CHAPTER 50.

An Act to make provision for the development and better organisation of the livestock industry and industries connected therewith; for paying a subsidy to producers of fat cattle; for regulating the importation of livestock and meat, the holding of livestock markets and the slaughtering of livestock; and for purposes connected with the matters aforesaid. A.D. 1937.

[20th July 1937.]

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:—

PART I.

THE LIVESTOCK COMMISSION AND THE LIVESTOCK ADVISORY COMMITTEE.

Constitution and general functions of Livestock Commission.

1.—(1) With a view to the development and better organisation of the livestock industry in the United Kingdom, there shall be constituted a commission to be called "the Livestock Commission" (hereafter in this Act referred to as "the Commission"), who shall have the functions—

(*a*) of keeping generally under review the production, marketing and slaughtering of livestock, the

A.D. 1937.

PART I. —*cont.*

preparation for sale of products of the slaughtering of livestock, and the marketing, consumption, treatment and use of such products, and

(*b*) of advising and assisting the Ministers in matters relating to the livestock industry,

and such other functions as are entrusted to the Commission by or under the following provisions of this Act.

(2) The Commission shall consist of a chairman and not more than eight other members appointed by the Ministers.

(3) The Ministers may appoint a secretary to the Commission, and the Commission may appoint such other officers, and such servants, as the Ministers may, with the approval of the Treasury, determine; and the Ministers may pay to the members, officers and servants of the Commission, out of moneys provided by Parliament, such remuneration (whether by way of salaries or by way of fees), and such allowances, as the Ministers may, with the approval of the Treasury, determine.

(4) The incidental provisions contained in the First Schedule to this Act shall have effect in relation to the Commission.

Powers of Commission as to inquiries.

2.—(1) The Commission may hold such inquiries as they consider necessary or desirable for the discharge of any of their functions; and if the Ministers are satisfied that, for the purposes of any inquiry on the part of the Commission into a particular matter, it is necessary so to do, the Ministers may by order, specifying the matter to be inquired into, direct that in respect of any meeting of the Commission held for the purpose of inquiring into that matter, being a meeting at which not less than three members of the Commission are present, the Tribunals of Inquiry (Evidence) Act, 1921, shall apply to the Commission as if they were a tribunal established in accordance with that Act and as if that Act had been applied to the Commission in the manner thereby prescribed:

11 & 12 Geo. 5. c. 7.

Provided that the said Act shall, in its application to the Commission, have effect as if for paragraph (*a*) of section two of the Act there were substituted the following paragraph:—

"(*a*) may refuse to allow the public or any portion of the public to be present at the proceedings of the Commission, if and so far as

it is, in the opinion of the Commission, necessary so to do for reasons connected with the subject-matter of the inquiry or the nature of the evidence to be given;".

(2) Any order under this section shall, as soon as may be after it is made, be laid before Parliament, and if either House of Parliament, within the next thirty days on which that House has sat after the order is laid before it, resolves that the order be annulled, it shall thereupon become void, without prejudice, however, to anything previously done thereunder or to the making of a new order.

Livestock Advisory Committee.

3.—(1) For the purpose of giving advice and assistance to the Commission in the discharge of their functions, there shall be constituted a committee, which shall be called, and is hereafter in this Act referred to as, the "Livestock Advisory Committee."

(2) The members of the Livestock Advisory Committee shall be persons appointed by the Ministers, and shall consist of representative members and four additional members.

The representative members of the Committee shall be persons appointed as representing respectively the interests of—

(*a*) persons carrying on in the United Kingdom the business of keeping livestock,

(*b*) local authorities in Great Britain,

(*c*) persons carrying on in Great Britain the business of effecting sales of livestock by auction,

and such other interests concerned in the marketing, or preparation for sale, of livestock or products of the slaughtering of livestock as appear to the Ministers to be immediately affected, or likely to be immediately affected, by the operation of this Act; and the additional members of the Committee shall be appointed as being independent persons.

(3) Before appointing a person to be a representative member of the Livestock Advisory Committee, the Ministers shall consult such bodies, if any, as appear to the Ministers to be representative of the interest concerned.

A.D. 1937

PART I. —*cont.*

(4) There shall be constituted three sub-committees of the Livestock Advisory Committee, one for England, one for Scotland and one for Wales (which sub-committees are hereafter in this Act respectively referred to as "the English sub-committee," "the Scottish sub-committee" and "the Welsh sub-committee"), and each of the said sub-committees shall, subject as hereinafter provided, consist of such members of the Committee as may be designated by the appropriate Minister:

Provided that, in relation to any of the said sub-committees, the appropriate Minister may appoint to be members of the sub-committee persons who are not members of the Committee, but who appear to the said Minister to be representative of one or more of the interests referred to in subsection (2) of this section; but not less than two-thirds of the members of the sub-committee shall be members of the Committee.

(5) Any matter falling to be considered by the Livestock Advisory Committee shall, if it is a matter arising in relation to England only, in relation to Scotland only or in relation to Wales only, stand referred to the English sub-committee, the Scottish sub-committee or the Welsh sub-committee, as the case may be, which shall consider the matter and report thereon to the Committee.

(6) For the purposes of the last two preceding sub-sections, Wales shall, notwithstanding anything to the contrary in the Wales and Berwick Act, 1746, be deemed not to be included in England, and Monmouthshire shall be deemed to be included in Wales.

20 Geo. 2. c. 42.

(7) Such expenses of the Livestock Advisory Committee and of the said sub-committees as the Ministers may approve shall be defrayed by the Commission, and shall be deemed to be expenses of the Commission.

(8) The incidental provisions contained in the Second Schedule to this Act shall have effect in relation to the Livestock Advisory Committee.

PART II.

THE CATTLE SUBSIDY.

Subsidy to producers of fat cattle.

4.—(1) Subject to the provisions of any orders and regulations under this Part of this Act, the Ministers may make, in accordance with a scheme made by the

Commission and approved by an order of the Ministers for the time being in force, payments to producers of fat cattle in respect of—

(*a*) steers, heifers or cow-heifers sold or slaughtered in the United Kingdom on or after the appointed day by or on behalf of such producers, or

(*b*) the carcases of steers, heifers or cow-heifers sold or slaughtered as aforesaid,

being animals, or, as the case may be, the carcases of animals, which have been certified in accordance with the scheme to be of any of the descriptions for the time being defined by regulations under this Part of this Act.

Payments under this section are hereafter in this Act referred to as "subsidy payments," and any scheme made for the purposes of this section is hereafter in this Part of this Act referred to as "a subsidy scheme."

(2) Every subsidy payment in respect of an animal or carcase shall be computed in such manner as may be prescribed in relation to animals or carcases, as the case may be, by an order made by the Ministers, after consultation with the Commission, and approved by the Treasury; and an order under this subsection may make different provision in relation to different descriptions of animals or their carcases.

Subsidy schemes.

5.—(1) It shall be the duty of the Commission to make and submit a subsidy scheme to the Ministers and, if the Ministers by order approve the scheme, to carry it into effect.

(2) A subsidy scheme may provide for the issue (subject to the provisions of any regulations under this Part of this Act) of such certificates as are required for the purposes of this Part of this Act, and for determining the places at which, and the persons by whom, animals may be certified for the said purposes, and generally for securing that subsidy payments are properly made, and may authorise the persons having the function of issuing such certificates to charge, in respect of the examination of animals presented for certification and in respect of the certification of animals, such reasonable fees as may be determined by or under the scheme.

(3) The Ministers may, before approving any subsidy scheme submitted to them by the Commission, make such modifications in the scheme as the Ministers think proper.

A.D. 1937.

PART II. —*cont.*

Regulations.

6. The Ministers, after consulting the Commission, may make regulations—

(1) defining (by reference to standards of quality, places of origin or any other circumstances whatsoever) the descriptions of animals which may be certified for the purposes of this Part of this Act;

(2) directing—

(*a*) that no subsidy payment shall be made in respect of any animal or carcase, if the weight of the animal or carcase is less than such weight as may be specified in the regulations in relation to animals or carcases, as the case may be;

(*b*) that such part of the actual weight of an animal or of a carcase as may be specified in the regulations shall be disregarded in computing its weight for the purposes of this Part of this Act;

and prescribing the manner in which the weight of any animal or carcase may be computed for those purposes;

(3) directing (without prejudice to any regulations which may be made by virtue of paragraph (1) of this section) that an application for the certification, for the purposes aforesaid, of an animal imported into the United Kingdom shall not be granted, unless it is shown to the satisfaction of the person whose function it is to entertain the application that the animal has been in the United Kingdom throughout such period immediately preceding the day on which the application was made as may be specified in the regulations;

(4) directing that an application for the certification of an animal as aforesaid shall not be granted, if it appears to the person whose function it is to entertain the application—

(*a*) in the case of a male animal, that by reason of late or ineffective castration the animal shows the physical characteristics of bulls, or

(*b*) in the case of a female animal, that the animal is in milk or is pregnant;

(5) prescribing, with respect to carcases generally or to carcases of animals of any particular description, the manner in which the carcases must have been dressed in order that payments in respect thereof may be made under this Part of this Act;

(6) determining what animals are to be deemed, for the purposes of this Part of this Act, to be cow-heifers;

and any such regulations with respect to any of the matters mentioned in paragraphs (2) and (3) of this section may make different provision in relation to different descriptions of animals.

Marking of imported cattle.

7.—(1) With a view to ensuring the due making of subsidy payments, the Ministers may by order provide (subject to such exceptions, if any, as may be specified in the order) for the marking of cattle imported into the United Kingdom on or after the appointed day.

(2) If any person—

(*a*) contravenes or fails to comply with an order under this section, or

(*b*) with intent to deceive, alters or defaces any mark placed on an animal for the purposes of such an order,

he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Incidental provisions as to orders and regulations under Part II.

8.—(1) The power to make an order under any of the provisions of this Part of this Act shall be construed as including a power, exercisable in the like manner and subject to the like consultation and approval, if any, to vary or revoke the order by a subsequent order, and the power to make and submit, or to approve, a subsidy scheme shall be construed as including a power, exercisable in the like manner, to make and submit, or to approve, as the case may be, a subsidy scheme varying or revoking such a scheme already approved; and every order approving a subsidy scheme shall set forth the scheme in a schedule to the order.

A.D. 1937.

PART II. —*cont.*

(2) All orders and regulations under this Part of this Act shall be laid before Parliament as soon as may be after they are made.

(3) If the Commons House of Parliament, within the next thirty days on which that House has sat after there is or are laid before it—

(*a*) an order under this Part of this Act prescribing the manner in which any subsidy payment is to be computed or approving a subsidy scheme, or

(*b*) any regulations under this Part of this Act,

resolves that the order or regulations be annulled, the order or regulations shall thereupon cease to have effect, without prejudice, however, to anything previously done thereunder or to the making of a new order or new regulations, as the case may be.

Transitional operation of Cattle Industry (Emergency Provisions) Acts. 24 & 25 Geo. 5. c. 54.

