CHAPTER 9.

An Act to provide for the establishment of a Board with power to make, in consultation with the herring industry, a scheme with respect to the reorganisation, development and regulation of the industry, for the variation or revocation of the scheme, for authorising the giving of financial assistance to, and borrowing by, the Board, and to make other provision in connection with the matters aforesaid. [14th March 1935.]

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:—

Establishment of Herring Industry Board.

1.—(1) For the purposes of this Act there shall be established a body, to be called "the Herring Industry Board", which shall be a body corporate with a common seal and power to hold land without licence in mortmain.

(2) The body to be so established, in this Act referred to as "the Board", shall consist in the first instance of a chairman and seven other members appointed by the Ministers, being, as to the chairman and two of the other members, persons who are not engaged in the herring industry or in any trade connected therewith, and, as to the remaining five members, persons having special knowledge of the industry, and the provisions of the First Schedule to this Act shall have effect with respect to the Board and to their proceedings.

(3) If the Board represent to the Ministers that the composition of the Board ought to be varied, whether by an increase of the number of members required to be persons not engaged in the herring industry or in any trade connected therewith or of the number of members required to be persons having special knowledge of the industry, or by a reduction of the number of members of either class, or by an increase of the one together with a reduction of the other, the Ministers may make an order for the variation thereof in accordance with the representation.

(4) If the Board represent to the Ministers that any of the provisions of the First Schedule to this Act ought to be varied, the Ministers may make an order for the variation thereof in accordance with the representation:

Provided that an order shall not be made under this subsection for the variation of any of the provisions of the said Schedule relating to the payment of salaries, allowances or expenses except with the concurrence of the Treasury.

(5) An order made under either of the two last foregoing subsections shall be laid before each House of Parliament for a period of thirty days during the Session of Parliament and, if an address is presented to His Majesty by either House of Parliament before the expiration of that period, praying that the order may be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new order. In reckoning any such period of thirty days as aforesaid no account shall be taken of any time during which both Houses of Parliament are adjourned for more than four days.

(6) As soon as may be after the expiration of two years from the commencement of this Act, the Board shall consider whether it is practicable to make provision for the election by persons engaged in the herring industry of the members of the Board who are required to be persons having special knowledge of the industry and, unless it appears to the Board not to be practicable to make provision for that purpose (in which case the Board shall make a report to the Ministers, who shall publish the report in such manner as they think fit), the Board shall prepare and submit to the Ministers proposals for making such provision, and may include therein proposals for any such variation of the composition of the Board as aforesaid, or for the variation of the First Schedule to this Act, or for the termination, for the purpose of giving effect to the proposals, of the term of office of any member of the Board.

(7) After considering proposals submitted to them under the last foregoing subsection, the Ministers may, with the concurrence of the Treasury so far as regards a variation of any of the provisions of the said Schedule relating to the payment of salaries allowances or expenses, make an order for giving effect to the proposals and lay

the order before Parliament and, if each House of Parliament resolves that the order be approved, the order shall have effect from such date as the Ministers may appoint.

(8) An order made under this section may be varied or revoked by a subsequent order made in the like manner and subject to the like provisions.

(9) The Board shall, not later than the expiration of three months from the last day of each financial year of the Board, make a report to the Ministers on the proceedings of the Board during that year, and the Ministers shall lay every such report before Parliament.

Power of Board to make scheme with a view to reorganisation, development and regulation.

2.—(1) It shall be the duty of the Board, as soon as may be after the commencement of this Act, to ascertain, by consultation with representative organisations or otherwise, the opinion of persons engaged in the herring industry with respect to the preparation of a scheme with a view to effecting the reorganisation, development and regulation of the industry, and, if it appears to the Board that there exists amongst those persons a prevailing opinion in favour of the preparation of such a scheme and that it is requisite that such a scheme should have statutory effect, the Board shall prepare and submit to the Ministers a scheme containing any provisions which the Board in their discretion think expedient with a view to effecting those purposes.

