6. In paragraph 6 of the Fifth Schedule to the said Regulations(a) for the words " 3s. in respect of each hour " there shall be substituted the words " 4s. in respect of each hour ".

7. For sub-paragraph (2) of paragraph 12 of the Fifth Schedule to these Regulations(b) there shall be substituted the following sub-paragraph :—

" (2) In reckoning an hour for the purposes of paragraph 3 or 6 of this Schedule, or in reckoning an hour after the first two hours for the purposes of sub-paragraph (1) of paragraph 5 of this Schedule, or in reckoning an hour after the first hour for the purposes of sub-paragraph (2) of the said paragraph 5, a period of time less than a complete hour but which exceeds fifteen minutes shall be reckoned as a complete hour.".

8. These Regulations may be cited as the Fire Services (Ranks and Conditions of Service) (No. 5) Regulations, 1951, and shall come into operation on the first day of January, 1952.

David Maxwell Fyfe,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
19th December, 1951.

EXPLANATORY NOTE

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

These Regulations (other than Regulation 5) increase the fees payable to retained part-time members of fire brigades and to whole-time members who undertake the duties of retained members ; Regulation 2 also provides that the retaining fee payable to a retained part-time member may be reduced where the retained member does not fulfil his obligations. Regulation 5 provides that the hourly rate of pay to a retained part-time member who is entitled to an attendance fee shall be paid after the first hour, instead of after the first two hours, on duty.

FISHERIES

The Herring Industry Scheme 1951*

1951 No. 1478

Made - - - -	10*th August*, 1951
Coming into Operation	24*th August*, 1951

Whereas the Secretaries of State concerned with the sea fishing industry in Scotland and Northern Ireland respectively, and the Minister of Agriculture

(a) S.I. 1948 (No. 546) I, p. 1127; and *see* S.I. 1948 (No. 1782) I, p. 1148; S.I. 1949 (No. 2162) I, p. 1679; S.I. 1951 Nos. 66 and 1767, pp. 711 and 716 above.
(b) *See* S.I. 1951 No. 66, p. 711 above.

* A draft of this Scheme was approved by resolution of the House of Commons, 1st August, 1951, and the House of Lords, 1st August, 1951, in accordance with section 7(3) of the White Fish and Herring Industries Act, 1948.

and Fisheries and the Minister of Food (hereinafter referred to as "the Ministers") in exercise of the powers conferred upon them by section 7 of the White Fish and Herring Industries Act, 1948(a) have, after consultation with the Herring Industry Board and the Treasury, prepared a draft Herring Industry Scheme for better effecting the re-organisation, development and regulation of the herring industry:

And Whereas the Ministers have complied with the requirements of subsection (2) of the said section 7, regarding publication:

And Whereas the Ministers have considered the objections duly made with respect to the draft Scheme and after consultation with the said Board and the Treasury have made modifications in the draft Scheme:

And Whereas the draft Scheme as so modified and in the following terms has been laid before Parliament:

And Whereas each House of Parliament has by Resolution approved the said draft:

Now, therefore, the Ministers, in exercise of the powers conferred upon them by the said section 7 and of all other powers enabling them in that behalf, hereby make the following Scheme:—

PART I

PRELIMINARY

Citation and Interpretation

1. This Scheme may be cited as the Herring Industry Scheme, 1951, and shall come into operation fourteen days after the making thereof.

2. In this Scheme, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

"the Acts" means the Herring Industry Acts, 1935 to 1948(b);

"abroad" means outside the United Kingdom;

"the Board" means the Herring Industry Board appointed under section 1 of the Herring Industry Act, 1938(c);

"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;

"contravention" includes failure to comply with, and "contravened" has a corresponding meaning;

"cure" in relation to herring means pickle in salt or in brine or in both, without subjecting the herring to any method of smoking; and "curer" means a person who carries on the business of curing herring;

"cured herring purchase scheme" means a scheme made under article 15 of this Scheme;

"export" in relation to herring means sell herring to persons resident abroad, or ship herring for transport to places abroad; and "exporter" means a person who carries on the business of exporting herring;

"first sale" means the first completed sale of fresh herring after they have been landed in or brought into the United Kingdom or, in the case of fresh herring of British taking which are sold at sea before being

(a) 11 & 12 Geo. 6. c. 51.
(b) 25 & 26 Geo. 5. c. 9; 1 & 2 Geo. 6. c. 42; 7 & 8 Geo. 6. c. 32; and 11 & 12 Geo. 6. c. 51.
(c) 1 & 2 Geo. 6. c. 42.

landed, the first completed sale at sea; provided that in relation to fresh herring which are purchased by the Board under a herring purchase scheme "first sale" shall mean the subsequent sale of the herring by the Board and not the sale thereof to the Board;

"fresh herring" means herring which have not been cured, kippered or processed;

"fresher" means a person who buys fresh herring at first sale for the purpose of re-selling them as fresh herring; and "freshing" shall be construed accordingly;

"herring products" means any substance wholly or mainly produced by conversion or otherwise from herring or parts of herring;

"herring purchase scheme" means a scheme made under article 10 of this Scheme;

"licence" means a licence issued under this Scheme;

"the Ministers" means the Secretaries of State concerned with the sea fishing industry in Scotland and Northern Ireland respectively, and the Minister of Agriculture and Fisheries and the Minister of Food;

"order" means an order in writing made by the Board;

"prescribe" means prescribe by rules or other instrument in writing, and "prescribed" means prescribed by the Board;

"process" in relation to herring means subject to any method of treatment for preservation other than curing, kippering, chilling, packing in ice or sprinkling with salt, but including freezing; and "processor" means a person who carries on the business of processing herring;

"salesman" means the person who effects the first sale of fresh herring either on his own behalf or as an agent.