9.—(1) Section four of the Cattle Industry (Emergency Provisions) Act, 1934, shall cease to have effect at the beginning of the appointed day, and the functions of the committee appointed under that section shall, in relation to the arrangements mentioned in section two of the said Act, be discharged, on and after the appointed day, by the Commission.

(2) An animal which has, before the appointed day, been certified in accordance with arrangements approved by the appropriate Ministers for the purposes of section two of the Cattle Industry (Emergency Provisions) Act, 1934, and which has, not later than one month after the date of the certification, been sold by a producer of cattle within the meaning of that Act, shall be deemed for the purposes of subsection (1) of the said section to have been sold as aforesaid before the appointed day, notwithstanding that the sale may in fact have been effected on or after that day.

Interpretation of Part II.

10. In this Part of this Act the expression "producers of fat cattle" means persons carrying on in the United Kingdom the business of keeping cattle for the purpose of selling them in an improved condition or of fattening them for slaughter; and the expression "description," in relation to animals, means a description for the time being defined by regulations under this Part of this Act.

PART III.

REGULATION OF IMPORTATION OF LIVESTOCK AND MEAT.

Power of Board of Trade to regulate importation of livestock and meat.

11.—(1) Subject to the provisions of this section, the Board of Trade may by order regulate the importation into the United Kingdom of any such livestock or meat as may be described in the order, if it appears to the Board, having regard to the interests of all classes of persons concerned, whether producers or consumers, and to the commercial relations between the United Kingdom and other countries, that the making of the order is desirable in order to secure the stability of the market for livestock and meat in the United Kingdom.

(2) Without prejudice to the generality of the powers conferred by the preceding subsection, an order under this section may, in particular, regulate the importation into the United Kingdom of livestock or meat to which the order relates by determining, for any such period as may be specified in the order,—

(*a*) the quantities of such livestock or meat, or of any description thereof, which may be imported;

(*b*) the descriptions of such livestock or meat which may be imported;

and the order may describe such livestock or meat by reference to the country or place from which it is exported to the United Kingdom, and by reference to any other circumstances whatsoever, and may contain such provisions as appear to the Board of Trade to be necessary for securing the due operation and enforcement of the scheme of regulation contained in the order.

(3) Any order under this section shall cease to have effect on the expiration of the period of thirty days from the beginning of the day on which the order is made, unless, before the expiration of that period, the order has been approved by a resolution passed by each House of Parliament, without prejudice, however, to anything previously done under the order or to the making of a new order.

In reckoning any period of thirty days for the purposes of this subsection, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

A.D. 1937.

PART III. —*cont.*

(4) Nothing in the preceding provisions of this section shall authorise the Board of Trade to regulate the importation of bacon.

23 & 24 Geo. 5. c. 31.

(5) The power of the Board of Trade under section one of the Agricultural Marketing Act, 1933, to regulate the importation of agricultural products shall not be exercisable in relation to livestock or in relation to meat other than bacon, but any order made under that section for regulating the importation of livestock or such meat as aforesaid shall, if and so far as it was in force immediately before the passing of this Act, continue in force and be deemed to be an order duly made and approved under this section.

(6) In this section the expression "bacon" includes hams.

Power of Board of Trade to obtain information as to stocks and importation of livestock, meat, &c.

12.—(1) The Board of Trade, if they think it necessary or desirable so to do, either for the proper exercise of their powers under this Part of this Act or in connection with any international arrangements for controlling the export of livestock or meat to the United Kingdom, may by order—

(*a*) require the occupier of any premises in the United Kingdom used, in connection with any trade or business, for keeping meat or any commodity wholly or in part derived from meat, to furnish to the Board, so often and in such form as may be determined by or under the order, a return giving such information with respect to the description and quantity of meat or that commodity kept in the said premises as may be specified in the order;

(*b*) require any person carrying on in the United Kingdom the business of importing into the United Kingdom livestock, meat or any such commodity as aforesaid, to furnish to the Board, so often and in such form as may be determined by or under the order, a return giving such information as may be specified in the order with respect to any livestock or meat or any such commodity, as the case may be, imported, or proposed to be imported, by him into the United Kingdom.

(2) An order under this section may be made applicable either to the whole of the United Kingdom or to any part thereof.

Incidental provisions as to orders under Part III.

13.—(1) Any power to make an order conferred by any of the provisions of this Part of this Act shall be construed as including a power, exercisable in the like manner and subject to the like conditions, to vary or revoke the order by a subsequent order.

(2) Any order under this Part of this Act shall be laid before Parliament as soon as may be after it is made.

PART IV.

LIVESTOCK MARKETS.

General regulation of holding of livestock markets.

14.—(1) Subject to the provisions of this section, no premises in Great Britain other than premises on which a market in respect of livestock was lawfully held at some time during the year which ended on the thirtieth day of November, nineteen hundred and thirty-six, shall, on or after the first day of November, nineteen hundred and thirty-seven, be used for holding a market in respect of livestock, unless the premises are approved for the purpose by an order of the Commission for the time being in force, being an order made with the approval of the appropriate Minister:

Provided that this subsection shall not restrict—

(*a*) the use of a farm for the purpose of effecting at the farm—

(i) any sale, by or on behalf of the occupier thereof, of livestock which, at the time of the sale, is being kept by the occupier, or

(ii) any sale of livestock being a sale incidental to a sale of the farm or to the termination of a tenancy thereof,

or for the purpose of effecting at the farm sales of livestock on any occasion in respect of which special exemption of the farm from the operation of this subsection may be granted by the Commission; or

(*b*) the use of any premises for the purpose of effecting any such class of sales as may be

A.D. 1937.

PART IV. —*cont.*

exempted from the operation of this section by an order made by the Minister of Agriculture and Fisheries and the Secretary of State for Scotland, after consultation with the Commission.

(2) If, upon an application to the Commission for their approval of any premises under this section, it appears to the Commission that it is intended to hold markets in respect of livestock on those premises in lieu of some other premises being premises on which a market in respect of livestock was lawfully held during the year ended on the thirtieth day of November, nineteen hundred and thirty-six, or which have already been approved under this section, the Commission, if and when they grant the application, may direct that the said other premises shall be treated for the purposes of the preceding subsection as if no such market had been held thereon during that year or, as the case may be, may revoke their order approving those premises, without prejudice, however, to the making of a new order approving the premises.

(3) Where an application is made to the Commission for their approval of any premises under this section, the Commission, before coming to a decision on the application, shall consult the Livestock Advisory Committee and such local authorities and other bodies as appear to the Commission to be representative of interests concerned, and shall give to any person appearing to the Commission to be interested in the matter of the application a reasonable opportunity of making representations to the Commission, and take any such representations into consideration.

(4) Any order under paragraph (*b*) of the proviso to subsection (1) of this section may be revoked by a subsequent order made in like manner, and after the like consultation, as the original order; and, as soon as may be after any such order is made, the Minister of Agriculture and Fisheries and the Secretary of State for Scotland shall cause notice of the making of the order, and of the place where copies of the order may be obtained, to be published in such manner as they think best for informing persons affected.

(5) This section shall not apply in relation to any premises in an area in which the holding of markets in respect of livestock is controlled by any order under this Part of this Act which is for the time being in force.

(6) For the purposes of this section a farm shall be deemed to include the farmhouse and all buildings occupied together with the farm.

Livestock markets orders.

15.—(1) If at any time the Commission are satisfied, in respect of any area in Great Britain, that with a view to the promotion of efficiency or economy in the marketing of livestock, it is expedient to control the holding in that area of markets in respect of livestock, the Commission, may, subject to the provisions of the next following subsection and to the provisions of Part I of the Third Schedule to this Act, submit to the appropriate Minister the draft of an order (hereafter in this Act referred to as " a livestock markets order ") for controlling the holding of such markets in the said area, and, subject to the provisions of Part I of the said Schedule, the said Minister, if satisfied that the making of the order is desirable for the promotion of efficiency or economy in the marketing of livestock, may make the order either in terms of the draft or with modifications thereof.

(2) When the Commission first decide that a livestock markets order is desirable in relation to any area, they shall forthwith serve a written notice of their decision (specifying the said area) on such bodies as appear to the Commission to be representative of local authorities and other interests likely to be affected by the order, and shall give any such bodies a reasonable opportunity of making to the Commission representations with respect to the terms of the draft order; and the Commission shall, in settling the terms in which the draft order is to be submitted to the appropriate Minister, take into consideration any such representations as aforesaid which may have been made to them by any such bodies, and also consult the Livestock Advisory Committee.

(3) If a livestock markets order when made by the appropriate Minister is opposed, the order shall be provisional only and shall not have effect until confirmed by Parliament.

A.D. 1937.

PART IV. —*cont.*

(4) The provisions of Part II of the Third Schedule to this Act shall have effect in relation to any livestock markets order upon the making thereof.

(5) The powers conferred by this section to submit in draft, and to make, a livestock markets order shall be construed as including powers, exercisable in the like manner and subject to the like conditions, to submit in draft, and to make, an order varying or revoking a livestock markets order:

Provided that while, in the case of a livestock markets order which can have effect only if confirmed by Parliament, the Bill confirming the order is pending in either House of Parliament, the appropriate Minister shall have no power to vary or revoke the order.

Matters for which provision may be made by livestock markets orders.

16. A livestock markets order may make provision—

(1) specifying the area in Great Britain in which the holding of markets in respect of livestock is controlled by the order (hereinafter referred to as "the controlled area"), specifying the several premises in the said area which may be used for holding such markets (hereinafter referred to as "approved market premises"), and directing that, subject to any exemptions for which provision may be made by the order as respects particular occasions or particular classes of sales, no premises in that area other than approved market premises shall, on or after such date as may be specified in the order, be used for holding such markets;

(2) requiring the Commission to pay, in such class of cases, and according to such principles, as may be determined by the order, compensation to any person for any loss or damage which, by reason of the operation of the order, he may suffer in respect of his interest in any land used or appropriated for the holding of markets, in respect of his right to hold markets or in respect of his right to carry on the business of effecting sales by auction;

(3) enabling the Commission—

(*a*) to serve from time to time on the owner of any approved market premises a written notice

(hereinafter referred to as "an improvement notice") requiring that, within such reasonable period as may be specified in the notice, there shall be made, to the reasonable satisfaction of the Commission, such alterations of the premises (by way of the construction, extension, provision, execution, demolition or removal of buildings, structures, works, plant or equipment on the premises) as may reasonably be so specified, being alterations which appear to the Commission to be desirable for promoting efficiency or economy in the marketing of livestock, and

(*b*) in default of compliance with any valid requirement contained in such a notice, to cause to be done on the premises all such things as are necessary for securing compliance with that requirement, and to recover any expenses reasonably incurred by the Commission in so doing from the owner for the time being of the premises;

(4) requiring the Commission to appoint a special advisory committee to advise and assist the Commission in the discharge of their functions under the order;

(5) for securing that the expenses lawfully incurred by the Commission in connection with the preparation, promotion or operation of the order shall, in so far as they are not otherwise recovered by the Commission, be defrayed by means of contributions to be made to the Commission by the owners of, and by persons carrying on the business of effecting sales by auction on, approved market premises or such premises outside the controlled area as may be specified in the order, being premises which are used or appropriated for holding markets in respect of livestock, and the occupiers of which are, in the opinion of the Commission, likely to benefit by the operation of the order;

(6) for the assessment and recovery of contributions payable under the order, and for securing that contributions so payable by any particular class of persons are assessed by reference to the

A.D. 1937.