(2) As soon as may be after a scheme has been submitted to them under the foregoing subsection, the Ministers shall cause to be published, in the London Gazette and in the Edinburgh Gazette and in such other manner as they think best for informing persons affected, notice of the submission of the scheme, of the place where the scheme may be inspected and copies thereof purchased, and of the time (which shall not be less than twenty-one days from the date on which the notice is first published) within which objections with respect to the scheme may be made.

(3) Every objection must be sent to one or other of the Ministers in writing and must state the grounds of objection and the modifications required.

(4) The Ministers, after considering the scheme and any objections duly made with respect thereto, may make any modifications in the scheme which they think

proper and to which the Board assent. In considering the scheme and any objections, the Ministers shall specially consider whether the scheme makes adequate provision for exemptions in proper cases.

(5) If the Ministers, after making such modifications (if any) as aforesaid, are satisfied that the carrying into effect of the scheme will conduce to the better organisation, development and regulation of the herring industry, and that there exists amongst persons engaged in the industry a prevailing opinion that the scheme should have effect, and they and the Treasury and the Board of Trade are satisfied that it is expedient that the scheme should have effect, they may lay the scheme before Parliament and, if each House of Parliament resolves that the scheme be approved, the scheme shall have effect from such date as the Ministers may appoint.

(6) As soon as may be after the scheme has been approved, the Ministers shall cause to be published in like manner as aforesaid a notice stating that the scheme has been approved, and specifying a place where copies thereof may be purchased.

(7) If, after a scheme has taken effect by virtue of this section, it appears to the Board that the scheme ought to be varied, on the ground either that the variation thereof is requisite for giving full effect to the provisions of the scheme, or that there exists amongst persons engaged in the herring industry a prevailing opinion in favour of the preparation of an amending scheme with a view to the better effectuation of the purposes aforesaid, or that any provision of the scheme is no longer in accordance with the prevailing opinion amongst persons engaged in the industry, the Board may prepare and submit to the Ministers an amending scheme containing any provisions which the Board in their discretion think expedient with a view to effecting the purposes for which the variation is required, and the provisions of subsections (2) to (6) of this section shall have effect in relation to an amending scheme so submitted as they have effect in relation to a scheme submitted under subsection (1) of this section.

(8) Where the Board are satisfied that it is expedient that provision for any purpose should be made by a scheme, they may make such preliminary inquiries and

surveys as they consider requisite for enabling that purpose to be effectuated if and so soon as the scheme takes effect.

Particular purposes of scheme.

3. It is hereby declared, without prejudice to the generality of the provisions of the last foregoing section with respect to the provisions which may be contained in a scheme, that there may be thereby conferred on the Board powers for all or any of the following purposes, amongst others, that is to say—

(*a*) the promotion of sales and market development and the promotion and carrying out of schemes of research and experiment;

(*b*) the making of loans for the construction, reconditioning and equipment of boats;

(*c*) the making of loans in connection with export;

(*d*) the purchase and disposal of redundant boats;

(*e*) the giving of assistance for the revival of winter fisheries;

(*f*) the limitation of the number, and control of the operations, of boats, curers, salesmen, kipperers, processers and exporters, by means of a licensing system having effect subject to any provision which may be made by the scheme as respects any of those matters for exemption, compensation (including any such compensation as may be decided upon by the Board for regular members of the crews of efficient and redundant boats), arbitration and appeal;

(*g*) the regulation, by means of rules, of the manner and conditions in and subject to which sales may be conducted, of the charges by way of commission to be made by salesmen and exporters, of standards of curing, kippering and processing, and of methods of packing and transport;

(*h*) the regulation, by means of prohibitions or restrictions having effect for a limited period either generally or in particular cases, of fishing, curing, kippering and other processes, sales and shipments, and the fixing of prices, with a view to meeting temporary or seasonal conditions detrimental to the industry;