3. The Interpretation Act, 1889(**a**), shall apply for the interpretation of this Scheme as it applies for the interpretation of an Act of Parliament.

Revocation of Herring Industry Scheme, 1935

4. The Herring Industry Scheme, 1935(**b**), is hereby revoked, but notwithstanding such revocation anything done or prescribed by the Board under that Scheme and in force at the date of the coming into operation of this Scheme shall, if it is within the powers given to the Board by this Scheme, continue in force as if it had been done or prescribed under this Scheme.

PART II

REORGANISATION AND DEVELOPMENT

General Provisions

5. It shall be the duty of the Board to exercise their powers so as to promote the development of the herring industry.

6. The Board may make loans—

(*a*) to British subjects resident in, or to corporations incorporated by or under the laws of, the United Kingdom or any part thereof, being loans in connection with—

(i) the provision of boats for, or the reconditioning and equipment of boats belonging to, such British subjects or corporations; or

(a) 52 & 53 Vict. c. 63.
(b) S.R. & O. 1935 (No. 490) p. 452 as amended by S.R. & O. 1946 (No. 779) I, p. 532.

(ii) the provision of facilities for herring fishing or for freshing, curing, kippering, processing or storing herring or for producing herring products; or

(*b*) to any registered co-operative society or any other organisation (being a society or organisation having its principal place of business in the United Kingdom) formed for the purposes of—

(i) acquiring nets and gear, fuel for boats or other requisites for herring fishing, or requisites for the freshing or for the curing, kippering or processing of herring or for the production of herring products, or

(ii) selling or hiring any such requisites:

Provided that so long as any sum remains due from the Board to the Ministers in respect of an advance made by them to the Board under the Acts the powers conferred by this article (other than head (ii) of sub-paragraph (*a*) thereof) shall be exercisable only in accordance with arrangements approved by the Ministers after consultation with the Treasury.

7. If it appears to the Board necessary in order to secure proper provision for the export of herring, they may, after such consultation as may be practicable with such persons or organisations, if any, as appear to them to be representative of the interests concerned—

(*a*) make and carry into effect arrangements for the shipment of herring or herring products to places abroad;

(*b*) establish agencies and stores abroad with a view to promoting sales of herring or herring products abroad;

(*c*) in connection with shipments of herring or herring products to places abroad and with sales of herring or herring products abroad, make loans to British subjects resident in, or to corporations incorporated by or under the laws of, the United Kingdom or any part thereof, or to any registered co-operative society or any other organisation (being a society or organisation having its principal place of business in the United Kingdom) formed for the purpose of carrying through such shipments or such sales:

Provided that any loan made under sub-paragraph (*c*) of this article shall not exceed seventy-five per cent. of the total amount which the Board estimate that the borrower will receive from the sale of the herring or herring products in respect of which the loan is made.

8. If it appears to the Board necessary in order to secure proper provision for the needs of the herring industry, they may, after such consultation as may be practicable with such persons or organisations, if any, as appear to them to be representative of the interest concerned,—

(*a*) engage in herring fishing and do all things necessary for the prosecution of such fishing;

(*b*) cure, kipper and process herring and produce herring products;

(*c*) purchase herring and herring products;

(*d*) grade, pack, store, adapt for sale, insure, advertise, transport and sell herring or herring products;

(*e*) take such steps as they consider advisable for the promotion by advertising or other means of the sale and distribution of herring and herring products;

(*f*) purchase and sell boats or shares thereof;

(*g*) provide or acquire and equip boats to be used in the herring industry under charter from the Board;

(*h*) purchase and sell fuel for boats, nets, gear and other requisites for herring fishing in cases where the arrangements for the supply of these requisites are in their opinion inadequate;

(*i*) purchase and sell barrels and other containers for herring and herring products, and materials for such barrels and containers, and manufacture such barrels and containers;

(*j*) purchase and sell salt and other requisites for and provide facilities, including transport, for freshing, curing, kippering or processing herring or for the production of herring products;

(*k*) supply and clean boxes or other containers used for the packing of herring or herring products or otherwise required by the industry or any section of it;

(*l*) organise and give assistance towards the revival and extension of winter or other herring fisheries;

(*m*) take such steps as they consider advisable for the promotion of research and experiment in connection with the herring industry and themselves carry out such research and experiment;

(*n*) co-operate with any person or persons and appoint agents and others for doing anything which they are empowered to do under the provisions of this Scheme.