PART IV. —*cont.*

amount required, or likely to be required, for paying compensation under the order to persons of that class and for meeting expenses incurred otherwise than on account of compensation;

(7) for requiring the owner of any approved market premises or of any other premises in relation to which contributions are payable under the order, and any person carrying on the business of effecting sales by auction on any such premises as aforesaid, to furnish to the Commission such estimates, returns, accounts and other information as the Commission consider necessary for the operation of the order;

(8) for the reference to arbitration—

(*a*) of any dispute on the question whether or not compensation is payable to any person under the order, or on the question how much compensation is so payable,

(*b*) of any dispute, in connection with an improvement notice, as to the reasonableness of any requirement contained in the notice, or of any determination of the Commission in relation to the notice, or of any expenses incurred by the Commission in causing anything to be done in default of compliance with such a requirement, and

(*c*) of any dispute on the question whether or not any sum is payable by any person by way of contribution under the order, or on the question what sum is so payable.

Any provisions of a livestock markets order may be made so as to apply in relation to a specified description of livestock only, and such an order may make different provision with respect to different descriptions of livestock and with respect to different premises.

Livestock markets byelaws.

17.—(1) In relation to any premises in Great Britain which may lawfully be used for holding markets in respect of livestock, the Commission, if they consider it desirable so to do for promoting efficiency or economy in the marketing of livestock, may make byelaws—

(*a*) for regulating the holding and conduct of auctions in respect of livestock on any such

premises (and in particular, but without prejudice to the generality of the preceding provision, for fixing or limiting the number of places at which such auctions may be separately held on the premises at the same time), and also for fixing or limiting the charges which may be made by persons in respect of sales of livestock by auction effected by them on any such premises;

(*b*) for fixing or limiting the charges which any person holding a market in respect of livestock on any such premises may make in relation to livestock brought to the premises for the purpose of being marketed, and otherwise for regulating the management of any such premises; and

(*c*) for fixing, subject to any exemptions for which provision may be made by the byelaws, the days on which, and the times at which, any such premises as aforesaid may be used for holding markets in respect of livestock;

and any such byelaws are hereafter in this Act referred to as "livestock markets byelaws."

(2) In framing any livestock markets byelaws for fixing or limiting charges which may be made by any person or class of persons, the Commission shall (among other considerations) have regard to any financial liabilities to which that person or class of persons may be subject by virtue of any livestock markets order for the time being in force.

(3) Livestock markets byelaws may be either general byelaws, that is to say, byelaws applying to premises generally or to any class of premises throughout Great Britain or in any part thereof, or special byelaws, that is to say, byelaws applying to particular premises only; and any livestock markets byelaws (whether general or special) may be made so as to apply in relation to a specified description of livestock only, and may make different provision with respect to different descriptions of livestock.

(4) No livestock markets byelaws shall have effect until confirmed by the appropriate Minister, and the provisions of the Fourth Schedule to this Act shall have effect with respect to the making, confirmation and publication of such byelaws.

A.D. 1937.

PART IV. —*cont.*

Offences under Part IV.

18. If—

(1) on any day any premises are used for holding a market in contravention of this Part of this Act or in contravention of any livestock markets order or livestock markets byelaws, or

(2) any act is otherwise done on any premises in contravention of any livestock markets byelaws,

the person holding the market or doing the act, as the case may be, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding one hundred pounds.

Apportionment of liabilities incurred in connection with livestock markets orders by owners of market premises.

19.—(1) Where, by virtue of a livestock markets order, the owner of any premises incurs any liability—

(*a*) to make any payment (whether to the Commission or to any other person) on account of the cost of making any alteration of those premises which has been required by the Commission to be made, or

(*b*) to make contributions to the Commission in respect of those premises,

then, if the owner alleges that the said liability ought to be borne wholly or in part by any other person being a person who has an interest in, or is licensed to use, the premises or any part thereof, the owner may apply to the county court in accordance with rules of court, and thereupon the court, after hearing the parties and any witnesses they may desire to call, may make such order for securing that the owner is wholly or in part indemnified by that other person in respect of the liability in question as the court considers just and equitable in the circumstances of the case, having regard to the terms of any contract between the parties or any of them.

(2) Where, under any livestock markets order, any sum is recoverable by the Commission from a person in respect of any such liability as aforesaid incurred by him as being the owner of any premises, and that person proves that he—

(*a*) is receiving any rent of the premises merely as agent or trustee for some other person, and

(*b*) has not, and since the date of the service on him of a demand for payment has not had, in his hands on behalf of that other person sufficient money to discharge the whole of the demand of the Commission,

his liability shall be limited to the total amount of the money which he has or has had in his hands as aforesaid, but the Commission may, if they are or would be debarred by the preceding provisions of this subsection from recovering the whole of the said sum from an agent or trustee, recover the whole or any unpaid balance thereof from the person on whose behalf the agent or trustee receives the rent.

Provisions for limiting rents and other charges in respect of market premises.

20.—(1) Subject as hereinafter provided the Commission, with the approval of the appropriate Minister, may by an order, made with respect to any particular premises in Great Britain used or appropriated for holding markets in respect of livestock, limit the amount—

(*a*) of any rent or other consideration which may be reserved or made payable on, or in respect of, the grant, after the beginning of the day on which the order takes effect, of any lease of, or licence to use, those premises or any specified part thereof;

(*b*) of any fine, premium or other like sum required to be paid as a condition of the grant as aforesaid of such a lease or licence, or as a condition of the renewal or continuance, after the beginning of the said day, of such a lease or licence, whether granted before or after the beginning of the said day;

and any such order may be varied or revoked by a subsequent order made in like manner, and subject to the like approval, as the original order:

Provided that an order under this section shall not be made in relation to any premises unless the Commission are satisfied that the making of the order is desirable to prevent persons who may have any interest in the premises taking undue advantage of the position which they enjoy by virtue of this Part of this Act; and before making such an order, the Commission shall give to any person appearing to them to have an interest in the

A.D. 1937.

PART IV. —*cont.*

premises concerned a reasonable opportunity of making representations to the Commission, and shall take any such representations into consideration.

(2) In this section the expression "lease" includes any under-lease or other tenancy and any agreement for a lease or for an under-lease.

Delegation to Commission of certain functions under Markets and Fairs (Weighing of Cattle) Acts. 50 & 51 Vict. c. 27. 16 & 17 Geo. 5. c. 21.

21. The Minister of Agriculture and Fisheries or the Department of Agriculture for Scotland, as the case may be, may by order delegate to the Commission all or any of the functions which are exercisable in relation to markets by the said Minister or Department under the following enactments, that is to say:—

Section nine of the Markets and Fairs (Weighing of Cattle) Act, 1887, as amended by section two of the Markets and Fairs (Weighing of Cattle) Act, 1926, (which enables the said Minister or Department to grant exemption, in respect of particular markets, from the obligation to provide facilities for weighing cattle);

54 & 55 Vict. c. 70.

Section two of the Markets and Fairs (Weighing of Cattle) Act, 1891, (which requires suitable accommodation for weighing cattle to be provided to the satisfaction of the said Minister or Department at markets other than those exempted by his or their order);

Section four of the said Act of 1891, as amended by section two of the said Act of 1926, (which enables the said Minister or Department to exempt auctioneers at any particular market from the requirements of the said section four in respect of the sale of cattle);

Subsection (4) of section one of the said Act of 1926 (which enables the said Minister or Department to exempt auctioneers at particular markets from the requirements of that section in respect of the offering of cattle for sale);

and any such order may be varied or revoked by a subsequent order made in like manner as the original order.

Enforcement of Part IV.

22.—(1) With a view to the enforcement of this Part of this Act, or any livestock markets order or livestock markets byelaws for the time being in force, any member or officer of the Commission authorised in writing in that

behalf by the Commission may, on producing his authority, enter and inspect at all reasonable times any premises in Great Britain which the Commission have reason for believing to be premises used for holding markets in respect of livestock. A.D. 1937 — PART IV. —*cont.*

(2) Any local authority other than a county council shall have power to enforce, within their area, the provisions of this Part of this Act and the provisions of any livestock markets order or livestock markets byelaws for the time being in force; and, in relation to any local authority having powers of enforcement under this subsection, the preceding subsection shall have effect as if any reference therein to the Commission or to Great Britain were a reference to that local authority or to their area, as the case may be.

Interpretation and extent of Part IV.

23.—(1) In this Part of this Act the expression "owner" means, in relation to any premises, the person who is for the time being receiving the rack rent of those premises, whether on his own account or as agent or trustee for another person, or who would so receive that rack rent if the premises were let at a rack rent; and for the purposes of this subsection the rack rent of any premises shall be taken to be a rent not being less than two-thirds of the rent at which the premises might reasonably be expected to let from year to year, free from all usual tenant's rates and taxes, and deducting therefrom the probable average annual cost of the repairs, insurance and other expenses (if any) necessary to maintain the premises in a state to command such rent.

(2) The provisions of this Part of this Act, and the provisions of any livestock markets order or livestock markets byelaws for the time being in force, shall have effect notwithstanding anything inconsistent therewith contained in any Charter or Act relating to markets, or in any byelaws made under any Act other than this Act.

(3) This Part of this Act shall not extend to Northern Ireland.

PART V.

SLAUGHTERING OF LIVESTOCK.

Control of slaughtering in connection

24.—(1) If, with respect to any arrangements made for the provision of a slaughter-house on any premises in Great Britain, or for the alteration of a slaughter-house provided on any such premises, the Commission

A.D. 1937.

PART V. —*cont.*

with experimental operation of central slaughter-houses.

are of opinion, having regard to the situation of the premises and to the manner in which it is proposed under the arrangements that the slaughter-house should be designed, equipped and managed,—

(*a*) that the carrying out of the said arrangements is likely to promote efficiency or economy in the slaughtering of livestock and to secure that, in connection with the slaughtering of livestock at the slaughter-house, the carcases and meat of livestock slaughtered thereat are treated in a satisfactory manner and the other products of such slaughtering are utilised to the best advantage, and

(*b*) that a scheme under this Part of this Act (hereafter in this Act referred to as "a slaughter-house scheme") is desirable in connection with the carrying out of the said arrangements,

the Commission may, after consulting the Livestock Advisory Committee and such local authorities and other bodies as appear to the Commission to be representative of interests concerned, make and submit to the appropriate Minister such a slaughter-house scheme as appears to the Commission to be desirable in connection with the carrying out of the said arrangements; and the said Minister, if he is also of the opinion aforesaid, may, subject to the following provisions of this section, by order confirm the scheme.

