shall be implied a warranty by the seller that the article is suitable to be used as such.

(5) Any statement by the seller of the percentages of the chemical and other ingredients contained in any article sold for use as a fertiliser of the soil, or of the nutritive and other ingredients contained in any article sold for use as food for cattle or poultry, made after the commencement of this Act in an invoice of such article, or in any circular or advertisement descriptive of such article, shall have effect as a warranty by the seller.

(6) Where an article sold for use as a fertiliser of the soil or as food for cattle or poultry consists of two or more ingredients which have been mixed at the request of the purchaser, it shall be a sufficient compliance with the provisions of this section with respect to percentages if the invoice contains a statement of percentages with respect to the several ingredients before mixture, and a statement that they have been mixed at the request of the purchaser.

Power to appoint analyst and samplers.

2.—(1) The Board of Agriculture and Fisheries shall appoint a chief agricultural analyst (hereinafter referred to as the chief analyst), who shall have such remuneration out of moneys provided by Parliament as the Treasury may assign. The chief analyst shall not while holding his office engage in private practice.

(2) Every county council shall, and the council of any county borough may, appoint an official agricultural analyst (hereinafter referred to as an agricultural analyst) and one or more official samplers for their county or borough.

(3) The council of any county or county borough may also appoint a deputy agricultural analyst, who shall, in case of

illness, incapacity, or absence of the agricultural analyst, have all the powers and duties of the agricultural analyst, and where the deputy acts this Act shall apply as if he were the agricultural analyst.

(4) The appointment of an agricultural analyst, deputy agricultural analyst, or official sampler shall be subject to the approval of the Board of Agriculture and Fisheries.

(5) A person whilst holding the office of agricultural analyst shall not engage or be interested in any trade, manufacture, or business connected with the sale or importation of articles used for fertilising the soil or as food for cattle or poultry.

Power to have fertiliser or feeding stuff analysed.

3.—(1) Every purchaser of any article used for fertilising the soil or as food for cattle or poultry who has taken a sample thereof within ten days after delivery of the article to him or receipt of the invoice by him, whichever is later, shall, on payment of the required fee, be entitled to have the sample analysed by the agricultural analyst.

(2) An official sampler shall at the request of the purchaser and on payment by him of the required fee, and may without any such request, take a sample for analysis by the agricultural analyst of any such article as aforesaid which has been sold or is exposed or kept for sale, but, in the case of an article which has been sold, the sample shall be taken before the expiration of ten days after the delivery of the article to the purchaser, or the receipt of the invoice by the purchaser, whichever is later.

(3) Where a sample has been taken with a view to the institution of any civil or criminal proceeding, the person taking the sample shall divide the sample into three parts, and shall cause each part to be marked, sealed, and fastened up, and shall deliver or send by post two parts to the agricultural analyst and one part to the seller.

(4) An agricultural analyst to whom a sample is submitted for analysis under this section—

(*a*) if the sample has not been divided into parts and the parts marked, sealed, and fastened up as herein-before mentioned, shall send a copy of the certificate of his analysis to the person who submitted the sample for analysis; and

(*b*) if the sample has been so divided into parts, shall analyse one of the parts of the sample delivered or sent to him and retain the other, and shall send a certificate of his analysis in the prescribed form and containing the prescribed particulars to the person who submitted the sample for analysis, and where that person is not the purchaser of the article also to the purchaser, and in every case to the seller and to such other persons (if any) as may be prescribed, and shall report to the Board of Agriculture and Fisheries in the prescribed manner the result of any such analysis: Provided that if the agricultural analyst does not know

the name and address of the seller he shall send the certificate intended for the seller to the purchaser, to be by him forwarded to the seller.

(5) At the hearing of any civil or criminal proceeding with respect to any article a sample whereof has been analysed in pursuance of this section, the production of a certificate of the agricultural analyst, or, if a sample has been submitted to the chief analyst, then of the chief analyst, shall be sufficient evidence of the facts therein stated unless the defendant or person charged requires that the analyst or the person who made the analysis be called as a witness: Provided that this subsection shall not apply—

(*a*) where the sample has been taken otherwise than in the prescribed manner; or

(*b*) where the sample has not been divided into parts and the parts marked, sealed, and fastened up as hereinbefore mentioned.

(6) If in any such legal proceeding (other than a proceeding which cannot be instituted until an analysis has been made and a certificate given by the chief analyst) either party to the proceeding objects to the certificate of the agricultural analyst, the party objecting shall, on payment of such fee as may be fixed by the Treasury, be entitled to have submitted to the chief analyst the part of the sample retained by the agricultural analyst, and to have that part analysed by the chief analyst and to receive from him a certificate of the result of his analysis.