9. The Board may do all things necessary or incidental to the carrying out of their functions under this Scheme and in particular, without prejudice to the foregoing generality,—

(i) acquire, hold, dispose of, or otherwise deal with such property, heritable or moveable, real or personal, as may in their opinion be necessary or desirable for the exercise of any of their functions; and

(ii) in connection with the exercise of their functions under the two last foregoing articles, build, acquire, maintain, operate, sell or otherwise deal with vessels or plant of any description and the equipment therefor.

Herring Purchase Schemes

10.—(1) Subject to the provisions of this and the four immediately following articles the Board may make schemes (hereinafter referred to as "herring purchase schemes"), applicable either generally in relation to the United Kingdom or in relation to particular ports or groups of ports therein, for the purchase and re-sale by them of fresh herring, being fresh herring landed from boats licensed under article 17 of this Scheme, but not sold to any buyer intending to use them for kippering or for processing as bloaters or bucklings or for re-sale for consumption in the United Kingdom as fresh herring.

(2) A herring purchase scheme shall impose a duty on the Board to purchase in accordance with its provisions all fresh herring to which the scheme from time to time applies at any port to which the scheme relates.

(3) On the coming into operation of a herring purchase scheme the Board shall have power in accordance with the scheme to purchase the fresh herring to which it applies and to require any person having such fresh herring to sell them to the Board on the terms specified in the scheme; and a failure to comply with any such requirement shall be deemed to be an offence.

(4) Before making a herring purchase scheme the Board shall—

(*a*) consult such persons or organisations as appear to them likely to be affected by the scheme in the ports to which the scheme will relate, and satisfy themselves that there is a prevailing opinion among such persons or organisations that a herring purchase scheme would be advantageous to the herring fishing industry in those ports; and

(*b*) by advertisement published in a newspaper or newspapers circulating in the ports concerned—

(i) give notice of their intention to make the scheme and of a place or places at which a draft of the scheme may be inspected by any person free of charge at all reasonable hours during a period of not less than twenty-one days from the date of publication of the advertisement, and

(ii) state that within the said period any person may by written notice to the Board intimate objections to the making of the scheme.

(5) Any objection intimated as aforesaid and not withdrawn shall be considered by the Board before making the herring purchase scheme and the scheme may be made either without modification or subject to such modification as the Board think fit.

(6) A herring purchase scheme may be varied or revoked by a subsequent herring purchase scheme.

(7) The Board may by order revoke a herring purchase scheme if they consider, after consultation with such persons or organisations as appear to them to be representative of the interests concerned, that the scheme is not serving the purposes for which it was made or that its continued operation would be contrary to the public interest, and in that event the Board shall by advertisement published in a newspaper circulating in the ports concerned give notice that the scheme has been revoked.

(8) The revocation of a herring purchase scheme shall be without prejudice to anything previously done under that scheme or to the making of a new scheme, and any herring purchase scheme varying or revoking a previous scheme and any order of the Board revoking a herring purchase scheme may include provision for such transitional or other consequential matters as may be necessary.

11.—(1) Out of the balance of moneys, if any, from time to time resulting from the operation of any herring purchase scheme the Board may pay such contributions, not exceeding five per cent. of the balance, as they may determine into a fund which shall be applied for the purpose of meeting any loss from time to time incurred by the Board in the operation of any herring purchase scheme.

(2) The fund and contributions referred to in the last foregoing paragraph are hereinafter referred to respectively as "the central reserve fund" and "central reserve fund contributions".

12.—(1) A herring purchase scheme shall provide for the fixing by the Board from time to time, after consultation with such persons or organisations as appear to them to be representative of the interests concerned, of the prices (hereinafter referred to as " standard prices ") to be paid by the Board for fresh herring purchased by them under that scheme, so, however, that different prices may be fixed for different grades of fresh herring.

(2) A herring purchase scheme shall provide for publication of the standard prices fixed under the foregoing paragraph.

(3) The Board shall pay for any fresh herring purchased by them under a herring purchase scheme the current standard price as fixed for the grade of fresh herring in question in accordance with the provisions of that scheme.

13. Any fresh herring purchased by the Board under a herring purchase scheme shall be distributed amongst curers, processors, exporters of fresh herring and producers of herring products in such manner and on such terms as the Board may, after consultation with such persons and organisations as appear to them to be representative of the interests concerned, think fit, and to the extent that they are not distributed shall be disposed of in such manner as the Board may think fit.

14. A herring purchase scheme shall provide that if on the termination of that scheme there remains a balance of moneys, the Board shall, after payment of any central reserve fund contributions under article 11 of this Scheme, distribute the residue of such balance, if any, in accordance with the provisions of the herring purchase scheme among persons from whom the Board have purchased fresh herring under that scheme during the period to which the balance relates.

Cured Herring Purchase Schemes

15.—(1) The Board may, subject to the provisions of this article, make a scheme (hereinafter referred to as a " cured herring purchase scheme ") for the purchase and resale by them of the cured herring produced by the curing section of the herring industry.