(*i*) the purchase and sale as agents and, in special cases, as principals of herring, including—

(i) in connection with the regulation of sales with a view to meeting temporary or seasonal conditions detrimental to the industry, the imposition on holders of stocks of cured herring of a duty to place them at the disposal of the Board with a view to the sale for export thereof by the Board as agents, and

(ii) in connection with sales for export of cured herring by the Board as principals, the compulsory purchase by the Board of cured herring and the imposition on persons having supplies of fresh herring of a duty to sell them to curers for the purposes of the purchase by the Board,

and the fixing of prices in connection with the matters referred to in the foregoing sub-paragraphs;

(*j*) the disposal of surplus herring by conversion into oil and other products;

(*k*) the undertaking of arrangements for shipment for export;

(*l*) the levying of contributions from persons engaged in the industry and from purchasers of herring wholesale and the charging of fees in respect of licences;

(*m*) the entry on boats and premises and the inspection thereof and of things found thereon;

(*n*) the imposition on persons engaged in the industry of obligations to keep records and accounts and to furnish information;

(*o*) the delegation of functions to committees and to other persons.

Consumers' committee and committee of investigation. 21 & 22 Geo. 5. c. 42.

4. If a scheme takes effect under section two of this Act, the Ministers shall appoint a consumers' committee and a committee of investigation, and such of the provisions contained in sections nine and sixteen of the Agricultural Marketing Act, 1931, as are set out with modifications in the Second Schedule to this Act, shall have effect in relation to the committees so appointed.

Revocation of scheme and winding up of Board.

5. If at the expiration of eighteen months from the commencement of this Act no scheme has been submitted and laid before Parliament under section two of this Act, or if an order takes effect under section nine of the Agricultural Marketing Act, 1931, as applied by the last foregoing section, revoking a scheme in force under this Act, the Ministers shall by order make provision for the winding-up of the Board.

Legal proceedings.

6.—(1) Any contribution leviable by virtue of a scheme in force under this Act shall be recoverable by and from the persons by and from whom the contribution is made leviable by virtue of the scheme as a civil debt.

(2) Any person who contravenes or fails to comply with any provision of, or having effect under, a scheme in force under this Act, not being a provision for the levying of contributions, shall, if the scheme provides that a contravention of, or a failure to comply with, that provision is to be deemed to be an offence, be guilty of an offence under this Act and shall be liable on summary conviction, in the case of a first offence to a fine not exceeding five pounds, and, in the case of a second or subsequent offence, to a fine not exceeding twenty pounds, and, in either case, to forfeit any herring or products of herring in relation to which the offence is committed, or to an additional fine not exceeding the value thereof.

The court by which a fine is imposed for an offence under this Act may, if the court thinks fit, having regard to the prejudicial effect which the commission of the offence has had, or is likely to have, on the operation of a scheme in force under this Act, direct that the whole or any part of the fine be paid to the Board.

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

(4) The two last foregoing subsections shall have effect in addition to, and not in derogation of, any

provision which may be made by a scheme for the enforcement, otherwise than by way of fine, forfeiture of goods or money or imprisonment, of any provision of, or having effect under, a scheme in force under this Act, not being a provision for the levying of contributions.

Borrowing power.

7. The Board shall have power to borrow, subject to and in accordance with regulations made by the Ministers with the approval of the Treasury, any sums required by them for the purpose of the exercise of their functions under this Act or under a scheme in force thereunder:

Provided that the amount outstanding of the principal sums borrowed under this section shall not at any time exceed in the aggregate one million pounds.

Payment of certain expenses of the Board out of moneys provided by Parliament.