(7) Where a sample is, under this section, sent for analysis to the chief analyst or to an agricultural analyst, there shall be sent with the sample the invoice (if any) relating to the article from which the sample was taken, or a copy of the invoice or of any prescribed part thereof.

Power of Board of Agriculture and Fisheries to make regulations.

4.—(1) The Board of Agriculture and Fisheries may make regulations—

(*a*) with respect to any matter which under this Act is to be prescribed;

(*b*) as to the qualifications to be possessed by agricultural analysts, deputy agricultural analysts, and official samplers;

(*c*) as to the manner in which analyses are to be made;

(*d*) as to the manner in which samples are to be taken and dealt with; and

(*e*) generally for the purpose of carrying this Act into execution:

Provided that nothing in this section or in any regulations made thereunder, shall affect the right of the purchaser of an article used for fertilising the soil, or as food for cattle or poultry, to have analysed by the agricultural analyst a sample of an article taken by him or at his request otherwise than in accordance with the regulations.

(2) All regulations made under this section shall be laid before both Houses of Parliament as soon as may be after they are made.

Provisions as to county and county borough councils.

5.—(1) The council of a county or county borough may concur with one or more other such councils in making any appointment which they are authorised to make under this Act, and as to the apportionment in the case of such a joint appointment of the expenses amongst the several councils.

(2) The council of any county or county borough may contribute towards any expenses incurred by any agricultural body or association in causing samples to be taken for analysis by the agricultural analyst.

(3) The council of any county or county borough may fix the fees payable in respect of the making of any analysis and the taking of any sample at the request of a purchaser.

(4) The expenses of the council incurred in the execution of this Act shall be defrayed, in the case of a county council as part of their general expenses, and in the case of a county borough council out of the borough fund or borough rate.

Penalties for breach of duty by seller.

6.—(1) If any person who sells any article for use as a fertiliser of the soil or as food for cattle or poultry commits any of the following offences, namely:—

(*a*) Fails without reasonable excuse to give, on or before or as soon as possible after the delivery of the article, the invoice required by this Act; or

(*b*) Causes or permits any invoice or description of the article sold by him to be false in any material particular to the prejudice of the purchaser; or

(*c*) Sells for use as food for cattle or poultry any article which contains any ingredient deleterious to cattle or poultry, or to which has been added any ingredient worthless for feeding purposes and not disclosed at the time of the sale;

he shall, without prejudice to any civil liability, be liable, on summary conviction, for a first offence to a fine not exceeding twenty pounds, and for any subsequent offence to a fine not exceeding fifty pounds:

Provided that a person shall not be convicted of an offence under paragraph (*b*) of this subsection if he proves either

(i) that he did not know, and could not with reasonable care have ascertained, that the invoice or description was false; or

(ii) that he purchased the article sold with a written warranty or invoice from a person in the United Kingdom, and that that warranty or invoice contained the false statement in question, and that he had no reason to believe at the time when he sold the article that the statement was false, and that he sold the article in the state in which it was when he purchased it.

(2) In any proceeding for an offence under this section it shall be no defence to allege that the purchaser, having bought only for analysis, was not prejudiced by the sale.

(3) A prosecution for an offence under this section shall not be instituted except with the consent of the Board of Agriculture and Fisheries, and the Board shall not give such consent until the part of the sample retained by the agricultural analyst has been analysed, and a certificate of analysis given, by the chief analyst.

(4) In any prosecution under this section the summons shall state particulars of the offences alleged, and also the name of the prosecutor, and shall not be made returnable in less time than fourteen days from the day on which it is served, and there must be served therewith a copy of any analyst's certificate obtained on behalf of the prosecutor.

Penalties for tampering.

7. If any person fraudulently—

(*a*) tampers with any article so as to procure that any sample of it taken under this Act does not correctly represent the article; or

(*b*) tampers with any sample taken under this Act;

he shall be liable on summary conviction to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding six months.

Penalty for obstructing official sampler.

8. If—

(*a*) the owner, or the person entrusted for the time being with the charge or custody of any article sold or intended to be sold for use as a fertiliser of the soil or as food for cattle or poultry refuses to allow an official sampler to take a sample of the article for the purpose of analysis; or

(*b*) the purchaser of any such article refuses to give to an official sampler the invoice of the article or a copy thereof or of any prescribed part thereof;

he shall be liable on summary conviction to a fine not exceeding ten pounds.

Institution of prosecutions and appeals.

9.—(1) Subject to the provisions of this Act as to the consent of the Board of Agriculture and Fisheries, a prosecution for an offence under this Act may be instituted either by the person aggrieved, or by the council of a county or borough, or by any body or association authorised in that behalf by the Board of Agriculture and Fisheries.