(2) Subject to the following provisions of this Part of this Act, not more than three schemes shall be confirmed under this section:

Provided that a scheme so confirmed may be amended by a subsequent scheme made, submitted and confirmed in like manner and subject to the like conditions.

(3) A slaughter-house scheme shall be of no effect unless confirmed by order of the appropriate Minister, and where such a scheme is so confirmed, the scheme shall, subject to the following provisions of this Act, come into operation at the same time as the order confirming it.

(4) An order confirming a slaughter-house scheme shall set forth the scheme in a schedule to the order, and shall be laid before Parliament as soon as may be after

the order is made, and if either House of Parliament, within the next thirty days on which that House has sat after the order is laid before it, resolves that the order be annulled, the scheme shall thereupon cease to have effect.

(5) The provisions of the Fifth Schedule to this Act shall have effect with respect to the submission and confirmation of slaughter-house schemes.

Matters for which provision may be made by slaughter-house schemes.

25.—(1) A slaughter-house scheme may make provision—

(*a*) directing that any slaughter-house which may be provided on such premises in Great Britain as are specified in that behalf in the scheme shall be deemed to be the central slaughter-house for the purposes of the scheme;

(*b*) declaring that the scheme applies to such area in Great Britain as may be described by the scheme, being the area within which the control of the slaughtering of livestock elsewhere than at the central slaughter-house appears to the Commission to be desirable for securing the economic operation of the central slaughter-house;

(*c*) directing that on and after the appointed day no person shall, elsewhere than at the central slaughter-house, carry on the business of slaughtering livestock for food in the said area, except on premises for the time being approved for the purpose by the Commission, and enabling the Commission—

(i) to approve any premises for use as a slaughter-house, either with or without limitations as to the period for which the approval is given,

(ii) to give from time to time, in relation to any premises approved as aforesaid, such directions with respect to the classes and number of animals which may be slaughtered on the premises as the Commission consider desirable for securing the economic operation of the central slaughter-house, and

A.D. 1937.

PART V. —*cont.*

(iii) to vary from time to time or revoke any directions so given, or to withdraw any such approval, if the Commission consider it desirable so to do for securing the economic operation of the central slaughter-house;

(*d*) requiring the person carrying on the central slaughter-house to pay, in such class of cases, and according to such principles, as may be determined by the scheme, compensation to any other person for any loss or damage which, by reason of the operation of the scheme, that other person may suffer in respect of his interest in any land used or appropriated for the carrying on of a slaughter-house, or in respect of his business as a slaughterer of livestock for food;

(*e*) for fixing or limiting the charges which may be made in respect of services performed, and the use of facilities provided, at or in connection with the central slaughter-house by or on behalf of the person carrying on that slaughter-house;

(*f*) directing—

(i) that upon the slaughtering, at the central slaughter-house, of any livestock the property in which is not vested in the person carrying on the slaughter-house, such of the products of the slaughtering (other than butcher's meat) as may be determined by or under the scheme shall be deemed to become the property of the said person; and

(ii) that where any such products so become the property of the said person, he shall, in respect of those products or such of them as may be determined by or under the scheme, make to the person on whose behalf the livestock concerned are slaughtered at the central slaughter-house a payment or an allowance of an amount to be computed in such manner as may be so determined;

(*g*) for requiring the person carrying on any slaughter-house other than the central slaughter-house in the area to which the scheme applies, to furnish to the Commission such estimates, returns, accounts and other information relating

to the carrying on of the slaughter-house as the Commission consider necessary for the operation of any provisions of the scheme, having effect by virtue of paragraph (*c*) of this subsection, and also for requiring the person carrying on the central slaughter-house to furnish to the Commission such information relating to the carrying on of that slaughter-house as the Commission consider necessary for enabling the appropriate Minister and the Commission properly to discharge their respective functions in relation to the central slaughter-house;

(*h*) enabling any person authorised in that behalf in writing by the Commission, on production of his authority, to enter and inspect any such premises in the area to which the scheme applies as the Commission have reason for believing to be premises used for carrying on a slaughter-house;

(*i*) requiring the Commission to appoint a special advisory committee to advise and assist the Commission in the discharge of their functions under the scheme;

(*j*) for securing that the expenses lawfully incurred by the Commission in connection with the preparation, promotion or operation of the scheme shall, in so far as they are not otherwise defrayed, be defrayed by means of a levy imposed by the scheme on the person carrying on the central slaughter-house, and assessed in accordance with the scheme, and for the recovery by the Commission of sums payable by way of the said levy;

(*k*) for the reference to arbitration—

(i) of any dispute on the question whether or not compensation is payable to any person under the scheme or on the question how much compensation is so payable, and

(ii) of disputes as to any such other matters as may be specified in the scheme;

(*l*) determining what products are to be treated as butcher's meat for the purposes of the scheme.

A.D. 1937.

PART V. —*cont.*

Any provisions of a slaughter-house scheme may be made so as to apply in relation to a specified description of livestock only, and such a scheme may make different provision with respect to different descriptions of livestock.

(2) The appointed day for the purposes of any slaughter-house scheme shall be such day as the appropriate Minister may by order appoint in relation to that scheme, being a day not earlier than that on which the said Minister decides, after consultation with the Commission, that the central slaughter-house for the purposes of the scheme has been provided or altered, as the case may be, in accordance with the arrangements in connection with which the scheme was made, and is available for the slaughter of livestock.

Offences against slaughter-house schemes.

26. If any person carries on the business of slaughtering livestock on any premises in contravention of a slaughter-house scheme or of any directions given by the Commission under such a scheme, that person shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds, and to a further fine not exceeding one hundred pounds for every day on which the offence continues after notice thereof has been served on him in writing by the Commission.

Power of local authorities to provide and carry on slaughter-houses.

27.—(1) A slaughter-house scheme may enable any local authority specified in the scheme (if and so far as that local authority are not enabled by virtue of any Act other than this Act so to do)—

(*a*) to provide (whether within or outside the area of the authority) such a slaughter-house as is to be deemed by virtue of the scheme to be the central slaughter-house for the purposes of the scheme, and for the purpose of providing such a slaughter-house to acquire by agreement any land or interest in land and to borrow money;

(*b*) to carry on, or to make arrangements (whether by letting the premises or otherwise) whereby some other person is enabled to carry on, any such slaughter-house as aforesaid provided by the local authority;

(*c*) to acquire such products of the slaughtering of livestock at that slaughter-house (other than butcher's meat) as may be determined by or under the scheme; and

(*d*) so far as may be permitted by the scheme, to prepare for sale, and to sell or otherwise dispose of, any products acquired by the authority by virtue of the scheme.

(2) Sections six to ten of the Public Health Act, 1936, (which provide for the constitution of joint boards) shall apply in relation to the purposes of a slaughter-house scheme as they apply in relation to the purposes of that Act, and the said sections, in their application in relation to the purposes of such a scheme,— 26 Geo. 5. & 1 Edw. 8. c. 49.

(*a*) shall extend to the administrative county of London, and

(*b*) shall have effect as if references in those sections to local authorities and their districts included references to sanitary authorities for the purposes of the Public Health (London) Act, 1936, and their districts. 26 Geo. 5. & 1 Edw. 8. c. 50.

28.—(1) A slaughter-house scheme may make provision enabling the Commission, if and so long as the central slaughter-house for the purposes of the scheme is carried on by a local authority or joint board, to delegate to that authority or board, subject to such limitations and conditions (if any) as may be specified in the scheme or determined by the Commission, any functions which the Commission have for the purposes of the scheme, so, however, that— Exercise of Commission's functions by local authorities or joint boards.

(*a*) the local authority or joint board, acting in the discharge of functions delegated to them by virtue of this subsection, shall not, except with the concurrence of the Commission, withhold approval of any premises for use as a slaughter-house; and

(*b*) where the local authority or joint board, acting as aforesaid, limit any such approval in point of time, or withdraw any such approval, or give any directions in relation to premises approved for use as a slaughter-house, the limitation, withdrawal or directions, as the case may be, shall not take effect until confirmed by the Commission.

(2) Any local authority other than a county council shall have power to enforce, within their area, the provisions of any slaughter-house scheme for the time being

A.D. 1937.

PART V. —*cont.*

in force and, with a view to the enforcement of the scheme, any person authorised in writing in that behalf by a local authority having powers of enforcement under this subsection may, on producing his authority, enter and inspect at all reasonable times any such premises in the area to which the scheme applies as the local authority have reason for believing to be premises used for carrying on a slaughter-house; but nothing in this subsection shall authorise the entry or inspection, on behalf of a local authority, of any premises outside the area of that local authority.

(3) In this section the expression "joint board" means a joint board constituted under section six or section eight of the Public Health Act, 1936, as amended by this Part of this Act.

Revocation of slaughter-house schemes.

29.—(1) If, with respect to any slaughter-house scheme, it appears to the appropriate Minister, after consultation with the Commission, that the central slaughter-house for the purposes of the scheme has not, within one year from the beginning of the day on which the scheme came into operation, or within such longer period as the said Minister may allow, been provided or altered, as the case may be, in accordance with the arrangements in connection with which the scheme was made, and become available for the slaughter of livestock, the said Minister may by order revoke the scheme:

Provided that, for the purposes of any provision of this Part of this Act limiting the number of slaughter-house schemes which may be confirmed, no account shall be taken of any scheme which has been revoked under this subsection.

(2) The appropriate Minister may also by order revoke any slaughter-house scheme for the time being in force if, at any time after he decides that the central slaughter-house for the purposes of the scheme has been provided or altered, as the case may be, in accordance with the arrangements in connection with which the scheme was made, and is available for the slaughter of livestock, it appears to him, after consultation with the Commission, that the central slaughter-house either cannot economically be carried on, or is not being carried on as efficiently and economically as is practicable, or that the continued operation of the scheme would be contrary to the public interest.

(3) The revocation of a slaughter-house scheme by an order under this section shall be without prejudice to anything previously done under the scheme and (subject to the provisions of this Part of this Act limiting the number of slaughter-house schemes which may be confirmed) without prejudice to the making, submission and confirmation of a new scheme.

(4) Every order under this section shall be laid before Parliament as soon as may be after it is made.

Advances from Exchequer in connection with provision or alteration of central slaughter-houses.

30. If, with respect to any arrangements made for the provision or alteration of a slaughter-house which is to be deemed, by virtue of a slaughter-house scheme, to be the central slaughter-house for the purposes of the scheme, the appropriate Minister, after consulting the Commission, is of opinion (having regard to the situation of the premises and to the manner in which it is proposed under the arrangements that the slaughter-house should be designed, equipped and managed) that the carrying out of the said arrangements is likely to promote efficiency or economy in the slaughtering of livestock and to secure that, in connection with the slaughtering of livestock at the slaughter-house, the carcases and meat of livestock slaughtered thereat are treated in a satisfactory manner and the other products of such slaughtering are utilised to the best advantage, the said Minister, with a view to assisting the carrying out of the said arrangements, may out of moneys provided by Parliament make to the person proposing to carry out the arrangements advances (either by way of grant or by way of loan, or partly in one way and partly in the other) of such amount, and on such terms and subject to such conditions, as the said Minister may, with the approval of the Treasury, determine :

Provided that not more than two hundred and fifty thousand pounds in all shall be advanced under this section, and not more than one hundred and fifty thousand pounds in all shall be so advanced by way of grants.