8. During the period ending on the thirty-first day of March, nineteen hundred and thirty-eight, there shall be paid out of moneys provided by Parliament—

(*a*) in respect of the general administrative expenses of the Board, approved by the Ministers, such sums, not exceeding seventy-five thousand pounds, and

(*b*) in respect of any expenses incurred by the Board, and approved by the Ministers, in the exercise of any powers exercisable by the Board (whether under subsection (8) of section two of this Act or under a scheme in force under this Act) for promoting the sale of herring or products thereof, promoting market development, or promoting or carrying out schemes of research or experiment, such sums, not exceeding in the aggregate the amount which with the sums paid in respect of the general administrative expenses of the Board will amount to one hundred and twenty-five thousand pounds,

as Parliament may from time to time determine.

Herring Fund Advances Account.

9.—(1) There shall, in accordance with directions given by the Treasury, be established an Account which shall be called the Herring Fund Advances Account and shall be under the control and management of the Treasury.

(2) There shall be paid out of moneys provided by Parliament into the Herring Fund Advances Account

in the financial year ending on the thirty-first day of March, nineteen hundred and thirty-five, such sum, not exceeding six hundred thousand pounds, as Parliament may determine.

(3) The Treasury may from time to time, on the application of the Ministers, issue from the Herring Fund Advances Account such sums as may be required for the purpose of enabling the Ministers to make advances to the Board, on such terms as the Ministers with the concurrence of the Treasury may prescribe, towards expenses incurred or to be incurred by the Board in the exercise of any powers exercisable by them under a scheme in force under this Act for—

(*a*) the making of loans for the reconditioning and re-equipment of boats, the construction of new boats and the purchase of nets and gear for boats;

(*b*) the purchase of redundant boats;

(*c*) the making of loans in connection with export;

(*d*) the undertaking of operations involving the outlay of working capital:

Provided that—

(i) the sums so issued in the financial year ending on the thirty-first day of March, nineteen hundred and thirty-six, or in any of the four succeeding financial years, shall not exceed the amounts authorised by Parliament to be appropriated in aid of any moneys provided by Parliament in that year for the purposes for which the sums are issued;

(ii) moneys provided by Parliament which are to be applied for the purposes referred to in paragraphs (*c*) and (*d*) of this subsection shall be paid into a fund (to be called the Herring Marketing Fund) which shall be established in accordance with directions given by the Treasury and shall be under the control and management of the Ministers;

(iii) the sums paid into the Herring Marketing Fund under the last foregoing paragraph shall not exceed two hundred thousand pounds in the aggregate;

(iv) no sum shall be issued from the Herring Fund Advances Account or from the Herring Marketing Fund after the thirty-first day of March, nineteen hundred and forty.

(4) All sums received by the Ministers by way of interest on an advance made to the Board for the purposes referred to in paragraphs (*a*) and (*b*) of the last foregoing subsection, and all sums received by way of repayment of the principal of such an advance, shall be paid into the Exchequer.

(5) All sums received by the Ministers by way of interest on an advance made to the Board for the purposes referred to in paragraphs (*c*) and (*d*) of subsection (3) of this section shall be paid into the Exchequer, and all sums received by way of repayment of the principal of such an advance shall either be paid into the Herring Marketing Fund not later than the thirty-first day of March, nineteen hundred and forty, or, if not paid into that Fund on or before that date, shall be paid into the Exchequer.

(6) If it is shown to the satisfaction of the Ministers and the Treasury that any sum representing the principal of an advance made to the Board for the purposes referred to in subsection (3) of this section, or part of such an advance, cannot be repaid, the Treasury may direct that the liability of the Board to the Ministers shall be reduced to the extent of that sum.

(7) The Treasury shall prepare an account of the sums received into and paid out of the Herring Fund Advances Account in each financial year.

(8) The Secretary of State concerned with the sea fishing industry in Scotland shall prepare, in such form and manner and at such times as the Treasury may direct, an account of the sums received into and paid out of the Herring Marketing Fund in each financial year.

(9) On or before the thirtieth day of November in each year, the said accounts prepared under the two

last foregoing subsections and, in a case where the Treasury have directed under subsection (6) of this section that the liability of the Board to the Ministers shall be reduced, a statement of the reasons for that reduction, shall be transmitted to the Comptroller and Auditor-General who shall examine and certify the accounts and lay copies thereof, together with his report thereon, before both Houses of Parliament.