(2) A prosecution for an offence of causing or permitting an invoice or description to be false in any material particular shall not be instituted under this Act—

(*a*) after the expiration of three months from the date when the invoice was received by the purchaser; nor

(*b*) unless a sample for analysis has been taken, and an analysis by the agricultural analyst has been made, and a certificate of analysis has been given, in accordance with regulations made under this Act:

But the proceedings may be taken as well before the court having jurisdiction in the place where the purchaser of the article, to which the invoice or description relates, resides or carries on business, as before the court having jurisdiction in the place where the invoice or description was given.

(3) Any person aggrieved by a summary conviction under this Act may appeal to a court of quarter sessions.

Construction and application.

10.—(1) For the purposes of this Act the expression "cattle" shall mean bulls, cows, oxen, heifers, calves, sheep, goats, swine, and horses; and the expressions "soluble" and "insoluble" shall respectively mean soluble and insoluble in water, or, if so specified in the invoice, in a solution of citric acid or other solvent of the prescribed strength, and the percentage of soluble phosphates and percentage of insoluble phosphates mean respectively the percentage of tribasic phosphate of lime which has been, and that which has not been, rendered soluble.

(2) This Act shall apply to wholesale as well as retail sales.

Application to Scotland.

11. In the application of this Act to Scotland—

(1) The expression "council of any county borough" shall mean the town council of a burgh, and the duties and powers of councils of counties and county boroughs shall be performed and be exerciseable in a county by the county council, and in a burgh by the town council, and the expenses incurred by a council in the execution of this Act shall be defrayed out of a rate to be levied, fixed, and paid in like manner as the local rate under the Diseases of Animals Act, 1894: 57 & 58 Vict. c. 57.

(2) The expression "burgh" means a burgh which returns or contributes to return a member to Parliament, not being a burgh to which section fourteen of the Local Government (Scotland) Act, 1889, applies: 52 & 53 Vict. c. 50.

(3) Penalties for offences under this Act may be recovered summarily before the sheriff in manner provided by the Summary Jurisdiction Acts, and any person aggrieved by a summary conviction may appeal therefrom in accordance with the provisions of those Acts.

Application to Ireland.

12. For the purposes of the execution of this Act in Ireland, inclusive of the appointment of a chief agricultural analyst, the Department of Agriculture and Technical Instruction for Ireland shall be substituted for the Board of Agriculture and Fisheries and in section seventeen of the Agriculture and Technical Instruction (Ireland) Act, 1899, a reference to sections six, seven, 62 & 63 Vict. c. 50.

and eight of this Act shall be substituted for the reference to section seven of the Fertilisers and Feeding Stuffs Act, 1893; and for the purpose of instituting prosecutions the said department may take samples of any articles to which this Act applies which have been sold or are kept or exposed for sale.

56 & 57 Vict. c. 56.

Repeal.

13. The Fertilisers and Feeding Stuffs Act, 1893, is hereby repealed; provided that nothing in this repeal shall affect any regulation or appointment made under that Act, but every such regulation and appointment shall have effect as if made under this Act; and in Ireland an analyst holding office under the said Act both for a county and a non-county borough comprised in that county shall become the agricultural analyst for that county.

Short title and commencement.

14. This Act may be cited as the Fertilisers and Feeding Stuffs Act, 1906, and shall come into operation on the first day of January nineteen hundred and seven.

CHAPTER 28.

An Act to amend the Crown Lands Acts, 1829 to 1894.

[4th August 1906.]

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

President of Board of Agriculture to be additional Commissioner of Woods.

1. The President of the Board of Agriculture and Fisheries for the time being shall, by virtue of his office, be a Commissioner of Woods under the Crown Lands Act, 1851, in addition to the Commissioners whom His Majesty has power to appoint under that Act, and any reference to those Commissioners in the Crown Lands Acts, 1829 to 1894, and in any other Act, shall be construed accordingly, but nothing in those Acts shall authorise the payment of a salary to the said President in his capacity of Commissioner of Woods, or render the said President incapable of being elected or of sitting or voting as a member of the House of Commons.

Power to effect transfers of the management of foreshore between Commissioners of Woods and Board of Trade.

2.—(1) If it appears to the Treasury on the representation of the Commissioners of Woods and the Board of Trade that the transfer of any foreshore from the management of the Commissioners to that of the Board, or from the management of the Board to that of the Commissioners, would be convenient for the purposes of administration, the Treasury may by order make such a transfer, with or without payment in respect thereof, as they think fit, subject however and without prejudice to the rights and interests (if any) of any other person therein.