(2) A cured herring purchase scheme shall impose a duty on the Board to purchase in accordance with its provisions all cured herring produced while it is in operation by the curing section of the herring industry.

(3) On the coming into operation of a cured herring purchase scheme the Board shall have power in accordance with that scheme to require any curer having cured herring to sell them to the Board on the terms specified in the scheme and failure to comply with any such requirement shall be deemed to be an offence.

(4) Before making a cured herring purchase scheme the Board shall—

(*a*) consult such persons or organisations as appear to them to represent curers and satisfy themselves that there is a prevailing opinion among curers that a cured herring purchase scheme would be advantageous to their section of the industry ; and

(*b*) communicate to each curer having a place of business in the United Kingdom a draft of the scheme and take into consideration any objections intimated to them in writing by a curer within fourteen days of such communication.

(5) A cured herring purchase scheme may be varied or revoked by a subsequent cured herring purchase scheme.

(6) The Board may by order revoke a cured herring purchase scheme if they consider, after consultation with such persons or organisations as appear to them to represent curers, that the scheme is not serving the purposes for which it was made, or that the continued operation of the scheme would be contrary to the public interest, and the Board shall notify each curer having a place of business in the United Kingdom that the scheme has been revoked.

(7) The revocation of a cured herring purchase scheme shall be without prejudice to anything previously done under that scheme or to the making of a new scheme, and any cured herring purchase scheme varying or revoking a previous scheme and any order of the Board revoking a cured herring purchase scheme may include provision for such transitional or other consequential matters as may be necessary.

PART III

REGULATION

Licences

16.—(1) The Board may establish a system of licensing as respects—

(*a*) the use of boats for herring fishing or for transporting herring to land,

(*b*) first sales of fresh herring,

(*c*) freshing herring,

(*d*) curing herring,

(*e*) kippering herring,

(*f*) processing herring, and

(*g*) the export of herring.

or as respects any of those matters, and may prescribe a date or dates for the coming into operation of the system as respects those matters or any of them.

(2) Licences for the purposes of the said matters are in this Scheme referred to as "boat licences", "salesmen's licences", "freshers' licences", "curers' licences", "kipperers' licences", "processors' licences", and "exporters' licences" respectively.

17.—(1) As from such date as the Board may prescribe no boat shall be used for herring fishing or for transporting herring to land except under a boat licence, and any contravention of the provisions of this paragraph shall be deemed to be an offence:

Provided that—

(*a*) the provisions of this paragraph shall not apply to any boat of which the length over all does not exceed twenty feet; and

(*b*) the Board may—

(i) exempt any prescribed class of boat from the provisions of this paragraph generally, and

(ii) exempt any boat therefrom as respects any period or as respects fishing in any locality.

(2) A boat licence may be granted for such period as the Board shall think fit in the case of that licence, being either a recognised fishing season or part of such a season or any other period of not less than one month or more than twelve months.

(3) A boat licence shall not be granted except to a person who is the owner or a joint owner or the charterer or a joint charterer of the boat and shall authorise the use thereof for herring fishing or for transporting herring to land or both by the holder and, if he is a joint owner or joint charterer, by any other joint owner or joint charterer of the boat and by any person acting with the permission of the holder or, if he is joint owner or joint charterer, of any other joint owner or joint charterer of the boat.

18.—(1) No person shall act as a salesman of fresh herring or cure, kipper or process herring or export herring except under a licence issued by the Board for that purpose, and as from such date as the Board may prescribe no person shall act as a fresher of herring except under a fresher's licence, and any contravention of the provisions of this paragraph shall be deemed to be an offence:

Provided that the Board may grant such exemptions as appear to them to be expedient from the provisions of this paragraph.

(2) Licences for the purposes of the matters referred to in this article shall be granted for such period as the Board may prescribe.

(3) A licence for the purpose of any of the matters referred to in this article shall authorise the doing of the acts in respect of which the licence is issued by the holder thereof and by any partner of his and by any servant or agent of his.

(4) A salesman's, fresher's, curer's, kipperer's or processor's licence shall authorise first sales, freshing, curing, kippering or processing, as the case may be, at such premises or at such places as may be specified therein.

(5) An exporter's licence may be granted so as to authorise the export of all classes of herring or of herring of any specified class or description.

19.—(1) Subject to the provisions of this Scheme the Board shall grant a licence to any person who makes application therefor in the manner prescribed by the Board.

(2) The Board may refuse to grant a licence—

(*a*) to a person who is an undischarged bankrupt or who has granted a deed of arrangement or signed a trust deed for creditors, or has done any act indicating that he is insolvent; or

(*b*) in the case of an application for a licence for the purpose of any of the matters referred to in article 18, on the ground that the applicant or a partner of his has been convicted of a criminal offence involving fraud or dishonesty, or on the ground that the applicant or a partner, servant or agent of his has contravened any of the provisions of this Scheme or of any regulation, rule or direction made or given thereunder.

(3) The Board may suspend or revoke a licence on the ground that the provisions of this Scheme or of any regulation, rule or direction made or given thereunder have not been observed in relation to the acts authorised by the licence, or, in the case of a licence other than a boat licence, that the holder or a partner of his has been convicted of a criminal offence involving fraud or dishonesty.

