CHAPTER 42.

An Act to amend the Herring Industry Act, 1935, to authorise the giving of further financial assistance to the Herring Industry Board and to herring fishermen, and for purposes connected with the matters aforesaid. [13th July 1938.]

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

Reconstitution of Herring Industry Board. 25 & 26 Geo. 5. c. 9.

1.—(1) As from the appointed day the Herring Industry Board shall be reconstituted and shall consist of a chairman and two other members appointed by the Ministers, and, subject to the provisions of the First Schedule to the Herring Industry Act, 1935 (hereinafter referred to as "the principal Act"), every member of the Board shall hold and vacate office in accordance with the terms of the instrument under which he is appointed.

(2) It shall be the duty of the Ministers to satisfy themselves, with respect to any person whom they propose to appoint to be a member of the Board after the appointed day, that that person will have no such financial or commercial interest as to be likely to affect him in the discharge of his functions as a member of the Board, and also to satisfy themselves from time to time, with respect to any person so appointed that he has

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no such interest as aforesaid; and any such person shall, whenever requested by the Ministers so to do, furnish to them such information as they consider necessary for the performance of their duty under this subsection.

(3) The Board shall, in addition to their functions under the principal Act, have the function of keeping generally under review matters relating to the herring industry, including the conditions of employment of persons employed therein.

Herring Industry Advisory Council.

2.—(1) For the purpose of giving advice and assistance to the Board in the discharge of their functions, there shall, on or as soon as may be after the appointed day, be constituted a council to be called the Herring Industry Advisory Council (hereinafter referred to as "the Council").

(2) The Council shall consist of a chairman, who shall be such member of the Board as may from time to time be appointed by the Board, and of such other members as may be appointed by the Ministers to represent the interests of the different sections of the herring industry and any such other interests (including those of persons employed in the industry) as the Ministers may consider to be affected.

(3) Before appointing to the Council a member to represent any such interests as aforesaid, the Ministers shall consult such bodies, if any, as appear to them to be representative of the interests concerned.

(4) The provisions of the First Schedule to this Act shall have effect with regard to the Council.

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

3.—(1) There shall be paid out of moneys provided by Parliament in respect of the general administrative expenses of the Board (including the expenses of any committee appointed by the Board) approved by the Ministers, being expenses incurred during the period beginning with the appointed day and ending with the thirty-first day of March nineteen hundred and forty-four, such sums not exceeding sixty thousand pounds as Parliament may from time to time determine.

(2) There shall be paid out of moneys provided by Parliament in respect of any expenses incurred by the Board during the said period and approved by the

Ministers in the exercise of any powers exercisable by the Board for promoting the sale of herring or products thereof, promoting market development, promoting schemes for the revival of winter fisheries, or promoting or carrying out schemes of research or experiment, such sums as Parliament may from time to time determine:

Provided that—

(*a*) the sums paid under this subsection in respect of the expenses so incurred by the Board in any financial year shall not exceed one-half of the expenses so incurred in that year; and

(*b*) the aggregate of the sums paid under this subsection shall not exceed the amount which with the sums paid under the foregoing subsection will amount to one hundred and twenty-five thousand pounds.

Grants for provision of new motor boats.

4. The Ministers may with the approval of the Treasury make arrangements for the payment, during the period beginning with the appointed day and ending with the thirty-first day of March nineteen hundred and forty-four of grants to herring fishermen for the purpose of assisting in the provision of new motor boats which could not be provided without such assistance, and may on the recommendation of the Board make out of moneys provided by Parliament such grants as may be provided for by the arrangements:

Provided that—

(*a*) no grant made under this section in respect of any boat shall exceed one-third of the total cost thereof; and

(*b*) the aggregate of the grants made under this section shall not exceed two hundred and fifty thousand pounds.

Extension of period for advances from Herring Fund Advances Account, and further payments into the account.

5.—(1) Sums may be issued under section nine of the principal Act from the Herring Fund Advances Account and from the Herring Marketing Fund at any time not later than the thirty-first day of March nineteen hundred and forty-four.

(2) There shall be paid out of moneys provided by Parliament into the Herring Fund Advances Account, in addition to the sum so paid under the said section nine, such sums, not exceeding in the aggregate one hundred

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and fifty thousand pounds, as Parliament may from time to time determine.

Provision for loans to societies for acquiring nets, gear, fuel, &c.

6.—(1) Section three of the principal Act (which specifies certain purposes of a scheme under that Act) and subsection (3) of section nine of the principal Act (which specifies the purposes for which advances may be made to the Board) shall each have effect as if after paragraph (*b*) thereof the following paragraph were inserted:—

"(*bb*) the making of loans to any society or organisation formed for the purpose of acquiring nets and gear, fuel for boats, or other requisites for herring fishing, or requisites for the curing, kippering or processing of herring, and of selling or hiring any such requisites to the members of the society or organisation."

(2) Subsection (4) of the said section nine (which provides for the payment into the Exchequer of sums received by the Ministers by way of interest on, or repayment of the principal of, advances made by them to the Board for certain purposes) shall apply to advances made to the Board for the purposes specified in the aforesaid paragraph (*bb*).

Provision for designating quality of herring and prescribing standards of quality for exported herring.