Interpretation and extent of Part V.

31.—(1) In this Part of this Act—

(*a*) the expression "slaughter-house" means a slaughter-house for the slaughtering of livestock for food, and includes any facilities provided, at or in connection with such a slaughter-house, for keeping livestock brought

A.D. 1937.

PART V. —*cont.*

to be slaughtered at the slaughter-house or for keeping, or subjecting to any treatment or process, products of the slaughtering of livestock thereat; and

(*b*) the expression "food" means food for human consumption.

(2) A slaughter-house scheme shall have effect notwithstanding anything inconsistent therewith contained in any Act other than this Act relating to slaughter-houses, or in any byelaws made under any such Act; but save as aforesaid, nothing in this Part of this Act shall be taken to affect any provisions of any Act other than this Act which relate to slaughter-houses.

(3) This Part of this Act shall not extend to Northern Ireland.

PART VI.

SCHEMES FOR PERFORMANCE OF SERVICES IN CONNECTION WITH THE LIVESTOCK INDUSTRY.

Service schemes.

32.—(1) On the request of any body or bodies appearing to the Commission to be substantially representative of the interests of any class or classes of persons concerned with one or more of the following activities, that is to say, the production, marketing and slaughtering of livestock and the preparation for sale, and the marketing, treatment and use, of products of the slaughtering of livestock, the Commission, after consulting the Livestock Advisory Committee and any other bodies appearing to the Commission to represent the interests of the said class or classes of persons, may make and submit to the appropriate Minister a scheme under this part of this Act (hereafter in this Act referred to as "a service scheme") for one or more of the following purposes, that is to say:—

(i) the encouragement, promotion or conduct of research and education in matters affecting any of the said activities;

(ii) the collection and dissemination of statistics and other information relating to any of the said activities;

(iii) the insurance of livestock or products of the slaughtering of livestock;

(iv) the advertisement of livestock or such products as aforesaid;

(v) the grading or marking of livestock or such products as aforesaid;

(vi) the improvement of breeding of livestock;

(vii) any purpose similar to any of the purposes mentioned in paragraphs (i) to (vi) of this subsection.

(2) A service scheme may make provision—

(*a*) constituting a body to administer the scheme (hereinafter referred to as "the authorised body") and enabling that body to do, for any of the purposes for which the scheme may be made, such things (including the acquisition of any property by agreement and the borrowing of money) as may be authorised by the scheme, and to make, in respect of services performed by the said body, such charges as may be so authorised;

(*b*) incorporating the authorised body, and for securing that the said body shall consist of persons appointed or elected in accordance with the scheme as representing the interests of such of the classes of persons mentioned in the preceding subsection as may be specified in the scheme;

(*c*) for securing that the powers conferred by the scheme on the authorised body, or any of those powers, shall in any financial year be exercisable only in accordance with a programme for that year submitted by the said body to the Commission and approved by the Commission, giving particulars of what the said body propose to do in that year in the exercise of those powers, and containing an estimate of the expenditure to be incurred by them in carrying out the programme;

(*d*) for securing that the expenses lawfully incurred by the authorised body in connection with the operation of the scheme shall be defrayed by means of contributions to be made to that body by the class or the several classes, as the case may be, of persons whose interests

A.D. 1937.

PART VI. —*cont.*

are, by virtue of the scheme, to be represented by the members of the said body, for the apportionment of the amount required to defray such expenses between the classes of persons (if more than one) who are liable to contribute under the scheme, and for the assessment and recovery of such contributions;

(*e*) for requiring persons liable to contribute under the scheme to furnish to the authorised body such estimates, returns, accounts and other information as that body consider necessary for the operation of the scheme;

(*f*) for the reference to arbitration—

(i) of any dispute on the question whether or not any sum is payable by any person by way of contribution under the scheme, or on the question what sum is so payable, and

(ii) of disputes as to any such other matters as may be specified in the scheme.

(3) A service scheme for the marking of livestock or any products of the slaughtering of livestock may apply for the purposes of the scheme, with such adaptations as may be specified in the scheme, all or any of the provisions of subsections (3) and (4) of section two of the Agricultural Produce (Grading and Marking) Act, 1928, as amended by the Agricultural Produce (Grading and Marking) Amendment Act, 1931, (which subsections provide for the punishment of persons forging, counterfeiting or improperly using any mark prescribed by virtue of that Act).

18 & 19 Geo. 5. c. 19.
21 & 22 Geo. 5. c. 40.

(4) A service scheme for the improvement of breeding of livestock shall, if it contains provisions whereby livestock kept or approved by or on behalf of the authorised body may be made available for breeding, be of no effect unless it also—

(*a*) specifies the breed or breeds of livestock which may be so kept or approved, and

(*b*) is so framed as to secure that no person other than a person carrying on the business of keeping livestock of the said breed or breeds shall be liable to contribute under the scheme towards defraying any expenses of the authorised body.

(5) A service scheme may, subject to the provisions of the next following section, be made so as to apply throughout the United Kingdom or to any part thereof, and so that any powers or obligations under the scheme are conferred or imposed by reference to some part of the United Kingdom; but nothing in this section shall authorise the making of a service scheme which applies only to Northern Ireland or to a part thereof, or which confers powers or imposes obligations by reference only to Northern Ireland or a part thereof.

(6) The authorised body for the purposes of a service scheme shall, on receiving from the Commission a written demand in that behalf specifying the sum certified by the Ministers to be the amount of the expenses incurred by the Commission in connection with the preparation or promotion of the scheme, pay that sum to the Commission, and any expense incurred under this subsection by the said body shall be deemed to be part of the expenses lawfully incurred by them in connection with the operation of the scheme.

Special purposes for which service schemes may be made in connection with livestock markets orders and byelaws.

33.—(1) A service scheme may make provision for one or more of the following purposes, that is to say:—

(*a*) for co-operation with the Commission in the preparation and promotion of livestock markets orders and livestock markets byelaws;

(*b*) for securing that (subject to such provisions with respect to appeals to the Commission on the part of persons aggrieved as may be contained in the scheme) a person shall not, except under the authority of a licence in that behalf granted by the body administering the scheme, carry on the business of effecting sales by auction of livestock, or any particular description of livestock, on premises to which livestock markets byelaws apply;

(*c*) for the compensation of persons for loss or damage which they may suffer by reason of the operation—

(i) of any provisions of the scheme having effect by virtue of paragraph (*b*) of this subsection, or

(ii) of any livestock markets order or livestock markets byelaws,

A.D. 1937.

PART VI. —*cont.*

for the indemnification of persons in respect of their liability to contribute under such an order, or for the making of contributions to the Commission to be used in defraying expenses incurred by the Commission on account of compensation payable under such an order;

and the provisions of subsection (1) of the last preceding section which determine the circumstances in which a service scheme may be made and submitted to the appropriate Minister shall apply accordingly.

(2) A service scheme containing any provisions for the purpose mentioned in paragraph (*b*) of the preceding subsection may provide for the imposition of such penalties as may be prescribed by the scheme on persons contravening any of those provisions.

Registration of contributors under service schemes.

34.—(1) A service scheme may, so far as appears to the Commission to be necessary for the effectual assessment and collection of contributions payable under the scheme, make provision for securing that the persons liable to make such contributions, or any class of such persons, shall be registered under, and in accordance with, the scheme; and if any person contravenes any provisions of such a scheme which have effect by virtue of this subsection, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding one hundred pounds and, in the case of a continuing offence, to a further fine not exceeding fifty pounds for every day on which the offence continues after notice thereof has been served on him in writing by the authorised body.

(2) The appropriate Minister, with a view to facilitating the ascertainment of the persons, or the persons of any class, liable to make contributions under a service scheme, may furnish to the authorised body for the purposes of that scheme a list of those persons or persons of that class, so far as they are known to the said Minister; and notwithstanding anything in the Agricultural Returns Act, 1925, any returns made under that Act may be used for the purpose of compiling any list in pursuance of this subsection.

15 & 16 Geo. 5. c. 39.

Provisions with respect

35.—(1) Where a service scheme is submitted to the appropriate Minister, he may, subject to the following

provisions of this section, by order confirm the scheme if he is of opinion that the scheme is likely—

(*a*) to promote efficiency or economy in the production, marketing or slaughtering of livestock or in the preparation for sale, or the marketing, treatment or use, of products of the slaughtering of livestock, or increase the demand for livestock or such products as aforesaid, and to encourage and promote co-operation between the persons whose interests are to be represented by the members of the authorised body for the purposes of the scheme, or

(*b*) to facilitate the preparation, promotion or operation of any livestock markets order or livestock markets byelaws,

and is desirable in the public interest:

Provided that the appropriate Minister—

(i) shall not confirm a service scheme unless he is satisfied that there is a preponderating opinion in favour of confirmation of the scheme among the persons in the class, or in each of the classes, as the case may be, designated by the scheme as being liable to contribute thereunder, and

(ii) in a case where, for any purpose, a service scheme enables the authorised body to do anything which may also be done for that purpose by a marketing board or a development board, shall, before confirming the scheme, consult the said board.

(2) A service scheme shall be of no effect unless confirmed by order of the appropriate Minister, and where such a scheme is so confirmed, the scheme shall, subject to the following provisions of this Act, come into operation at the same time as the order confirming it.

(3) An order confirming a service scheme shall set forth the scheme in a schedule to the order, and shall be laid before Parliament as soon as may be after the order is made, and if either House of Parliament, within the next thirty days on which that House has sat after the order is laid before it, resolves that the order be annulled, the scheme shall thereupon cease to have effect, without prejudice, however, to anything previously

A.D. 1937.

PART VI. —*cont.*

done thereunder or to the making, submission and confirmation of a new scheme.

(4) The provisions of the Fifth Schedule to this Act shall have effect with respect to the making, submission and confirmation of service schemes.

(5) The power conferred by this Part of this Act to make, submit or confirm a service scheme shall include a power, exercisable in the like manner and subject to the like conditions, to make, submit or confirm a scheme amending a service scheme.

(6) The appropriate Minister may by order revoke a service scheme if it appears to him, after consultation with the Commission, that there is a preponderating opinion in favour of revocation of the scheme among the persons in the class, or in any one of the classes, as the case may be, designated by the scheme as being liable to contribute thereunder, or 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; but the revocation of a service scheme shall be without prejudice to anything previously done under the scheme or to the making, submission and confirmation of a new scheme.

(7) An order revoking a service scheme may make provision with respect to the winding up of the authorised body, and with respect to the disposal of any assets of that body remaining after the payment of their debts and liabilities and of the cost and expenses of the winding up.

Annual reports on operation of service schemes.