(4) Where the Board refuse an application for a licence or suspend or revoke a licence they shall within seven days thereafter give to the applicant or to the holder of the licence as the case may be notice in writing stating the ground of their determination.

(5) In the case of the suspension of a licence for more than three days, or of the revocation of a licence, or of the refusal of a licence by virtue of sub-paragraph (*b*) of paragraph (2) of this article, the holder or, in the case of a boat licence held by a joint owner or joint charterer, any other joint owner or joint charterer, as the case may be, may within seven days from the date on which notice of the ground of the Board's determination is given under the last foregoing paragraph require the matter to be referred to arbitration.

(6) No suspension of a licence for more than three days and no revocation of a licence shall come into force until seven days from the date on which notice of the ground of the Board's determination is given under paragraph (4) of this article or where intimation of a reference to arbitration is given by the holder under the last foregoing paragraph until either the validity of the suspension or revocation has been determined under the arbitration or the reference has been withdrawn.

(7) If on the date of the expiration of the period of a licence for the purpose of any of the matters referred to in article 18 proceedings are pending on an application by the holder of that licence for the grant to him of a new licence in substitution for the existing licence, the period of the existing licence shall be deemed to be extended until the date when the application is finally disposed of, without prejudice, however, to the powers of suspension and revocation conferred by this article.

(8) The Board may prescribe—

(*a*) the procedure on application for licences ;

(*b*) the forms to be used and the particulars to be furnished in connection with licences and applications therefor ;

(*c*) the procedure as to the issue of licences and of copies of licences in the case of loss or destruction ;

(*d*) regulations as to the custody and production of licences and the return and cancellation thereof on expiration, suspension or revocation ;

and may make different provisions as respects different classes of licences.

20. A licence shall not be capable of being transferred or assigned:

Provided that on the death, incapacity, bankruptcy or liquidation of the holder of a licence or the sequestration of his estate or the appointment of a receiver or manager in relation to his business or, in the case of a boat licence, on any change in the ownership of the boat, the licence shall continue in force to such extent, in such manner and in favour of such persons as the Board may determine.

Rules

21.—(1) The Board may, after consultation with such persons or organisations, if any, as appear to them to be representative of the interests concerned and with the approval of the Ministers, make rules prescribing—

(*a*) the times at which, the manner in which, and the upset prices and conditions subject to which, herring may be sold on a first sale ;

(*b*) the manner in which, and the conditions subject to which, levies under articles 26 and 27 of this Scheme shall be paid ;

(*c*) forms of contract for the sale of herring by persons engaged in the herring industry;

(*d*) in relation to freshing, curing, kippering and processing respectively, grades and standards of quality, treatment, selection and packing;

(*e*) provisions with respect to the cleanliness of fish holds of boats; and

(*f*) provisions with respect to the construction and capacity of barrels, boxes and other containers to be used for the conveyance or marketing of herring or herring products, to the manner of use thereof and as to the charges to be made in respect thereof.

(2) The Board may, after consultation with such persons or organisations, if any, as appear to them to be representative of the interests concerned and with the approval of the Ministers, make rules—

(*a*) providing for the use in relation to herring or herring products exposed for sale in the United Kingdom or exported of adequate markings to indicate their description, origin and quality;

(*b*) prohibiting or restricting the sale or export of herring which do not comply with such standards of quality as may be prescribed; and

(*c*) requiring the holder of any licence under this Scheme to keep records and furnish returns and information to the Board on such matters as appear to the Board to be required for the exercise of any of their functions under this Scheme and in such form as may be specified in the rules, and any such licence holder shall, if the Board so require, allow any person authorised in writing by the Board to inspect any books kept by them in relation to such matters.

(3) Different rules may be made under this article with respect to different localities, periods and classes of herring.

(4) Before any rules under this article are approved by the Ministers the Board shall by advertisement published in a newspaper or newspapers circulating in the locality or localities to which the rules are designed to apply—

(*a*) give notice of their intention to make the rules and of places at which a draft of the rules may be inspected by any person free of charge at all reasonable hours during a period of not less than twenty-one days from the date of publication of the advertisement, and

(*b*) state that within the said period any person may by written notice to any of the Ministers object to the making of the rules.

(5) Any objection made as aforesaid and not withdrawn shall be considered by the Ministers before the rules are approved and the rules may be approved either without modification or subject to such modifications as the Ministers think fit.

