Article 3 SCHEDULE

Basic Slag.
Compound fertilisers, as defined in the second column of Part I of the Fourth Schedule to the Fertilisers and Feeding Stuffs Act, 1926, as varied(a).
Muriate of potash.
Nitro Chalk.
Raw Phosphate or phosphate rock, ground.
Sulphate of ammonia.
Sulphate of potash.
Superphosphate of lime, ordinary.
Superphosphate of lime, triple.

EXPLANATORY NOTE

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

This Scheme, made with the approval of the Treasury under Section 2 of the Agriculture (Miscellaneous Provisions) Act, 1950, provides for the making of contributions towards the costs incurred by occupiers of agricultural land in Scotland in acquiring and transporting fertilisers used on specified kinds of agricultural land. The Scheme applies to fertilisers of the kinds specified in the Schedule that are bought and used during the period beginning on 1st July, 1950, and ending on 30th June, 1953, or on such date, not later than 30th June, 1955, as may be specified in an Order made under section 3 (2) of the Act. The Scheme sets forth the qualifications for obtaining, and the method of calculating the amount of, contributions.

The Hops Marketing Scheme (Amendment) Order, 1950

1950 No. 655

Made - - - -	*20th April*, 1950
Laid before Parliament	*24th April*, 1950
Coming into Operation	*1st May*, 1950

In pursuance of sub-section (1) of Section 15 of the Agricultural Marketing Act, 1949(b), and of all other powers enabling him in that behalf, the Minister of Agriculture and Fisheries hereby makes the following Order:—

1. This Order may be cited as the Hops Marketing Scheme (Amendment) Order, 1950, and shall come into operation on the first day of May, 1950.

2. The Hops Marketing Scheme, 1932(c) (as amended(d)) shall be amended in the manner set forth in the Schedule hereto.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this twentieth day of April, 1950.

(L.S.) *T. Williams,*
Minister of Agriculture and Fisheries.

(a) 16 & 17 Geo. 5. c. 45. S.R. & O. 1932 (No. 658) p. 478 ; S.R. & O. 1942 (No. 2495) II, p. 226.
(b) 12, 13 & 14 Geo. 6. c. 38. (c) S.R. & O. 1932 (No. 505) p. 24.
(d) S.R. & O. 1934 (No. 841) I, p. 14; S.R. & O. 1939 (No. 444) I, p. 24; S.R. & O. 1945 (No. 1486) I, p. 1; S.I. 1948 (No. 642) I, p. 23; S.I. 1949 (No. 2456) I, p. 54.

SCHEDULE

1. In paragraph 4, for the words from " and thereafter " to the end of the paragraph there shall be substituted the words " and thereafter, subject to the provisions of paragraph 9 hereof as to the filling of casual vacancies in the case of district and special members, the Board shall consist of fourteen district members annually elected for local districts by the registered producers thereof and four special members annually elected by the registered producers in general meeting and, after the first day of May 1950, two persons appointed by the Minister in accordance with sub-section (1) of Section 1 of the Agricultural Marketing Act, 1949. Every district or special member of the Board shall, subject to the provisions of this Scheme, hold office until the expiration of the day on which his successor is elected.".

2. In paragraph 6, before the word " member " there shall be inserted the words " district or special ".

3. In paragraph 8, before the word " member " there shall be inserted the words " district or special ".

4. In paragraph 9, before the word " members ", where that word first occurs, there shall be inserted the words " district or special ".

5. At the end of paragraph 10, there shall be inserted the words " The provisions of this paragraph do not apply to the Disciplinary Committee described in paragraph 48 hereof.".

6. In paragraph 12, after the word " thereof " there shall be inserted the words " appointed under the provisions of paragraph 10 hereof ", before the word " committee ", where that word occurs for the second time, there shall be inserted the word " such " and for the words " or a committee " there shall be substituted the words " or of any such committee ".

7. In paragraph 30, for the words from " or invested " to the end of the paragraph there shall be substituted the words " or, if not for the time being required for the purposes of the functions of the Board, may be invested, but, except with the approval of the Minister, shall not be invested otherwise than in securities in which a trustee is authorised, under Sections one and two of the Trustee Act, 1925(a), as extended by any subsequent enactment, to invest trust funds ".

8. In paragraph 32, after the word " account ", where that word occurs for the second time, there shall be inserted the words " which shall include a statement of the manner in which, in accordance with the provisions of paragraph 30 hereof, any monies are invested ".

9. In paragraph 48, before the word " If " there shall be inserted " (1) ", for the words " the Board shall by resolution impose upon, and " there shall be substituted the words " the Disciplinary Committee hereinafter described shall impose upon him, and the Board ", for the word " they " there shall be substituted the words " that Committee " and for the words from " Provided that " to the end of the paragraph there shall be substituted the words " Provided that no such penalty shall be imposed in respect of such a contravention as aforesaid which constitutes an offence under any Act other than the Act.

(2) (*a*) There shall be a Committee of the Board, to be known as the Disciplinary Committee, constituted, at each sitting thereof, of not less than four nor more than six members of the Board and a Chairman who is not a member of the Board but is an independent person who is a barrister of not less than seven years' standing or a solicitor of not less than seven years' standing, and is approved by the Minister.

(*b*) No penalty shall be imposed on a registered producer pursuant to this paragraph except after a hearing by the said Committee, and by the decision thereof, taken in accordance with the opinion of all or the majority of the members thereof, so, however, that, if there is an equal division of opinion, the opinion of the Chairman shall prevail.

(a) 15 & 16 Geo. 5. c. 19.

(*c*) Notice of the time and place of every such hearing and a written statement of the charge against the producer in question shall be served personally or by registered post on that producer at least fourteen days before the hearing.

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

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

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

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

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

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

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

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

(5) (*a*) If the said Committee determine pursuant to the last preceding sub-paragraph of this paragraph to reconsider any case, it shall be their duty to rehear the case, and if, as a result, they are of opinion that a substantial miscarriage of justice has occurred, they shall vary the previous decision of the Committee, and the Board shall thereupon give effect to such variation.

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

10. In paragraph 79, after the word "Scheme" there shall be inserted the words "(other than that contained in paragraph 48 (2) hereof)".

EXPLANATORY NOTE

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

Section 15 (1) of the Agricultural Marketing Act, 1949, requires the Minister to amend every agricultural marketing scheme approved before the passing of that Act so as to bring it into conformity therewith. This order, accordingly, makes the necessary amendments to the Hops Marketing Scheme, 1932, and provides, inter alia, for the appointment by the Minister of members to the Board, the regulation of investment in accordance with the Trustee Act of 1925 and the establishment of a Disciplinary Committee to hear all cases of alleged contravention of the Scheme.