36. The authorised body for the purposes of a service scheme shall, as soon as may be after the end of each financial year, prepare and submit to the Commission a report on the discharge of the functions of the said body in that year, and the said report shall include such accounts, audited in such manner, as the Commission, with the approval of the Ministers, may determine.

Interpretation of Part VI.

37. The preceding provisions of this Part of this Act, and the provisions of the Fifth Schedule to this Act, shall, in relation to a service scheme under which obligations to contribute are imposed on persons by reference to Northern Ireland or a part thereof, as well as to Great Britain or a part thereof, have effect as if the expression "the appropriate Minister" included

the Secretary of State concerned with agriculture in Northern Ireland.

PART VII.

FINANCIAL PROVISIONS.

The Fund for purposes of this Act, and payments to be made thereto and therefrom.

38.—(1) The Cattle Fund established under section one of the Cattle Industry (Emergency Provisions) Act, 1934, shall be the fund for the purposes of this Act, and as such shall be administered and controlled by the Ministers subject to any directions which may be given by the Treasury; and the said fund is hereafter in this Part of this Act referred to as " the Fund."

(2) Subject as hereinafter provided, there shall, as from the beginning of the appointed day, be paid into the Fund out of moneys provided by Parliament such sums, not exceeding five million pounds in the aggregate in any one financial year, as the Ministers, with the approval of the Treasury, may from time to time determine :

Provided that in the financial year ending on the thirty-first day of March, nineteen hundred and thirty-eight, there shall not, in the aggregate, be paid under this subsection into the Fund more than the number of pounds which bears to five million the same proportion as the number of days falling between the beginning of the appointed day and the end of the said financial year bears to three hundred and sixty-five.

(3) All sums received by the Commission otherwise than by way of payments made to them under the next following subsection shall be paid by them to the Minister of Agriculture and Fisheries in accordance with such directions as he may give, with the approval of the Treasury, and the said Minister, on receiving any sum so paid to him, shall pay it into the Fund.

(4) All subsidy payments, and all expenses otherwise incurred by the Ministers for the purposes of Part II of this Act, shall be respectively made and defrayed out of the Fund; and the Minister of Agriculture and Fisheries shall pay out of the Fund to the Commission the sums required to defray all expenses lawfully incurred by the Commission.

A.D. 1937.

PART VII. —*cont.*

(5) There shall be paid out of the Fund to the Exchequer of the United Kingdom, in such manner and at such times as the Treasury may determine,—

(*a*) amounts equivalent to the amounts which under Part I of this Act are paid out of moneys provided by Parliament in respect of remuneration and allowances payable to the members, officers and servants of the Commission, and

(*b*) such amounts as, in the opinion of the Treasury, approximately represent the accruing liability attributable to the execution of this Act in respect of pensions, allowances and gratuities under the Superannuation Acts, 1834 to 1935, and the rental value of any premises belonging to the Crown and used by the Commission, being premises in respect of which no rent is payable.

Estimates of expenses of Commission.

39.—(1) The Commission shall, as soon as may be after the beginning of the first accounting period, and not later than one month before the beginning of each subsequent accounting period, prepare and submit to the Ministers, in such form as they may determine, an estimate of the expenses of the Commission for that accounting period, being expenses to which this section applies, and may subsequently prepare and submit in like manner supplementary estimates of such expenses as aforesaid, and the Ministers may approve the estimates with or without modifications.

(2) The Commission shall not incur any such expenses as aforesaid for any accounting period, except in accordance with the estimates for that period previously approved under this section by the Ministers.

(3) In this section the expression "accounting period" means—

(*a*) the period beginning on the day on which this Act is passed and ending on the thirty-first day of March, nineteen hundred and thirty-eight;

(*b*) the financial year ending on the thirty-first day of March, nineteen hundred and thirty-nine, or any subsequent financial year;

and the expenses to which this section applies are all expenses other than expenses on account of compensation payable by virtue of this Act.

Apportionment of expenses of Commission.

40. The Ministers may give directions, with respect to any expenses lawfully incurred by the Commission which are not specifically attributable to the discharge of any particular functions of the Commission, that those expenses shall, for the purposes of this Act, be treated to such extent as may be specified in the directions, as being incurred by the Commission for such purposes, or in the discharge of such functions, as may be so specified; and for the purposes of this section, any payment made out of the Fund under subsection (5) of the last but one preceding section shall be deemed to form part of the expenses lawfully incurred by the Commission.

Accounts relating to Fund, and accounts of Commission.

41.—(1) The Minister of Agriculture and Fisheries shall prepare, in such form and manner as the Treasury may determine, an account for each financial year of the sums received into, and paid out of, the Fund under or by virtue of this Part of this Act; and the Commission shall prepare and submit to the Minister of Agriculture and Fisheries, at such time, and in such form and manner, as he may, with the approval of the Treasury, determine, an account for each financial year of sums received, and payments made, by the Commission.

(2) The Minister of Agriculture and Fisheries shall, on or before the thirtieth day of November in each year, transmit to the Comptroller and Auditor General the accounts for the financial year ending on the last preceding thirty-first day of March which have been respectively prepared by, and submitted to, the said Minister under this section, and the Comptroller and Auditor General shall examine and certify the said accounts and lay copies thereof, together with his report thereon, before Parliament.

PART VIII.

GENERAL AND SUPPLEMENTARY PROVISIONS.

General Provisions.

Power of Commission to obtain information from

42.—(1) Without prejudice to any special provisions contained in this Act, the Commission may from time to time serve on any marketing board or development board a written notice requiring that board to

A.D. 1937.

PART VIII. —*cont.* marketing boards and development boards. 21 & 22 Geo. 5. c. 42.

furnish to the Commission such returns and other information specified in the notice as the Commission may reasonably require for the discharge of their functions under this Act or any order or scheme under this Act.

(2) Nothing in section seventeen of the Agricultural Marketing Act, 1931, as amended by subsection (2) of section twenty-four of the Agricultural Marketing Act, 1933, shall apply to any disclosure of information made by a board in compliance with a notice under this section.

Offences in connection with the making of returns, and in connection with obstruction.

43.—(1) If any person fails to furnish to any authority or body any estimate, return, account or other information which he is required under or by virtue of this Act to furnish to that authority or body, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding one hundred pounds, and to a further fine not exceeding fifty pounds for every day on which the failure continues after a written demand for the return has been served on him by the said authority or body; and if any person knowingly or recklessly makes a statement false in a material particular in any document which he is so required to furnish to any authority or body, he shall be guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

(2) Every person who obstructs any person in the exercise of any powers conferred on him by or under this Act shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds.

Restrictions on disclosure of information.

44.—(1) No information with respect to any particular undertaking which has been obtained under or by virtue of this Act shall, without the consent of the person carrying on that undertaking, be disclosed otherwise than in connection with the execution of this Act or of any order, regulations, byelaws or scheme under this Act; and if any person discloses any such information in contravention of this subsection, he shall be liable, 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, or, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not

exceeding one hundred pounds or to both such imprisonment and such fine.

(2) Nothing in the preceding subsection shall apply to the disclosure of any information for the purposes of any criminal proceedings which may be taken whether by virtue of this Act or otherwise, or for the purpose of any report of any such proceedings, but, save as aforesaid, the restriction imposed by that subsection shall, in relation to any legal proceedings, extend so as to prohibit and prevent any person who is in possession of any such information so obtained from disclosing, and from being required by any court to disclose, that information (whether as a witness or otherwise) except with the consent of the person carrying on the undertaking to which the information relates.

In this subsection any reference to legal proceedings or to a court shall be construed as including a reference to arbitrations or to an arbitrator, as the case may be.

Provisions as to inquiries.

45.—(1) For the purpose of any inquiry held in pursuance of any of the Schedules to this Act, the person appointed to hold the inquiry may by summons require any person to attend, at such time and place as is specified in the summons, to give evidence or to produce any documents in his custody or under his control which relate to any matter in question at the inquiry, and may take evidence on oath, and for that purpose administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined:

Provided that no person shall be required, in obedience to such a summons, to go more than ten miles from his place of residence, unless the necessary expenses of his attendance are paid or tendered to him.

(2) Every person who refuses or wilfully neglects to attend in obedience to a summons issued under this section, or to give evidence, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book or other document which he may be required to produce for the purpose of this section, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

A.D. 1937.

PART VIII. —*cont.*

Offences by corporations.

46. Where any offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to 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 that offence and shall be liable to be proceeded against and punished accordingly.

Provision as to rents, charges, &c. limited under this Act.

47. Where the amount of any rent or other consideration, or of any fine, premium or other like sum, or of any charge, is limited or fixed by virtue of any instrument having effect under this Act, no sum shall, by way of that rent or other consideration, or by way of that fine, premium or other like sum, or by way of that charge, be recoverable in excess of the amount to or at which it is so limited or fixed; and if any sum is paid by any person from whom, by virtue of this section, it is not recoverable, the amount of that sum shall be a debt due to that person from the person to whom the sum is paid.

Compensation to local authority's servants.

48. Any livestock markets order or slaughter-house scheme may make provision—

(*a*) for requiring any local authority to pay compensation to any officer or servant in the permanent service of that local authority who, by virtue of the order or scheme or of anything done in pursuance of, or in consequence of its provisions, suffers any direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments, and for whose compensation for that loss no other provision is made by any Act for the time being in force or by any instrument having effect by virtue of an Act;

(*b*) directing that, for the purposes of any provisions of the order or scheme having effect by virtue of paragraph (*a*) of this section, the provisions as to the determination and payment of compensation set out in the Fourth Schedule to the Local Government Act, 1933, shall apply subject to such modifications (if any) of the provisions set out in that Schedule as may be specified in the order or scheme; and

23 & 24 Geo. 5. c. 51.

(*c*) for requiring, in the case of a livestock markets order, the Commission, or, in the case of a

slaughter-house scheme, the person carrying on the central slaughter-house, to pay to any local authority the amount of any sums which that local authority are obliged to pay by way of compensation under any provisions of the order or scheme having effect by virtue of this section.

Incidental provisions as to orders, regulations and schemes.

49.—(1) Any order or scheme under this Act may make provision for such matters as are incidental and supplementary to any of the matters for which provision is made by the order or scheme by virtue of the preceding provisions of this Act.

(2) Notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, orders, regulations and schemes under this Act shall be deemed not to be statutory rules to which that section applies.

56 & 57 Vict. c. 66.

Publication, validity, and commencement of certain orders.

50.—(1) This section applies to—

(*a*) any livestock markets order which has come into operation otherwise than by reason of its having been confirmed by Parliament,

(*b*) any order confirming a slaughter-house scheme, and

(*c*) any order confirming a service scheme.

(2) As soon as may be after any such livestock markets order as aforesaid has come into operation, the appropriate Minister shall cause to be published in the Gazette, and in such other manner as he thinks best adapted for informing persons affected, a notice stating that the order has come into operation and specifying the place where copies of the order may be obtained; and, as soon as may be after any other order to which this section applies has been made, the appropriate Minister shall cause to be published as aforesaid a notice stating that the order has been made and specifying the place where copies of the order may be obtained.