Directions

22. With a view to meeting temporary or seasonal conditions which in the opinion of the Board are causing or would be likely to cause detriment to the herring industry as a whole or in any locality or to any section of the industry whether in relation to the quantity, quality or distribution of supplies of herring available or otherwise, the Board may give such directions having effect for such limited periods either generally or in particular cases as they think fit including in particular but without prejudice to the generality

of the foregoing words directions for all or any of the following purposes—that is to say—

(*a*) for regulating herring fishing either generally or in any locality or from any port—

(i) by specifying from time to time the boats or the number of boats which may be used for herring fishing in any locality or from any port or area ;

(ii) by limiting the number of nets which boats may carry, set, shoot or use, or the quantity of herring which boats may land, either generally, or as respects boats of any class, or as respects boats (or boats of any class) fishing from any port ; or

(iii) by prohibiting between such hours as may be specified the setting, shooting or use of nets for the catching of herring ;

(*b*) for prohibiting or restricting on the ground of unsuitable quality or condition—

(i) the first sales of fresh herring of any class, quality, grade or selection generally or as respects sales at any particular port or area or with a view to use for any particular purpose ;

(ii) the curing, freshing, kippering, processing or shipment of herring of any class, quality, grade or selection or of any shots, parts or parcels thereof:

Provided that in issuing any direction under this article the Board shall have regard to the facilities available for the handling of herring and not to price maintenance.

Control and Prohibition of Certain Sales

23.—(1) Save as directed by the Board no person shall sell herring which he knows to have been caught—

(*a*) by a boat fishing in contravention of the provisions of this Scheme with respect to boat licences ; or

(*b*) in the course of fishing prohibited by a direction under article 22.

(2) The Board may direct the manner in which any herring caught as mentioned in the last foregoing paragraph and landed at any port and any proceeds derived therefrom shall be disposed of.

Offences

24. A contravention of—

(*a*) a regulation made under article 19 (8) (*d*) ;

(*b*) the provisions of article 23 ;

(*c*) a rule made or direction given under article 21 or 22 ;

shall be deemed to be an offence.

PART IV

FINANCIAL PROVISIONS

25. There shall be payable in respect of the grant of a licence such fee as the Board may from time to time prescribe, not exceeding—

(*a*) in the case of a boat licence in respect of a mechanically-propelled boat exceeding in length twenty feet over all, ten shillings if the licence is for four months or less, or one pound if the licence is for more than four months ;

(*b*) in the case of a salesman's licence, one pound in respect of each port at which the applicant is authorised to act as a salesman; provided, however, that the fee for such a licence shall in no case exceed five pounds;

(*c*) in the case of a fresher's licence, one pound in respect of each port at which the applicant is authorised to act as a fresher; provided, however, that the fee for such a licence shall in no case exceed five pounds;

(*d*) in the case of a curer's licence, five shillings in respect of each crew employed;

(*e*) in the case of a kipperer's or processor's licence, one pound in respect of each town or other place at which the applicant is authorised to act as a kipperer or processor as the case may be; provided, however, that the fee for such a licence shall in no case exceed five pounds;

(*f*) in the case of an exporter's licence, two pounds.

26.—(1) Subject to such exceptions as they may prescribe, the Board may, in accordance with the provisions of this article impose in respect of—

(*a*) first sales of fresh herring, and

(*b*) fresh herring landed in the United Kingdom and not sold on a first sale,

a levy (hereinafter referred to as " the general levy ").

(2) The general levy shall be charged on the proceeds of first sales of fresh herring and on the value of fresh herring landed in the United Kingdom and not sold on a first sale, as the case may be, at a rate to be prescribed from time to time, so, however, that the aggregate amount payable under the levy in any year shall not exceed five per cent. of an amount equal to the sum of—

(*a*) the aggregate proceeds of first sales of fresh herring, and

(*b*) the aggregate value of fresh herring landed in the United Kingdom and not sold on a first sale,

being sales effected or herring landed, as the case may be, during that year.

(3) Sums due by virtue of a general levy imposed under this article shall be payable—

(*a*) in the case of a sum payable in respect of the proceeds of a first sale of fresh herring,

(i) at the date of sale, and

(ii) by the purchaser to the salesman and by the salesman to the Board; and

(*b*) in the case of a sum payable in respect of the value of fresh herring landed in the United Kingdom and not sold on a first sale,

(i) at the date when the herring is first used or disposed of after landing; and

(ii) by the person who is the owner of the herring when they are so landed to the Board.

(4) For the purposes of this article the value of fresh herring landed and not sold on a first sale shall be deemed to be the value thereof at the time of landing and that value shall be determined, in default of agreement, by arbitration.

27.—(1) The Board may, after consultation with such persons or organisations as appear to them to be representative of the interests concerned, and subject to such exceptions as they may prescribe, impose, in respect of any sale of herring of any prescribed class or of herring to be used for any prescribed purpose, a levy (hereinafter referred to as " a special levy "), at such rate, not exceeding a rate ascertained in accordance with the following provisions of this article, as may be prescribed by the Board.

(2) A special levy may be made chargeable by reference either to each barrel, or to each case or to each container sold and the rate thereof shall not exceed one penny per stone of the net contents of the barrel, case or container, as the case may be.

(3) Sums due by virtue of a special levy imposed under this article shall be payable—

(i) at the date of sale ; and

(ii) by the fresher, curer, kipperer or processor, as the case may be, to the Board.

28.—(1) There shall be established a fund (to be called and in this Scheme referred to as " the Herring Fishery Fund ") which shall be administered and controlled by the Board.

(2) All receipts of the Board shall be carried to the Herring Fishery Fund, and all liabilities falling to be discharged by the Board shall be discharged out of that fund.