(10) As soon as may be after the thirty-first day of March, nineteen hundred and forty, the Herring Fund Advances Account and the Herring Marketing Fund shall be wound up in accordance with directions given by the Treasury and any sums then standing to the credit thereof respectively shall be paid to the Exchequer.

Accounts of the Board.

10.—(1) Any scheme submitted under subsection (1) of section two of this Act shall provide for the establishment of a Fund, for the payment into the Fund of all moneys received by the Board and for the payment thereout of all their disbursements, for the keeping by the Board of proper accounts, for the audit of the accounts by an auditor approved by the Ministers, for the submission of the audited accounts in every year by the Board to the Ministers together with the Board's report on their proceedings, and for the submission to the Ministers of such audited statements with respect to the application of moneys paid out of the Herring Fund Advances Account and the Herring Marketing Fund as they may from time to time require.

(2) The said statements shall be transmitted to the Comptroller and Auditor-General, who shall lay copies thereof before both Houses of Parliament together with the report and accounts mentioned in subsection (9) of the last foregoing section.

(3) No person shall be qualified to be appointed as auditor of the accounts of the Board unless he 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 and Auditors;

The Society of Accountants in Edinburgh;

The Institute of Accountants and Actuaries in Glasgow;
The Society of Accountants in Aberdeen;
The London Association of Certified Accountants, Limited;
The Corporation of Accountants, Limited.

Power to transfer to Board powers as to branding. 3 & 4 Geo. 5. c. 9. 45 & 46 Vict. c. 78.

11. The Ministers may, on the application of the Board, transfer to them all or any of the functions relating to the branding of cured herring conferred respectively on the Minister of Agriculture and Fisheries by the Herring Fishery (Branding) Act, 1913, and on the Fishery Board for Scotland by the Acts enumerated in the First Schedule to the Fishery Board (Scotland) Act, 1882, or by any enactment passed before the passing of this Act and amending those Acts or any of them.

Restrictions on disclosing information obtained under Act.

12.—(1) No information with respect to any individual business (other than a business carried on by or on behalf of the Board) shall, without the consent of the owner of that business, be included in any report laid before Parliament under this Act.

(2) Any person who publishes or discloses any information obtained by him in the exercise of any power conferred by or under this Act, otherwise than for the purpose of the proper discharge of a duty in that behalf, shall be liable, on conviction on indictment, to imprisonment for a term not exceeding two years or a fine not exceeding one hundred pounds or to both such imprisonment and fine, or on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

Printing and proof of schemes. 56 & 57 Vict. c. 66.

13.—(1) The provisions of section three of the Rules Publication Act, 1893, shall have effect in relation to a scheme which has taken effect under this Act, as they have effect in relation to statutory rules, with the substitution of a reference to the date when the scheme takes effect for the reference in the said section three to the date on which statutory rules are made.

31 & 32 Vict. c. 37. 45 & 46 Vict. c. 9.

(2) The Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882, shall have effect as if the Board were included in the first

column of the Schedule to the first-mentioned Act, and any two members of the Board were mentioned in the second column of that Schedule, and a scheme which has taken effect under this Act were an order issued by the Board.

Interpretation.

14.—(1) In this Act, unless the context otherwise requires, the following expressions have the meaning hereby assigned to them respectively:—

"Boat" means a vessel which is constructed or adapted for use in herring fishing or in the herring fishing service or which is for the time being so used;

"Cured herring" means herring which have been pickled in salt or in brine or in both, and which have not been subjected to any process of smoking;

"The Ministers" means the Secretary of State concerned with the sea-fishing industry in Scotland and the Minister of Agriculture and Fisheries;

"Scheme" includes an amending scheme;

"Scheme in force under this Act" means a scheme which has taken effect under subsection (5) of section two of this Act, as in force for the time being as amended by any scheme which has taken effect under subsection (7) of that section.