(3) The validity of an order to which this section applies shall not be called in question except in proceedings duly begun during the period of six weeks from the beginning of the day on which notice of the order having come into operation or of the order having been made, as the case may be, is published in accordance

A.D. 1937.

PART VIII. —*cont.*

with this section; and unless the final decision in proceedings duly begun during the said period is that the order is invalid, the order shall be conclusive evidence that the requirements of this Act have been complied with in relation to the making of the order, and that the order and any scheme confirmed thereby have been duly made and confirmed, respectively, and are within the powers conferred by this Act.

(4) Subject as hereinafter provided, an order confirming a slaughter-house scheme or confirming a service scheme shall come into operation at the end of the period of six weeks from the beginning of the day on which notice of the making of the order is published in accordance with this section:

Provided that, if proceedings for the purpose of questioning the validity of such an order are duly begun within the period aforesaid, the court before which such proceedings are taken may, at any time before the end of the said period, direct that the order shall not come into operation before the final determination of the proceedings.

(5) Nothing in this section shall be construed as affecting the operation of any provisions of this Act which direct that a scheme shall cease to have effect upon the passing, by either House of Parliament, of a resolution that the order confirming the scheme be annulled.

Administrative duty of Commission.

51. It shall be the duty of the Commission to enforce the provisions of Parts IV and V of this Act and any order, byelaws or scheme having effect by virtue of any of the said provisions.

Employment of persons in connection with grading and marking of carcases.

52.—(1) The Minister of Agriculture and Fisheries and the Department of Agriculture for Scotland may respectively employ persons to grade and to mark carcases and to perform services in connection with such grading and marking, and pay to such persons such sums by way of remuneration and allowances as the said Minister and the said Department, with the approval of the Treasury, may respectively determine.

(2) The Minister of Agriculture and Fisheries or the Department of Agriculture for Scotland, as the case may be, may charge, in respect of the performance by any person of any service which he is employed under this section by the said Minister or Department to perform,

such fee not exceeding five shillings as may be prescribed in relation to that service by regulations made by the said Minister or by the Secretary of State for Scotland, as the case may be; and any sums received by the said Minister or Department by virtue of this subsection shall be applied as an appropriation in aid of moneys provided by Parliament for the payment of expenses incurred under the preceding subsection by the said Minister or Department, as the case may be.

(3) This section shall not extend to Northern Ireland.

Annual report to be made by Commission.

53. The Commission shall, as soon as may be after the end of each financial year,—

(1) prepare and submit to the Ministers a report on the discharge of the functions of the Commission in that year, and

(2) transmit to the Ministers copies of any report with respect to that year submitted to the Commission under Part VI of this Act by the authorised body for the purposes of a service scheme;

and the Ministers, upon receiving any report or copy of a report submitted or transmitted to them under this section, shall lay a copy thereof before each House of Parliament.

Administrative expenses of Departments.

54. Without prejudice to any special provisions contained in this Act, the expenses which, otherwise than on account of subsidy payments, are incurred for the purposes of this Act by the Minister of Agriculture and Fisheries, by a Secretary of State, by the Board of Trade or by the Department of Agriculture for Scotland shall, save in so far as any such expenses are directed by Part VII of this Act to be defrayed out of the Fund, be defrayed out of moneys provided by Parliament.

Supplementary Provisions.

Service of notices, &c.

55. Any notice or demand to be served for the purposes of this Act, or of any order or scheme under this Act, may be served by post, and, if it is to be served on the owner or occupier of any premises, may be addressed "the owner" or "the occupier", as the case

A.D. 1937.

PART VIII. —*cont.*

may be, of those premises (identifying them by their postal address) without further name or description.

Exercise of powers of Board of Trade.

56. Anything required or authorised by or under this Act to be done by, to or before the Board of Trade may be done by, to or before the President of the Board, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President.

Application to Scotland.

57. The following provisions shall have effect for the purpose of the application of this Act to Scotland :—

(1) The expression " county court " means sheriff;

(2) The expression " local authority " means a county or a town council, and includes any combination of any such councils and a joint committee appointed under any such combination;

(3) Any two or more county or town councils may combine for any purpose of this Act on such terms and conditions, including provision for the appointment of a joint committee, as may be agreed between the councils;

(4) The expression " joint board " includes a joint committee appointed for the purpose of any combination of local authorities;

(5) Any sums payable by a local authority by way of a levy imposed under a slaughter-house scheme to defray the expenses incurred by the Commission in the preparation, promotion or operation of the scheme shall be defrayed in like manner as expenses incurred in the provision of a slaughter-house;

(6) Subsection (2) of section twenty-two, and subsection (2) of section twenty-eight of this Act shall have effect as if the words " other than a county council " were omitted, but nothing in either of the said subsections shall be construed as authorising a local authority to institute proceedings for any offence against this Act;

(7) Subsection (1) of section twenty-three of this Act shall not apply, and the expression " owner " in

Part IV of this Act has the like meaning as in the Public Health (Scotland) Act, 1897;

(8) Section forty-five of this Act shall have effect with the substitution of references to an order for references to a summons; 60 & 61 Vict. c. 38.

(9) Section forty-eight of this Act shall have effect as if for the reference therein to the Fourth Schedule to the Local Government Act, 1933, there were substituted a reference to the Second Schedule to the Rating (Scotland) Act, 1926, and paragraph (i) of subsection (1) of section seven of the Local Government (Scotland) Act, 1929. 16 & 17 Geo. 5. c. 47. 19 & 20 Geo. 5. c. 25.

Interpretation.

58.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

" the appropriate Minister " means—

(*a*) in relation to any of the matters specified in Part I of the Sixth Schedule to this Act, the Minister of Agriculture and Fisheries,

(*b*) in relation to any of the matters specified in Part II of that Schedule, the Secretary of State for Scotland, or

(*c*) in relation to any of the matters specified in Part III of that Schedule, the Minister of Agriculture and Fisheries and the Secretary of State for Scotland;

" the Gazette " means—

(*a*) in relation to any instrument in relation to which the Minister of Agriculture and Fisheries is the appropriate Minister, the London Gazette,

(*b*) in relation to any instrument in relation to which the Secretary of State for Scotland is the appropriate Minister, the Edinburgh Gazette, or

(*c*) in relation to any instrument in relation to which the Minister of Agriculture and Fisheries and the Secretary of State for

A.D. 1937.

PART VIII. —*cont.*

Scotland are denoted by the expression "the appropriate Minister", the London Gazette and the Edinburgh Gazette,

and, in relation to a service scheme in relation to which the expression "the appropriate Minister" includes the Secretary of State concerned with agriculture in Northern Ireland, includes the Belfast Gazette;

"livestock" means cattle, sheep or pigs;

"local authority" means the common council of the city of London, the council of a metropolitan borough or the council of a county, county borough or county district;

"marketing board" and "development board" mean respectively the board administering a scheme under the Agricultural Marketing Act, 1931, or any corresponding enactment of the Parliament of Northern Ireland, and the board administering a scheme under Part II of the Agricultural Marketing Act, 1933;

"meat" means meat of livestock, and "carcases" shall be construed accordingly; and

"the Ministers" means the Minister of Agriculture and Fisheries and the Secretaries of State respectively concerned with agriculture in Scotland and in Northern Ireland.

(2) Subject to the provisions of this Act with respect to slaughter-house schemes, the appointed day for the purposes of this Act shall be the first day of August, nineteen hundred and thirty-seven.

(3) For the purposes of this Act livestock or meat removed from the Isle of Man into the United Kingdom shall be deemed to be imported into the United Kingdom.

Short title and extent.

59.—(1) This Act may be cited as the Livestock Industry Act, 1937.

(2) This Act, save as otherwise expressly provided therein, extends to the whole of the United Kingdom.

SCHEDULES.

FIRST SCHEDULE.

Section 1 (4).

INCIDENTAL PROVISIONS AS TO LIVESTOCK COMMISSION.

Constitution of Commission.

1. The Commission shall be a body corporate, with a common seal and power to hold land without licence in mortmain.

2. The functions of the Commission and of their officers and servants shall be deemed to be exercised on behalf of the Crown.

3. Every member of the Commission 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 member of the Commission may resign his office by a written notice given under his hand to the Ministers, and a member of the Commission who ceases to hold office shall be eligible for re-appointment to the Commission.

4. No member of the Commission shall be capable of being elected to, or of sitting in, the Commons House of Parliament.

5. 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 Commission or who is a member of the Commission, that that person will have or has, as the case may be, no such interest in any agricultural or commercial undertaking as is likely to affect him in the discharge of his functions as a Commissioner; 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 paragraph.

Meetings and proceedings of the Commission.

6. Unless and until the Commission otherwise determine, three shall be a quorum at any meeting of the Commission, and the Commission shall have power to act notwithstanding any vacancy among the members of the Commission.

7. If at any meeting of the Commission the votes are equally divided on any question, the person acting as chairman of the meeting shall have a second or casting vote.

A.D. 1937.

1ST SCH. —*cont.*

8. All acts done at any meeting of the Commission shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment or qualification of a person purporting to be a member of the Commission, be as valid as if that defect had not existed.

9. Minutes shall be kept of the proceedings of the Commission, and any such minutes shall, if signed by a person purporting to have acted as chairman of the meeting to which the minutes relate, or of a meeting at which they were read, be evidence of the proceedings at the first-mentioned meeting, and the meeting to which any such minutes relate shall, unless the contrary is proved, be deemed to have been regularly convened and constituted.

10. Subject to the preceding provisions of this Schedule, the Commission shall have power to fix and regulate their own quorum and procedure.

Agents, committees, offices and incidental powers of Commission.

11. The Commission may employ such agents, and (without prejudice to any special provisions contained in this Act) constitute such advisory committees consisting wholly or partly of persons not being members of the Commission, as the Commission consider it desirable for the discharge of their functions to employ and constitute, and may (subject to the provisions of Part VII of this Act) pay to agents employed by the Commission such remuneration, and to the members of any advisory committee constituted by the Commission such travelling and other allowances, as the Commission, with the approval of the Ministers and the Treasury, may determine.

12. The Commission shall have an office at which communications and notices will at all times be received, and shall notify to the Ministers the address of that office and any change of that address.

13. The Commission may enter into such agreements, acquire such property, and do such things, as may in the opinion of the Commission be necessary or desirable for the exercise or performance of any of their powers or duties, and may dispose, as they think fit, of any property acquired by them; and the Commission shall have power to receive grants of money to be applied for any purpose for effecting which functions are entrusted to the Commission by or under this Act.

The Common Seal.

14. The application of the common seal of the Commission to any document shall be attested by at least one member of the Commission and by the person for the time being acting as secretary to the Commission.

Instruments executed or issued by Commission.

15. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Commission by any person generally or specially authorised by them for the purpose.

16. Any document purporting to be a document duly executed or issued under the seal of the Commission or on behalf of the Commission shall, until the contrary is proved, be deemed to be a document so executed or issued, as the case may be.