(3) Any moneys for the time being standing to the credit of the Herring Fishery Fund may be left on current or deposit account in a bank, or invested in any securities in which a trustee may lawfully invest trust moneys under the law for the time being in force in the United Kingdom or any part thereof.

(4) The Board may if they think fit establish a fund (in this Scheme referred to as " the general reserve fund ") and may use such fund as they in their discretion think fit.

(5) The Board shall keep proper accounts and other records in relation to the business of the Board and shall cause a statement of the accounts for each year ending on the thirty-first day of December to be audited in accordance with such directions as may be given by the Ministers, by an auditor approved by the Ministers, and as soon as may be after the auditor has reported thereon, the Board shall send a copy of the accounts and of the report of the auditor thereon to every holder of a licence who has made to the Board a request in writing in that behalf specifying an address to which a copy is to be sent.

(6) The Board shall, together with the annual report to the Ministers which they are required to make under the Acts, submit to the Ministers a copy of the audited accounts for the year last ended and of the report of the auditor thereon.

(7) The Board shall submit to the Ministers such audited statements with respect to the application of moneys paid out of moneys advanced to the Board under section 4 of the Herring Industry Act, 1944(a), as amended by section 6 of the White Fish and Herring Industries Act, 1948, as the Ministers may from time to time require.

(a) 7 & 8 Geo. 6. c. 32.

PART V

ADMINISTRATION

29. The Board may appoint a committee, whether consisting of or comprising members of the Board or not, for any such general or special purpose as the Board may determine.

30.—(1) For the purposes of this Scheme each of the following classes of persons engaged in the herring industry shall be deemed to constitute a section thereof, that is to say, fishermen and owners of boats, salesmen, freshers, curers, kipperers, processors, exporters and producers of herring products.

(2) The Board may declare that any other class of persons engaged in the industry, or a class of persons formed by the sub-division of any of the classes aforesaid or by the re-arrangement of any of the classes aforesaid, or of sub-divisions thereof, together with or without any other class of persons engaged in the industry, shall be deemed to constitute a section of the industry for the purposes of this Scheme.

(3) For the purpose of securing advice on technical or commercial questions affecting any section of the herring industry, the Board may appoint one or more committees (in this Scheme referred to as " section committees ") consisting of such persons appearing to the Board to be qualified to give advice in respect of that section of the industry as the Board, after consultation with any associations appearing to them to be representative of that section, think fit to appoint.

31.—(1) Subject to the provisions of this Scheme, a member of a committee shall hold office for such period as the Board may determine at the time of his appointment.

(2) A member of a committee, on vacating his office on the expiration of the term thereof, shall be eligible for re-appointment.

(3) A member of a committee may resign his office by notice in writing signed by him and given to the Board, and his office shall become vacant at the expiration of seven days from the date of receipt of the notice by the Board.

(4) If a member of a committee—

(*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 the Acts relating to the disclosure of information ; or

(*d*) is absent from six consecutive meetings of the committee 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 member of a committee who at the time of his appointment was a member of the Board shall, upon ceasing to be a member of the Board, also cease to be a member of the committee :

Provided that for the purposes of this paragraph a member of the Board shall not be deemed to have ceased to be a member of the Board by reason of the expiration or termination of his term of office if he thereupon enters upon a fresh term of office.

(6) The Board may remove a member of a committee from his office if it appears to them that his removal is expedient with a view to the better discharge by the committee of their functions.

(7) A committee may act notwithstanding that the office of any member is vacant.

(8) The Board may pay such of the travelling and other expenses of the members of a commitee as the Board may determine.

(9) A committee shall report their proceedings to the Board and shall comply with their instructions.

(10) Subject to the provisions of this article the procedure and quorum of a committee shall be such as the Board may determine.

32. The Board may delegate to a committee other than a section committee or to any other person any of the functions exercisable by the Board under this Scheme except—

(*a*) the powers conferred upon them by the three last foregoing articles;

(*b*) the power to prescribe anything which is to be prescribed under this Scheme;

(*c*) functions with respect to the Board's accounts.

33. A notice of any rules or other instrument prescribing any matter which the Board are authorised by this Scheme to prescribe, stating the effect thereof and naming a place where inspection thereof may be had and copies thereof purchased, shall be published in the Gazette and in such other manner as the Board consider best for the information of persons affected thereby.

In this article the expression "the Gazette" means, where the matters in question concern persons resident in England and Wales, in Scotland and in Northern Ireland, the London Gazette, the Edinburgh Gazette and the Belfast Gazette, or, where the matters in question concern persons resident in one or two of those countries only in such of those Gazettes as the case may require.

34. The application of the seal of the Board shall be attested by two members of the Board and by the person for the time being exercising the functions of the Secretary of the Board.

35. In England and Wales and Northern Ireland proceedings in respect of an offence shall not be instituted except by, or under the direction of, the Board.

Miscellaneous

36.—(1) All matters which are to be referred to arbitration by virtue of this Scheme shall be referred to the determination of a single arbitrator to be agreed upon between the parties or, in default of agreement, to be nominated by the appropriate Minister on the application of either party, and the arbitrator may make such order in the matter as he thinks just.