(2) A rule or regulation contained in an order made under this Act by the Ministers shall not be deemed to be a statutory rule within the meaning of section one of the Rules Publication Act, 1893.

Application to Northern Ireland.

15.—(1) This Act shall, so far as it relates to matters within the powers of the Parliament of Northern Ireland, not extend to Northern Ireland unless and until provision to that effect is made by an Order of His Majesty in Council made in pursuance of a resolution passed by both Houses of the Parliament of Northern Ireland.

(2) If, and as from the date on which, this Act is so extended to Northern Ireland, this Act shall have effect, without prejudice to the validity of anything previously done thereunder, as if references therein to the Ministers

and to the London Gazette and the Edinburgh Gazette included respectively references to the Secretary of State concerned with the sea-fishing industry in Northern Ireland and to the Belfast Gazette.

(3) If this Act is so extended to Northern Ireland, it shall, for the purposes of section six of the Government of Ireland Act, 1920, be deemed to be an Act passed before the appointed day.

10 & 11 Geo. 5. c. 67.

(4) Such sums paid out of the Exchequer of the United Kingdom in connection with the execution of this Act as may be determined by the Joint Exchequer Board to be properly payable by the Government of Northern Ireland shall be made good by means of deductions from the Northern Ireland residuary share of reserved taxes.

Short title.

16. This Act may be cited as the Herring Industry Act, 1935.

SCHEDULES.

Section 1.

FIRST SCHEDULE.

PROVISIONS WITH RESPECT TO THE BOARD AND TO THEIR PROCEEDINGS.

1. Subject to the provisions of this Schedule and of subsection (6) of section one of this Act, a member of the Board shall hold office for such period as the Ministers may determine at the time of his appointment.

2. A member of the Board, on vacating his office on the expiration or termination of the term thereof, shall be eligible for re-appointment.

3. A member of the Board may resign his office by notice in writing signed by him and given to one or other of the Ministers, and his office shall become vacant at the expiration of seven days from the date of receipt of the notice by the Minister.

4. If a member of the Board—

(*a*) 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;

(*b*) becomes bankrupt or enters into a composition or arrangement with his creditors;

(*c*) is convicted of a contravention of any of the provisions of this Act relating to the disclosure of information; or

(*d*) is absent from six consecutive meetings of the Board except for some reason appearing to the Board to be sufficient excuse;

the Board shall forthwith declare his office to be vacant, and his office shall become vacant on the date of the declaration.

5.—(*a*) A person who is a member of the governing body, or an officer, of an association formed for the purpose of, or whose objects include, the protection of the trading interests of persons engaged in the herring industry or any section thereof, shall be disqualified for being a member of the Board:

Provided that this sub-paragraph shall not have effect in the case of a person appointed to be a member of the Board who is at the date of his appointment such a person as aforesaid, until the expiration of one month from that date.

(*b*) If a member of the Board becomes disqualified by virtue of this paragraph, the Board shall forthwith declare his office to be vacant, and his office shall become vacant on the date of the declaration.

6. The Ministers may remove a member of the Board from his office for inability to perform his duties or for misbehaviour, and the office of a member so removed shall become vacant on such date as the Ministers may direct.

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

8. The Board may pay to the members of the Board such salaries, and may pay such of their travelling and other expenses, as the Board, with the concurrence of the Ministers and of the Treasury, may determine.

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

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

1ST SCH. —*cont.*

(*c*) A member of the Board shall disclose to the Board—

(i) any interest which he has or acquires in any contract in which the Board have or acquire any interest; and

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

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

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

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

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

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

Section 4.

SECOND SCHEDULE.

PROVISIONS OF SECTIONS 9 AND 16 OF 21 & 22 GEO. V., C. 42, APPLIED WITH MODIFICATIONS FOR THE PURPOSES OF SECTION 4 OF THIS ACT.

