STATUTORY INSTRUMENTS

1964 No. 688

AGRICULTURE

AUTHORITIES

The Milk and Dairies (Delegation to County Agricultural Executive Committees) (Amendment) Regulations 1964

Made - - - -	11*th May* 1964
Laid before Parliament	21*st May* 1964
Coming into Operation	1*st June* 1964

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred upon him by section 72 and 108(3) of the Agriculture Act 1947(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the Milk and Dairies (Delegation to County Agricultural Executive Committees) (Amendment) Regulations 1964; and shall come into operation on 1st June 1964.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2. The Milk and Dairies (Delegation to County Agricultural Executive Committees) Regulations 1960(c) shall be amended as follows:—

(*a*) by substituting for the proviso to regulation 3 thereof the following proviso:—

"Provided that where representations have been made by the person affected in respect of any such proposal as is referred to in regulation 11(2) of the Milk (Special Designation) Regulations 1963(d) (being a proposal to refuse to grant a producer's licence or a proposal to suspend or revoke such a licence), or any proposal to refuse consent to grant a licence under paragraph (*b*) of the proviso to regulation 9(1) of the said regulations, or any proposal to suspend or revoke any licence pursuant to regulation 9(3) of the said regulations, a County Agricultural Executive Committee shall not carry out the proposal without the consent of the Minister.";

(*b*) by substituting for sub-paragraph (*a*) of regulation 5 thereof the following sub-paragraph:—

"(*a*) shall operate to delegate to a County Agricultural Executive Committee the Minister's functions of refusing a grant of a licence by way of renewal or revoking a licence to which section 43 of the Food and Drugs Act 1955(e) applies (that is to say, a licence held by a retailer for a specified area as defined in the Act) or of deciding to suspend or to extend the period of suspension of such a licence if any person affected in relation thereto has requested reference of the matter to a tribunal";

(*c*) by substituting in the Schedule thereto for the item relating to the granting of producers' licences, receiving applications therefor and for

(a) 10 & 11 Geo. 6. c. 48. (b) 52 & 53 Vict. c. 63. (c) S.I. 1960/1777 (1960 I, p. 85).
(d) S.I. 1963/1571 (1963 III, p. 2937). (e) 4 & 5 Eliz. 2. c. 16.

the renewal thereof, and receiving and considering evidence in support of such applications the following item:—

" Function of the Minister	Relevant provision
Granting producers' licences, licences by way of renewal thereof, and producers' licences for a temporary purpose, receiving applications therefor and receiving and considering evidence in support of such applications.	Regulations 5 and 8 of the Milk (Special Designation) Regulations 1963. ";

(*d*) by substituting in the said Schedule for the last item, the following item:—

" Function of the Minister	Relevant provision
Serving notice of proposal (*a*) to refuse to grant, (*b*) to suspend, (*c*) to extend the period of suspension, or (*d*) to revoke, a producer's licence, with particulars of the reasons therefor and of the rights of the person affected in relation thereto, receiving and considering representations from any such person affected, and deciding whether to refuse to grant, to suspend, to extend the period of suspension or to revoke a producer's licence as aforesaid, receiving requests to refer a matter to a tribunal, and referring such matter to a tribunal.	Regulations 6, 9(3) and 11 of the Milk (Special Designation) Regulations 1963. ";

(*e*) by adding at the end of the said Schedule the following items:—

" Function of the Minister	Relevant provision
Granting consent to the operation of the regulation whereby licence to use the special designation 'Untreated' is granted to a person whose producer's licence (granted otherwise than by that regulation) has been revoked.	Regulation 9(1) proviso (*b*) of the Milk (Special Designation) Regulations 1963.
Serving notice of proposal to refuse to grant consent under proviso (*b*) to regulation 9(1) of the Milk (Special Designation) Regulations 1963 with particulars of the reasons therefor, and of the rights of the person affected in relation thereto, receiving and considering representations from any such person affected, and deciding whether to refuse to grant such consent as aforesaid.	Regulations 9(4) and 11 of the Milk (Special Designation) Regulations 1963. ".

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th May 1964.

(L.S.) *Christopher Soames,*
Minister of Agriculture, Fisheries and Food.

EXPLANATORY NOTE

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

These regulations amend the Milk and Dairies (Delegation to County Agricultural Executive Committees) Regulations 1960, following the Milk (Special Designation) Regulations 1963, and add to the functions already delegated by the Minister of Agriculture, Fisheries and Food to the County Agricultural Executive Committees the further functions of granting or refusing consent to the grant of a licence for certain farm catering sales to a person whose producer's licence has been revoked, suspending or extending the period of suspension of a producer's licence to which section 43 of the Food and Drugs Act 1955 applies in a case in which no request for reference to a tribunal has been made, receiving any request to refer a matter to a tribunal, and referring such matter to a tribunal.