(2) Every arbitration under this Scheme shall be held in the country (whether England and Wales, Scotland or Northern Ireland) in which the party thereto other than the Board or, in the case of an arbitration to which the Board are not parties, the party requiring the matter to be referred, resides and shall be conducted in accordance with the law of that country.

(3) In this article the expression "the appropriate Minister" means in relation to an arbitration to be held in England and Wales, the Minister

of Agriculture and Fisheries, and in relation to an arbitration to be held in Scotland or Northern Ireland, the Secretary of State concerned with the sea-fishing industry in Scotland or in Northern Ireland, as the case may be.

37. Where it appears to the Board to be necessary so to do, they may authorise an officer of the Board to act for the purposes of any first sale as a salesman of fresh herring, and where an officer so acts the Board shall make the like charges in respect of his services as a licensed salesman would be entitled to make.

38. The Board and any person acting on their behalf and any boat owned by them shall be deemed to be exempted when engaged in research or experiment from rules and directions made or given under articles 21 or 22:

Provided that such exemptions shall not apply to boats purchased or chartered by the Board under article 8 (*g*).

39.—(1) The Board may authorise any person, on production if so required, of his authority, at all reasonable times—

(*a*) to inspect any premises (being premises not used only as a private dwelling house) or boat which he has reason to believe are or is used or intended to be used in connection with the herring industry, or for the storage of herring with a view to shipment abroad, and any herring, containers, plant, utensils, apparatus or other articles thereon, and for this purpose to enter any such premises or boat;

(*b*) to enter any boat which he has reason to believe is used, or intended to be used, for herring fishing and inspect the boat and any nets, gear and apparatus thereon.

(2) It shall be the duty of all persons in such premises or boat to give all reasonable assistance to a person authorised under the article in the execution of his powers thereunder, to furnish them with any information he may reasonably require, and not to obstruct him in any way, and any contravention of the provisions of this paragraph shall be deemed to be an offence.

40.—(1) Any matter required by this Scheme or by any rules, scheme or other instrument made under this Scheme, to be communicated to any person by the Board shall be communicated to that person in writing.

(2) Any matter required as aforesaid to be communicated to any person by the Board shall be deemed to have been duly communicated to him if a document containing it is addressed to him either by name or by a sufficient description of the character in respect of which the matter is required as aforesaid to be communicated to him, and is delivered at the proper address, and in the case of a matter to be communicated to the skipper of a fishing boat shall be deemed to have been duly communicated to him if the document containing it is delivered to, or to the agent of, the owner or the charterer, if any, of the boat, together with a written request that it be transmitted to the skipper:

Provided that this paragraph shall not be taken to prejudice any other method of communicating the matter.

(3) For the purpose of this article the proper address of any person to whom a matter is to be communicated as aforesaid shall be the address furnished by him for the purpose or, if no address has been so furnished, his last known address.

(4) Nothing in this article shall apply to any direction given by the Board under article 22 of this Scheme.

41. The provisions of this Scheme shall not prejudice the provisions of section 8 of the White Fish and Herring Industries Act 1948.

Hector McNeil,
Secretary of State for Scotland.

1st August, 1951.

Chuter Ede,
Secretary of State for the Home Department.

7th August, 1951.

T. Williams,
Minister of Agriculture and Fisheries.

4th August, 1951.

Maurice Webb,
Minister of Food.

10th August, 1951.

EXPLANATORY NOTE

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

This Scheme is made with a view to better effecting the reorganisation, development and regulation of the herring industry. It replaces the scheme in force under the Herring Industry Act, 1935, from which the Herring Industry Board derive their present powers. It does not alter the existing constitution of the Board nor does it affect the provisions governing financial assistance from the Treasury to the industry.

The Scheme varies the powers of the Herring Industry Board in certain respects. Where necessary to secure proper provision for the needs of the industry it enables the Board after consultation with the interests concerned to engage in herring fishing and extends their present powers to process and handle herring and to participate otherwise in the industry (Articles 7 and 8). It enables them after consultation with the interests concerned to make "herring purchase schemes" and "cured herring purchase schemes" under which the Board would be required to purchase, on terms specified in the schemes, herring or cured herring and become responsible for subsequent disposal and fishermen and curers, respectively, would be obliged to sell to the Board (Articles 10-15). The Board's power to refuse, qualify and suspend licences is restricted (Articles 16-20). The Board's powers to make rules governing such things as upset prices at auctions, grades and standards of quality, treatment etc. for fresh herring, kippers and other herring products are extended but made subject to prior consultation with the interests concerned and to approval by Ministers: provision is also included under which objections to rules can be made to Ministers by those interested (Article 21). The Board's powers to issue directions with a view to meeting temporary or seasonal conditions are slightly modified (Article 22). The Board's powers to impose a special levy (Article 27) in addition to the general levy (Article 26) are extended but made subject to prior consultation with the interests concerned. A considerable number of other changes in detail have been made in the Board's powers.