Section 9.

(2) A consumers' committee shall—

(*a*) consist of a chairman and of not less than six other members, who shall be such persons as appear to the Ministers, after consultation with the Board of Trade and, as to one member, with the Co-operative Union, to represent the interests of the consumers of the products of the herring industry; and

2nd Sch. —*cont.*

(*b*) be charged with the duty of considering and reporting to the Ministers on—

(i) the effect of a scheme in force under this Act on consumers of those products; and

(ii) any complaints made to the committee as to the effect of a scheme in force under this Act on consumers of those products.

(3) A committee of investigation shall—

(*a*) consist of a chairman and four other members; and

(*b*) be charged with the duty, if the Ministers in any case so direct, of considering and reporting to the Ministers on any report made by a consumers' committee and any complaint made to the Ministers as to the operation of a scheme in force under this Act which, in the opinion of the Ministers, could not be considered by a consumers' committee under the foregoing subsection.

(4) For the purpose of enabling a committee to consider any matter which it is their duty under the foregoing provisions to consider, the Board shall furnish the committee with such accounts and other information relating to the affairs of the Board as the committee may reasonably require, and shall be entitled to make representations to the committee with respect to the matter in such manner as may be prescribed by regulations made by the Ministers with respect to the procedure of the committee.

(5) If a committee of investigation reports to the Ministers that any provision of a scheme in force under this Act, or any act or omission of the Board, is contrary to the interest of consumers of the products of the herring industry, or is contrary to the interest of any persons affected by the scheme and is not in the public interest, the Ministers, if they think fit so to do, after considering the report and consulting the Board of Trade—

(*a*) may by order make such amendments in the scheme as they consider necessary or expedient for the purpose of rectifying the matter;

(*b*) may by order revoke the scheme;

(*c*) in the event of the matter being one which it is within the power of the Board to rectify, may by order direct the Board to take such steps to rectify the matter as may be specified in the order, and thereupon it shall be the duty of the Board forthwith to comply with the order:

Provided that—

(i) every order under paragraph (*a*) or paragraph (*c*) of this subsection shall, as soon as may be after it is made, be laid before each House of Parliament, and if either House, within the next subsequent twenty

2ND SCH. —*cont.*

days on which that House has sat after any such order is laid before it, resolves that the order shall be annulled, the order shall thenceforth be void, but without prejudice to anything previously done thereunder or to the making of a new order; and

(ii) an order under paragraph (*b*) of this subsection shall not take effect unless and until it has been approved by a resolution passed by each House of Parliament; and

(iii) before taking any action under this subsection, the Ministers shall give the Board notice of the action which they propose to take, and shall consider any representations made by the Board within fourteen days from the date of the notice.

(6) In considering whether any person represents the interests of consumers of the products of the herring industry, or whether any provision of a scheme in force under this Act, or any act or omission of the Board, is contrary to the interests of consumers of those products, regard shall be had to the interests of persons who purchase these products, or commodities produced wholly or partly therefrom, for their own consumption or use, and not to the interests of persons who purchase those products, or such commodities as aforesaid, for the purpose of any trade or industry carried on by them.

Section 16.

(1) The Ministers may appoint a secretary to a committee, and a committee may employ such officers, agents and servants as the Ministers may, with the approval of the Treasury, determine.

(3) The chairman and other members of a committee shall be appointed by the Ministers for such period and subject to such conditions as may be determined by them, and the meetings, quorum and procedure of a committee shall be regulated in accordance with regulations made by the Ministers for the purpose, and a committee shall have power to act notwithstanding any vacancy among the members thereof.

(4) Any regulations so made by the Ministers shall, as soon as may be after they are made, be laid before each House of Parliament, and if either House, within the next subsequent twenty-eight days on which that House has sat after any such regulations are laid before it, resolves that the regulations be annulled, the regulations shall thenceforth be void, but without prejudice to anything previously done thereunder or to the making of new regulations.