SECOND SCHEDULE.

Section 3 (8).

INCIDENTAL PROVISIONS AS TO LIVESTOCK ADVISORY COMMITTEE.

1. Every member of the Livestock Advisory Committee (hereafter in this Schedule referred to as "the Committee"), and every other person being a member of the English sub-committee, the Scottish sub-committee or the Welsh sub-committee, 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 member of the Committee or of any of the said sub-committees may resign his office by a written notice given under his hand to the Ministers or to the appropriate Minister, as the case may be, and a member of the Committee or of any of the said sub-committees who ceases to hold office shall be eligible for re-appointment.

2. The Ministers shall appoint one of the additional members of the Committee to be chairman of the Committee, the Minister of Agriculture and Fisheries shall appoint two of the said members to be respectively chairmen of the English sub-committee and of the Welsh sub-committee, and the Secretary of State for Scotland shall appoint one of the said members to be chairman of the Scottish sub-committee.

3. Unless and until the Committee otherwise determines, the quorum of the Committee shall be such number as may be fixed by the Ministers, and the Committee and the sub-committees aforesaid shall have power to act notwithstanding any vacancy among the members thereof.

A.D. 1937.

2ND SCH. —*cont.*

4. Subject to the preceding provisions of this Schedule and to any directions which may be given by the Ministers, the Committee shall have power to fix and regulate its own quorum and procedure and the quorum and procedure of each of the said sub-committees.

5. The Commission shall appoint a person to act as secretary to the Committee.

Section 15 (1) and (4).

THIRD SCHEDULE.

PART I.

PROVISIONS TO BE COMPLIED WITH IN CONNECTION WITH THE MAKING OF LIVESTOCK MARKETS ORDERS.

1. Before submitting the draft of a livestock markets order to the appropriate Minister, the Commission shall cause notice of their intention to submit the draft order, specifying the place where the draft order may be inspected and copies thereof obtained, and the price (being a price approved by the said Minister) at which such copies will be supplied, and the time within which written objections to the draft order may be made to the said Minister, to be published in the Gazette and in such other manner as the Commission think best adapted for informing persons affected, and to be sent to every local authority having jurisdiction over any part of the area within which the holding of markets would be controlled by the order.

2. Before making any livestock markets order, the appropriate Minister shall consider any objections to the draft order which have been duly made to him, and may, after holding such inquiries (if any) as he thinks fit, make such modifications in the draft order as he may, after consultation with the Commission, consider desirable:

Provided that—

(*a*) where an objection to the draft order has been duly made by any person appearing to the appropriate Minister to be affected thereby, and has not been withdrawn, the said Minister, unless he considers the objection to be frivolous or irrelevant or unless the objection has been met, shall, before taking any further action with respect to the draft order, direct the holding of an inquiry with respect to the objection and consider the report of the person holding the inquiry; and

(*b*) if the appropriate Minister decides to make any modifications in the draft order, he shall cause notice of the proposed modifications to be published in such manner as he thinks best adapted for informing persons affected.

PART II.

PROVISIONS APPLICABLE TO ANY LIVESTOCK MARKETS ORDER UPON THE MAKING THEREOF.

1. The appropriate Minister shall, as soon as may be after making a livestock markets order, cause the order to be published in such manner as he thinks best adapted for informing persons affected, together with a notice that he has made the order, and that the order will become final and come into operation unless within such period, not being less than thirty days, as may be specified in the notice, a memorial praying that the order shall not become law without confirmation by Parliament is presented to the said Minister by a local authority having jurisdiction over any part of the area within which the order controls the holding of markets, or by the occupier of any premises within the said area which are used or appropriated for holding markets in respect of livestock, or by some person carrying on the business of effecting sales by auction on such premises as aforesaid, or by some other person affected by the order and having such an interest as may be prescribed by regulations made by the Minister of Agriculture and Fisheries and the Secretary of State for Scotland as being sufficient for the purpose.

2. If no such memorial has been presented within the period aforesaid, or if every such memorial so presented has been withdrawn, the order shall thereupon come into operation, but if such a memorial has been so presented and has not been withdrawn, the order shall have no effect until confirmed by Parliament.

3. The appropriate Minister may submit any livestock markets order made by him to Parliament for confirmation.

4. If, while the Bill confirming a livestock markets order is pending in either House of Parliament, a petition is presented against the order, the Bill, so far as it relates to that order, may be referred to a Select Committee, and the petitioner shall be allowed to appear before the Select Committee and oppose the order, as in the case of a private Bill.

A.D. 1937.

Section 17 (4).

FOURTH SCHEDULE.

PROVISIONS AS TO MAKING, CONFIRMATION AND PUBLICATION OF LIVESTOCK MARKETS BYELAWS.

1. At least two months before making any livestock markets byelaws, the Commission shall, subject to the following provisions of this Schedule, cause to be published in the Gazette, and in such other manner as they think best adapted for informing persons affected, a notice of the Commission's intention to make the byelaws—

(*a*) specifying the place where the draft byelaws may be inspected and copies thereof obtained, and the price (being a price approved by the appropriate Minister) at which such copies will be supplied, and

(*b*) stating that the Commission are prepared to receive and consider any objection to the proposed byelaws which may be made to them in writing within such period after the date of the publication of the notice, not being less than two months, as may be specified in the notice;

and the Commission shall, before making the byelaws, take into consideration any such objection so made to them before the end of the period specified in that behalf in the said notice.

2. When submitting any livestock markets byelaws to the appropriate Minister for confirmation, the Commission shall transmit to him any objection to the byelaws which has been duly made to the Commission and has not been withdrawn.

3. Before confirming any livestock markets byelaws submitted to him for confirmation, the appropriate Minister shall consider any objections to the byelaws which have been duly made, and may, after holding such inquiries (if any) as he thinks fit, make such modifications in the byelaws as he may, after consultation with the Commission, consider desirable:

Provided that—

(*a*) where an objection to the byelaws has been duly made by any person appearing to the appropriate Minister to be affected thereby, and has not been withdrawn, the Minister, unless he considers the objection to be frivolous or irrelevant or unless the objection has been met, shall, before taking any further action with respect to the byelaws, direct the holding of an inquiry with respect to the objection and consider the report of the person holding the inquiry; and

(*b*) if the appropriate Minister decides to make any modifications in the byelaws, he shall cause notice of the proposed modifications to be published in such manner as he thinks best adapted for informing persons affected.

4. As soon as may be after confirming any livestock markets byelaws, the appropriate Minister shall send to the occupier of any premises to which the byelaws apply, and shall, subject to the provisions of the next following paragraph, cause to be published, by advertisement in the Gazette and in such other manner as he thinks best for informing persons affected, a notice stating that the byelaws have come into operation, and specifying the place where copies of the byelaws may be obtained.

5. The Commission or the appropriate Minister shall not be obliged under this Schedule to cause to be published in the Gazette a notice of intention to make special byelaws or, as the case may be, a notice of the confirmation of special byelaws.

FIFTH SCHEDULE.

Sections 24 (5), 35 (4) and 37.

PROVISIONS WITH RESPECT TO SUBMISSION AND CONFIRMATION OF SLAUGHTER-HOUSE SCHEMES AND SERVICE SCHEMES.

1. The Commission shall, before submitting a slaughter-house scheme or service scheme made by them to the appropriate Minister, cause to be published, by advertisement in the Gazette and in such other manner as the said Minister may direct, a notice stating that they have made the scheme, and specifying the place where the scheme may be inspected and copies thereof obtained, and the price (being a price approved by the appropriate Minister) at which such copies will be supplied, and the time (not being less than twenty-eight days after publication of the notice) within which objections to the scheme and representations with respect thereto may be made in writing to the said Minister.

2. The appropriate Minister, before confirming any such scheme submitted to him, shall consider any objections to the scheme and representations with respect thereto which have been duly made to him, and may, after holding such inquiries (if any) as he thinks fit, make such modifications in the scheme as he may, after consultation with the Commission, consider desirable:

A.D. 1937.

5TH SCH. —*cont.*

Provided that—

(*a*) where an objection to the scheme has been duly made by any person appearing to the appropriate Minister to be affected thereby, and has not been withdrawn, the said Minister, unless he considers the objection to be frivolous or irrelevant or unless the objection has been met, shall, before taking any further action with respect to the scheme, direct the holding of an inquiry with respect to the objection and consider the report of the person holding the inquiry; and

(*b*) if the appropriate Minister decides to make any modifications in the scheme, he shall cause notice of the proposed modifications to be published in such manner as he thinks best adapted for informing persons affected.

Section 58.

SIXTH SCHEDULE.

PART I.

MATTERS IN RELATION TO WHICH THE MINISTER OF AGRICULTURE AND FISHERIES IS THE APPROPRIATE MINISTER.

1. Any action to be taken with respect to the English sub-committee or the Welsh sub-committee of the Livestock Advisory Committee.

2. Any livestock markets order for controlling the holding of markets within an area wholly in England or any other order under Part IV of this Act being an order which relates to premises in England.

3. Any livestock markets byelaws applicable only to premises in England.

4. Any slaughter-house scheme applicable to an area wholly in England.

5. Any arrangements for the provision or alteration of a slaughter-house on premises in England.

6. Any service scheme under which obligations to contribute are imposed on persons by reference to an area no part of which is in Scotland.

PART II.

MATTERS IN RELATION TO WHICH THE SECRETARY OF STATE FOR SCOTLAND IS THE APPROPRIATE MINISTER.

1. Any action to be taken with respect to the Scottish sub-committee of the Livestock Advisory Committee.

2. Any livestock markets order for controlling the holding of markets within an area wholly in Scotland or any other order under Part IV of this Act being an order which relates to premises in Scotland.

3. Any livestock markets byelaws applicable only to premises in Scotland.

4. Any slaughter-house scheme applicable to an area wholly in Scotland.

5. Any arrangements for the provision or alteration of a slaughter-house on premises in Scotland.

6. Any service scheme under which obligations to contribute are imposed on persons by reference to an area no part of which is in England.

PART III.

MATTERS IN RELATION TO WHICH THE MINISTER OF AGRICULTURE AND FISHERIES AND THE SECRETARY OF STATE FOR SCOTLAND ARE DENOTED BY THE EXPRESSION "THE APPROPRIATE MINISTER".

1. Any livestock markets order for controlling the holding of markets within an area partly in England and partly in Scotland.

2. Any livestock markets byelaws applicable to premises in England and to premises in Scotland.

3. Any slaughter-house scheme applicable to an area partly in England and partly in Scotland.

4. Any service scheme under which obligations to contribute are imposed on persons by reference to an area part of which is in England and part of which is in Scotland.

Printed by EYRE AND SPOTTISWOODE LIMITED
FOR
SIR WILLIAM RICHARD CODLING, C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2; 120 George Street, Edinburgh 2;
26 York Street, Manchester 1; 1 St. Andrew's Crescent, Cardiff;
80 Chichester Street, Belfast;
or through any bookseller

Price 1*s.* 0*d.* net