7. The said section three of the principal Act shall have effect as if after paragraph (*g*) thereof the following paragraph were inserted:—

"(*gg*) the prohibition, in accordance with rules and subject to any exemption for which provision may be made by the rules, of the sale, or the consignment, offer or exposure for sale, or the export, of herring of any description or quality defined in the rules, unless such designation, mark or other means for indicating that the herring are of the said description or quality as may be prescribed by the rules is used, in relation to the herring, in such manner as may be so prescribed, and the prohibition, except in relation to herring of such description or quality as may be so defined, of the use, in any manner or circumstances specified in the rules, of such designation, mark or other means as may be so prescribed for indicating that such herring are of that description or quality:

Provided that—

(i) rules under this paragraph shall be of no effect if and so far as they are inconsistent with any regulations made with regard to fishery produce under section one or section two of the Agricultural Produce (Grading and Marking) Act, 1928, as amended by the Agricultural Produce (Grading and Marking) Amendment Act, 1931; and 18 & 19 Geo. 5. c. 19. 21 & 22 Geo. 5. c. 40.

(ii) this paragraph shall not apply to herrings branded in pursuance of any of the enactments referred to in section eleven of this Act;"

and as if after paragraph (*h*) thereof the following paragraph were inserted:—

"(*hh*) the prohibition or restriction of the export of herring which do not comply with such standards of quality as may be prescribed by rules."

Expenses of Advisory Council, consumers' committee and committee of investigation.

8.—(1) The Board may make such payments in respect of the expenses of the Herring Industry Advisory Council as the Ministers and the Treasury may approve, and any such payments shall be deemed to be part of the general administrative expenses of the Board.

(2) There shall be paid out of moneys provided by Parliament—

(*a*) to the members, officers and servants of the consumers' committee and of the committee of investigation appointed under section four of the principal Act such remuneration (whether by way of salaries or by way of fees) as the Ministers, with the approval of the Treasury may determine, and

(*b*) the amount necessary to defray such expenses of the said committees as the Ministers and the Treasury may approve.

Minor amendments of principal Act.

9. The amendments specified in the second column of the Second Schedule to this Act, being amendments of a consequential or minor nature, shall be made in the provisions of the principal Act mentioned in the first column of that Schedule:

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Provided that the amendments in subsection (2) of section one of the principal Act shall not take effect until the appointed day.

Citation, interpretation, extent and repeal.

10.—(1) This Act may be cited as the Herring Industry Act, 1938, and shall be construed as one with the principal Act, and that Act and this Act may be cited as the Herring Industry Acts, 1935 and 1938.

(2) In this Act the expression "appointed day" means such day, not before the termination of the period of office of the members of the Board holding office at the passing of this Act, as the Ministers may by order appoint.

(3) This Act shall extend to Northern Ireland and the provisions of section fifteen of the principal Act, except so far as they relate to the making of an Order in Council extending the provisions of that Act to Northern Ireland, shall apply to this Act as they apply to the principal Act.

(4) The provisions of the principal Act mentioned in the Third Schedule to this Act are hereby repealed:

Provided that the repeal of the provisions of the First Schedule to the principal Act there mentioned shall not take effect until the appointed day.

SCHEDULES.

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FIRST SCHEDULE.

Section 2.

PROVISIONS WITH RESPECT TO THE HERRING INDUSTRY ADVISORY COUNCIL.

1. Every member of the Council other than the Chairman shall hold and vacate office in accordance with the terms of the instrument under which he is appointed; but, notwithstanding anything in such an instrument, any such member of the Council may resign his office by a written notice given under his hand to the Ministers, and a member of the Council who ceases to hold office shall be eligible for re-appointment.

2. Unless and until the Council otherwise determines, the quorum of the Council shall be such number as may be fixed by the Ministers, and the Council shall have power to act notwithstanding any vacancy among the members thereof.

3. Subject to any directions which may be given by the Ministers, the Council shall have power to regulate its own procedure.

4. The Board shall appoint a person to act as secretary to the Council.

SECOND SCHEDULE.

Section 9.

MINOR AND CONSEQUENTIAL AMENDMENTS OF PRINCIPAL ACT.

Section of principal Act.	Nature of amendment.
Section one - -	In subsection (2) after the word "established" there shall be inserted the word "is," and the words from "shall consist" to "the industry" shall be omitted; and in subsection (5) for the words "either of the two last foregoing subsections" there shall be substituted the words "this section".

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2ND SCH. —*cont.*

Section of principal Act.	Nature of amendment.
Section three	In paragraph (*f*) for the words "and exporters" there shall be substituted the words "exporters and persons dealing wholesale in fresh herring at ports"; and in paragraph (*h*) after the word "processes" there shall be inserted the words "dealing wholesale in fresh herring at ports".
Section nine	In the first proviso to subsection (3) for the word "four" there shall be substituted the word "eight", and in the fourth proviso to that subsection for the words "nineteen hundred and forty" there shall be substituted the words "nineteen hundred and forty-four"; in subsection (4) for the words "and (*b*)" there shall be substituted the words "(*b*) and (*bb*)", and in subsections (5) and (10) for the words "nineteen hundred and forty" there shall be substituted the words "nineteen hundred and forty-four".

Section 10.

THIRD SCHEDULE.

PROVISIONS OF PRINCIPAL ACT REPEALED.

Subsections (3), (6) and (7) of section one.

Paragraphs 1, 5 and 9 of the First Schedule.

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